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- I. Purpose
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- I. Purpose

This Directive establishes formal procedures governing the operation of the evidence function and providing the best possible service to the Division.

- II. Policy

It is this Division's policy to see that all property in its custody will be diligently protected and secured by strict adherence to this Directive's procedures. The Property Specialist will be responsible for the security of all evidence, found property, recovered stolen property and property held by this Division for safekeeping.

- III. Designated Storage Areas (Definitions)

- A. To ensure the integrity of all items of evidentiary value, a designated area will be assigned and used for the storage of evidence at *Park Police Headquarters and the Northern District Station*. *Any articles that do not fit in the holding bins at the Northern District Station must be submitted at Headquarters.*

- B. The Property Specialist or designee will be the only person(s) having access to areas used by the Division for storage of evidence and property. In the event that any item(s) will not fit in any of the approved areas, or have special or unique storage requirements, **and** are of an estimated value of greater than five hundred dollars, **or** are contraband or weapons, a decision as to where the item(s) will be stored will be made by the Property Specialist.

- 1. Property Room - Will be used solely for storing property, evidence, and related records and supplies.
- 2. Drugs and Money Vault - In the Property Room - drugs will be stored *in a locked safe in with a vault*. All money will be stored in the safe until deposited in a drug enforcement fund, general fund or returned to its rightful owner.

Any money which has been seized, found, or is being held for safekeeping will be turned into the Property Specialist by securing it in an evidence bag with the *IR* clearly visible and placing it in the Drop Safe which is located outside the Property Room. The Property Record will be placed in a Temporary Holding Bin pending pick up by the Property Specialist.

Drugs will be turned into the Property Specialist by being secured in an evidence bag with the *IR* clearly visible and being placed in the Drop Safe which is located outside the Property Room. The Property Record will be placed in a Temporary Holding Bin pending pick up by the Property Specialist

- 3. Outside Shed - *Will be used for storing bicycles, found property and items too large to be stored in the property room.*

4. Gun Safe - In the Property Room - for the storage of *firearms*, precious metals, jewelry, gemstones, and other items of value or an unusual nature.
5. Auxiliary Evidence Storage Room - Additional storage space to be used as needed.
6. Temporary Holding Bins - Will be used for the temporary storage of in-custody, or evidentiary property until such time that the Property Specialist removes it to the Property Room

IV. Procedures/Responsibility

A. General Provisions

1. Property Records will be completed in all cases where the Division has custodial care of property, regardless of the manner, or length of time in which the property comes into the possession and custody of the Division.
2. Property Tags will be completely filled out and secured to all property/evidence.
3. All *evidence bags* will be sealed within one inch of the top edge, dated and signed by the officer on the seal.
4. Circumstances leading to seizing or safeguarding property will be documented on the appropriate form (Crime Report, Utility Report, Property Report, Property Record, MAARS Report, or Citation)
5. Officers will distribute property records in accordance with the Division's Report Writing Manual.
6. When required to do so, officers will package and label item(s) that must be submitted to the laboratory for analysis in a *separate* evidence bag than the bags containing item(s) that need not be submitted for analysis. This will be done prior to turning the property over to the Property Specialist.
7. Officers will turn over control of all property to the Property Specialist prior to the end of their current shift, unless otherwise specified or authorized by a supervisor.
8. When evidence is required for court, further investigation, etc., officers will notify the Property Specialist in a timely manner, using the proper form.
9. All evidence will be returned to the Property Specialist immediately upon completion of the court appearance or when it is no longer needed for investigative purposes. Proper chain of custody will be maintained and documented on the Property Record.

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- B. Property Specialist Responsibilities
1. Log all property and evidence into Division records without unnecessary delay.
 2. Responsible for the safekeeping and storage of property and evidence.
 3. Maintain a file of Property Records on all current cases.
 4. Check the temporary holding bins for evidence on a daily basis.
 5. Receive evidence in the evidence room.
 6. Oversee the temporary release of evidence for court appearances and investigative purposes. Proper chain of custody will be maintained and documented on the Property Record.
- C. Found Property
1. Officers will attempt to locate the owner of the property and note details of the attempt in the report. The person notified will be instructed to contact the Property Specialist to make arrangements for the property to be picked up.
 2. Found property will be placed in a temporary holding bin. Large or unusual items will be stored as directed by a supervisor until the Property Specialist is available to take custody.
- D. Recovered Stolen Property - Property that has been determined to have been stolen.
1. An NCIC entry will be *requested by the recovering officer* reference the recovery of the property.
 2. Officers will attempt to locate the owner of the property and note details of the attempt in the report.
 3. Recovered stolen property will be placed in a temporary holding bin. Large or unusual items will be stored as directed by a supervisor until the Property Specialist is available to take custody.
- E. Property Secured For Safekeeping - Property that has been placed in the custody of this Division temporarily by the owner, OR personal property of a deceased person that is not evidence and is held in custody until claimed by the next of kin.
1. Property secured for safekeeping will be placed in a temporary holding bin. Large or unusual items will be stored as directed by a supervisor until the Property Specialist is available to take custody.
 2. Officers will attempt to locate the actual owner of the property, or the next of kin, if appropriate. The person notified will be instructed to contact the Property Specialist to make arrangements for the property to be picked up. The details of the attempt to locate the property owner or next of kin will be documented in the appropriate incident report.
- F. Evidence - Property taken in a crime, used to commit a crime or left at the scene of a crime, which may be needed for use in a court of law.

