

41. PROPERTY & EVIDENCE

(November 2007)

I. POLICY

It is the policy of the Department to collect, process, and preserve physical evidence in the field. The circumstances under which evidence or property comes into the Department's possession shall be documented on an Incident Report and itemized on a Property Record.

Whenever available, materials and substances will be collected from a known source for submission to a laboratory for comparison with physical evidence collected.

Evidence collection shall be handled in accordance with practices taught in the training academy and written directives.

II. CHECKLIST (N/A) III. DEFINITIONS

Chain of Custody: The documented continuity of custody of material and items collected as physical evidence; to minimize court challenges, the item introduced as evidence must be proven to be the same item recovered during the investigation.

Evidence: Any type of proof that has the potential to be introduced in a legal proceeding that is intended to convince the judge and/or jury of alleged facts material to the case; it can include records, documents, substances, materials, objects, photographs, fluids, etc.

Handgun: Any pistol, revolver, or other firearm that can be concealed on a person, including short-barreled shotguns and rifles; short-barreled shotguns have a barrel less than 18" long or an overall length less than 26" and short-barreled rifles have a barrel less than 16" long or an overall length less than 26". The following are not considered handguns:

- Ⓞ Any shotgun, rifle, or antique firearm manufactured before 1898
- Ⓞ Any firearm with matchlock, flintlock, percussion cap, or similar type of ignition
- Ⓞ BB or pellet guns
- Ⓞ Starter pistols

Police STOP: A verbal notification from a sworn Prince George's County Police investigator to the pawnshop manager to hold suspected stolen property for later recovery by police

Property: Any item taken into custody by an officer for an official purpose that has no apparent evidentiary value

IV. FORMS

- Ⓞ Adhesive Evidence Label (PGC Form #3645)
- Ⓞ Arrest Report (PGC Form #3245)
- Ⓞ Biohazard Warning Label
- Ⓞ Blue Recovered Property Tag (PGC Form #2618)
- Ⓞ Custody Log/Request For Analysis/Analysis Report Form (PGC Form #3747)
- Ⓞ Custody Log/Request For Analysis/Analysis Report Form Continuation (PGC Form #3747A)
- Ⓞ District CDS Property Log (PGC Form #4586)

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- Ⓞ Fingerprint Lift Cards (PGC Form #24)
- Ⓞ Incident Report (PGC Form #3529)
- Ⓞ Latent Evidence Envelope (PGC Form #2619)
- Ⓞ Notification Letter (PGC Form #2746)
- Ⓞ Pawn Recovery Sheet (PGC Form #3686)
- Ⓞ Photo Processing Report Form (PGC Form #952)
- Ⓞ Property Record (PGC Form #4360)
- Ⓞ Property Record as Evidence Form (PGC Form #3917)
- Ⓞ Report of Findings (PGC Form #4548)
- Ⓞ Request for Analysis Form (PGC Form #4449)
- Ⓞ Request for Latent Fingerprint Examination Form (PGC Form #2643)
- Ⓞ Special Report (PGC Form #3529-A) Ⓞ Transmittal Sheet Report (PGC Form #3350)
- Ⓞ Vehicle/Asset Forfeiture Summary Report (PGC Form #4321)
- Ⓞ Yellow Evidence Tag (PGC Form #45)

V. PROCEDURES

Officers shall respond to the scene of all calls for service regarding found or recovered property. Citizens shall not be instructed to bring found or recovered property to a police facility.

Employees shall account for property and evidence taken into custody. They shall protect items from contamination, damage, and destruction.

Questions concerning the preservation and submission of property and evidence can be directed to an on-duty supervisor, District Evidence Technician, or the Forensic Services Division.

Submission of property and evidence shall comply with the SOP of the receiving District or Division.

1. Cancellations & Entries to Computer Systems

Employees shall check found or recovered property with unique identifying numbers through NCIC and record the results on the Property Record.

Information on stolen property entered into NCIC must be removed once the property is recovered. The recovering employee shall contact the Telecommunications Unit, providing any identification/serial numbers, a description of the property, and the CCN.

All stolen property with unique identifying numbers shall be entered into NCIC, MILES, and NLETS via the Telecommunications Unit. Employees will review and be responsible for the accuracy and currency of entries and cancellations.

2. Submission Procedures

Employees shall document all items of property taken into custody on the Property Record. They shall describe the items in enough detail to allow them to be easily identified. The following information shall be recorded:

- Ⓞ Manufacturer
- Ⓞ Model name or number
- Ⓞ Unique identification number

Employees shall submit recovered property along with the completed Property Record to

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a supervisor prior to the end of their tour of duty. Employees shall affix one of the following to each item of property accordingly:

- Ⓞ Blue Recovered Property Tag
- Ⓞ Yellow Evidence Tag

Employees shall use string or wire to securely attach the tags to the property. Tags may be stapled to property storage bags. Employees shall not use rubber bands, tape, or paper clips to affix tags.

Knives and other objects with sharp edges shall be placed in a Biohazard Sharp Object Disposal Pouch or a Biohazard Tube. Syringes shall be placed in a sealed Biohazard Tube.

Employees shall not substitute one item of property for another, such as one piece of currency for another having the same face value.

Employees shall immediately submit the following property to a supervisor:

- Ⓞ CDS and suspected CDS
- Ⓞ Items recovered from a crime scene
- Ⓞ Jewelry
- Ⓞ Money
- Ⓞ Narcotic-related paraphernalia
- Ⓞ Negotiable paper (*bonds or checks*)
- Ⓞ Firearms

Off-duty employees who recover property of minor value, such as license plates, may retain it for a maximum of 96 hours from the time of recovery.