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1. Evidence not requiring laboratory analysis.
 - a. Officers will package and seal evidence in the appropriate container (evidence bag, cardboard box, and so on). Evidence that is too large to be packaged need only be tagged with the Division's property/evidence tag.
 - b. Evidence will be placed in a temporary holding bin. Large or unusual items will be stored as directed by a supervisor until the Property Specialist is available to take custody.

 2. Evidence requiring laboratory analysis
 - a. Officers will package and seal evidence in the appropriate container (evidence bag, cardboard box, and so on). CDS must be packaged in a 10 x16 heat sealable evidence bag. Bag must be sealed, signed and dated, prior to being submitted to the Property Specialist.
 - b. A Montgomery County Police "Evidence Transmittal Form" and "Receipt For Property" Form will be completed and submitted (all copies of both forms) with the property.
 - c. Officers will indicate on the evidence container, "Hold For Fingerprinting," if appropriate.
 - d. Evidence will be secured in a temporary holding bin. Large or unusual items will be stored as directed by a supervisor until the Property Specialist is available to take custody.

 3. Seized Contraband - Property that cannot be legally possessed by reason of statutory law, ordinances or common law, i.e., CDS, fireworks, switchblades, and so on.
 - a. Officers will package and seal contraband in a container appropriate to the type of contraband.
 - b. Contraband will be secured in a temporary holding bin.
 - c. If the contraband can be destroyed, officers will so advise the Property Specialist via the Property Record attached to the contraband

 - G. *Handguns seized as Evidence - Whenever a handgun comes into the possession of this Division, the officer will:*
 1. *Make weapon safe;*
 2. *Run NCIC stolen check;*
 3. *Complete an ATF trace form, when appropriate;*
 4. *Package and seal handgun and ammunition in separate bags;*
 5. *Secure handgun and ammunition in a temporary holding bin; and*
 6. *Notify the Property Specialists of seizure or recovery.*

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- H. Seized Weapons Other Than Handguns And Handguns Kept For Safe Keeping - Seized weapons for the purpose of this section are those taken for civil violations (Park Rules, Natural Resources Act, Juvenile Civil) and those seized pursuant to state law/court order in Domestic Violence cases. *Officers will:*
1. *Make weapon safe*
 2. *Run NCIC stolen check*
 3. *Package and seal weapons and ammunition in separate bags*
 4. *Secure weapon and ammunition in a temporary holding bin*
 5. *Will advise the owner at the time of seizure that the weapon may be released by the Division's Property Specialist after the citation is paid or after the case is adjudicated; and*
 6. *Will mark the Property Record "May be released after citation is paid or case is adjudicated and weapon has not been ordered forfeited or destroyed by the court."*
- I. Fireworks and Flammable Liquids - The following procedures will be followed whenever fireworks, explosives, dangerous and/or flammable liquids come into the possession of this Division.
1. Officers will advise Communications that explosives, fireworks or a flammable liquid have been found or recovered. The Fire Marshall's Office *will* be notified immediately to determine proper disposal methods. The Fire Marshall may either respond to the scene of the recovery or to Park Police Headquarters to take custody of the property, whichever is most practical or safest.
 2. If the material will be needed for court, officers will make a notation on the Property Tag that states HOLD FOR COURT. If the material will not be needed for any reason, then the notation on the Property Tag should read MAY BE DESTROYED. Make the same notations on the Property Record.
 3. Once the change of custody has taken place, officers will have the Fire Marshall sign the Division Property Record in the appropriate place, indicating change of custody.
- J. Use of Refrigerated Storage Facilities -The refrigerated storage facilities may be used for the preservation of perishable items.
1. Property will be sealed in an appropriate container.
 2. Officers will include with the Property Record any special instructions needed for testing/analyzing evidence.
 3. Property Specialist will be contacted to arrange for refrigerator storage. After regular work hours, Watch Commander or OIC will notify Property Specialist if evidence needs to be refrigerated.
- K. Disposition of Property
1. Property which is not needed for court or other law enforcement purposes will be held for 90 days, unless immediate destruction is authorized. The property will be disposed of as follows:

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- a. Release to owners - Property owners must have proper identification.
 - If feasible, officers will return the property to its rightful owner if ownership can be determined during the regular tour of duty. A Property Record form must be completed by the officer and signed by the owner. If not, the officer will secure the completed Property Record and property in the temporary bins.
 - b. Release of Property to "Finder" (no identified owner)
 - 1) Officers will advise the finder of property that the property may be released to them, if they are not a Commission employee **AND:**
 - (a) The property is not claimed within 90 days, **AND**
 - (b) The finder lays claim within 90 days, **AND**
 - (c) The property is not contraband or a weapon, **AND**
 - (d) The finder has proper identification.
 - 2) Officers will mark the Property Record form as "May be released/Yes" and forward it to the Division's Property Specialist with the property.
 2. Evidence Held by the Court - When evidence is retained by the Court for future court proceedings, the following procedures will be followed:
 - a. Officers will sign the Property Record form indicating that they are releasing the evidence.
 - b. Officers will have the court clerk sign and print his/her name/I.D. Number on the Property Record form in the appropriate "Received by" space and indicate the reason for the change of custody in the "Purpose for change of custody" space.
 - c. Officers will return the Property Record form to the Division's Property Specialist following the court proceeding.
 3. Seizure and Forfeiture of Handguns
 - a. Authority

The disposition of seized handguns in Maryland is regulated by Annotated Code of Maryland. The following procedures will be used in the handling and disposition of handguns that come into the possession of this Division.

b. Disposition Procedures

- 1) When a handgun is confiscated pursuant to the Annotated Code of Maryland, or has otherwise come into the possession of this Division, the Professional Standards Commander will select an officer of command rank to review the facts and circumstances of the case or manner in which the handgun was acquired. After appropriate inquiries, the reviewing officer will recommend one of the following possible dispositions:
 - (a) Return of the weapon to the owner after review has indicated it is not needed as evidence and the owner did not use the weapon, or knowingly permit it to be used, in violation of the Annotated Code of Maryland.
 - (b) Retention of the weapon for use as evidence in a criminal case or criminal investigation. Retention of the weapon as evidence indicates it was used in violation of the Annotated Code of Maryland. If the weapon is used as evidence, it may be disposed of at the court's instruction at the conclusion of the case.
- 2) The owner will be notified in writing by the reviewing officer concerning the disposition of the handgun. This notification will be served by certified mail, return receipt requested, utilizing "Handgun Disposition" form.
- 3) When it has been determined that a non-resident owner is entitled to the handgun, the reviewing officer will notify a law enforcement agency within the jurisdiction where the owner resides and forward the handgun by a common carrier to that agency for disposition.

c. Appeals

- 1) When the reviewing officer has determined that the handgun should be forfeited, the owner will be notified as previously provided for and may apply within thirty days to this Division 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 the Annotated Code of Maryland and whether the owner is qualified to possess it. Qualification for possession is the same as for sale or transfer under the Annotated Code of Maryland.

- 2) Upon timely receipt of an application, the reviewing officer will hold an informal review, not subject to the Administrative Procedures Act, concerning whether the owner knew or should have known of the use or intended use of the handgun was in violation of the Annotated Code of Maryland. If the reviewing officer rules in favor of the owner, the handgun will be released to the owner provided the owner is qualified to possess it and it is not needed as evidence in a criminal case or investigation. In the latter case, it will be disposed of at the court's instruction at the conclusion of litigation.
 - (a) The review will be conducted at 12751 Layhill Road, Silver Spring, MD 20906 and the review proceedings will be tape recorded. Tapes will be retained for one year from the date of the review or until all such cases related to the seizure are adjudicated. If it is the decision of the reviewing officer to release the weapon to the owner, standard Division procedures regarding the release of seized property will be followed.
 - (b) If the reviewing officer determines that the handgun should be forfeited, the owner will be so notified at his last known address by certified mail, return receipt requested, and may, within thirty days thereafter, petition the appropriate District Court to release the handgun. The reviewing officer will be responsible to coordinate with the State's Attorney in presenting the State's position to the District Court at such a review.

When an appeal is made to the District Court, a copy of the papers filed by the individual and a copy of the investigation will be forwarded to the Commission's legal advisor. The Commission's legal advisor will review the matter and assist in coordinating this Division's position with the appropriate State's Attorney.

- 3) In criminal proceedings involving a seized handgun, a court may order forfeiture or release of the seized handgun in accordance with the criteria established for release in the Annotated Code of Maryland. Persons who have made written claim of ownership to a handgun to this Division or to the State's Attorney will be notified of the judicial proceedings and of the claimant's right to present their claim at those proceedings, except that a claimant who has completed the review procedure provided by this Division will not have the right to review before the court.

- 4) If no timely application for a review by the Division or the District Court is effected, or an order for the release of the handgun by the Criminal Court is issued, it will be forfeited to this Division without further proceedings and destroyed or disposed of pursuant to the Annotated Code of Maryland. Property so seized will be retained 90 days by the Division before disposal.
4. Request for Destruction Memorandum
 - a. The Property Specialist will, at least every twelve months, send a "Request for Destruction" memorandum to any officer who has evidence in storage on every case that is over one year old.
 - b. Officers will make determination if evidence needs to be retained or may be disposed of and respond in writing, within 30 days, on the form provided by the Property Specialist. The officer will note the reason for retention if the property is to be retained.

**Approved Park Police Document
Signed Original on File**

End of Directive