The supervisor shall ensure that the property is properly packaged and that the Property Record has been completed correctly. The

supervisor shall then place the property in the District's/Division's secure property storage area. The supervisor shall log the property in and sign the appropriate block on the Property Record. Exceptions include:

- Ⓞ When an employee transports a firearm directly to the Firearms Examination Unit (FEU) during the watch in which it was recovered
- Ⓞ When property is submitted to the DNA Laboratory for forensic analysis
- Ⓞ When CDS evidence is submitted directly to the Drug Analysis Laboratory
- Ⓞ When property or evidence is submitted by Evidence Technicians assigned to the Forensic Services Division (FSD)

Retention by Officers

Employees shall not retain property solely for court presentation. Non-monetary paper evidence, such as written statements or photographs, may be stored in the case file. Commanders/Directors may authorize exceptions in unusual circumstances.

Retention for Forensic Analysis

Employees are authorized to retain certain recovered property when the component responsible for processing or analyzing it, such as the DNA Laboratory, Computer Forensics Unit (CFU), or Firearm Examination Unit (FEU), is not open.

Employees shall obtain supervisory approval before retaining property. Items shall be packaged based on the nature of the item. This directive and the Evidence Handbook provide guidance on appropriate packaging procedures, *See:* section

11. Forensic Examinations below.

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Employees shall complete a Property Record and write "HELD FOR ANALYSIS" below the description of the property. A supervisor shall place their initials next to the "held" notation, and ensure that the Property Record is submitted to the property supply clerk before the end of watch.

3. Property Storage Area

Designated secured areas shall be used to store only in-custody property and evidence.

The following employees are authorized access to property storage areas:

- Ⓞ District/Division Commanders/Directors
- Ⓞ Assistant District/Division Commanders/Directors
- Ⓞ Shift and Section Commanders
- Ⓞ Sector supervisors
- Ⓞ Assistant sector supervisors
- Ⓞ Drug vault custodians
- Ⓞ Property supply clerks
- Ⓞ Property Warehouse Unit personnel
- Ⓞ Evidence Technicians assigned to FSD

4. Evidence

(Criminal Investigations Manual)

If an employee requires the services of an evidence technician, he or she shall request one through Public Safety Communications (PSC).

5. Evidence Collection

The reporting employee is responsible for ensuring that all evidence has been

processed and recovered from the scene of an incident. When the crime scene or evidence will not be processed by a specialized unit, e.g. Collision Analysis & Reconstruction Unit (CARU) or the Criminal Investigations Division (CID), the reporting employee shall ensure that the scene and all evidence is processed and recovered.

Whenever a crime scene is not processed, supervisory concurrence will be obtained and documented on the report.

Photographing Incident Scenes - Conventional Photography

Whenever an employee photographs the scene of an incident with a conventional camera he or she shall complete the following prior to the end of his or her tour of duty:

- Ⓞ Write the CCN on the exposed roll of film
- Ⓞ Complete the Photo Processing Report Form, including the name of the photographer, name of the investigator and date
- Ⓞ Place the roll of film in the envelope and forward via Departmental mail to the Records Section
- Ⓞ Any other information deemed pertinent

More than one roll of film from the same incident may be submitted in the envelope.

Photographing Incident Scenes - Digital Photography

When archiving digital images, the following information will be recorded:

- ⑨ CCN
- ⑨ Name of photographer
- ⑨ Name of detective
- ⑨ Any other information deemed pertinent

Digital photographs shall be archived on a Department approved computer.

For specific guidance on crime scene photography, *See: Criminal Investigations Manual.*

Surgically Recovered Evidence

When investigating an incident that has resulted in the hospitalization of a suspect or victim, and items of evidence will be surgically removed, the employee will wait at the hospital to recover the evidence.

When possible, the employee shall speak to a member of the surgical team before the operation, explaining the Department's interest in recovering the evidence as undamaged as possible.

If surgery will not occur immediately, the investigator shall request to be notified when the surgery is scheduled. The investigator shall leave a number by which he or she can be contacted, as well as the number for Public Safety Communications, in the event that he or she cannot be reached.

If the hospital staff notifies the investigator of the pending surgical procedure, he or she will ensure that an evidence technician is present to take custody of the evidence. In the absence of an evidence technician, the

investigator will personally respond to the hospital.

The recovering employee will protect the item to ensure its evidentiary value. The investigator shall describe the item on the Property Record, noting the following:

- ⑨ Name, age, race, and sex of the patient
- ⑨ Date, time, and location of recovery
- ⑨ The anatomic location from which the object was removed

The removing physician's printed name and signature shall be noted on the container in which the item is placed. This step is taken to preserve the chain of custody. The recovering employee may provide a receipt of transfer for the evidence to the medical staff if one is requested.

If a patient is transferred to a medical facility outside the County, the investigator shall request assistance from the police agency that provides police service to the medical facility.

Chain of Custody

A chain of custody will be maintained for each item of evidence recovered.

For non-narcotic property, the chain of custody is documented on the reverse of the Property Record and the Evidence Tag when custody is transferred. Receiving employees are responsible for the documentation. This provision does not apply when evidence is submitted to a supervisor for storage pending pickup by the Property Warehouse Unit as long as the recovering employee is present when the item is placed in storage.

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Employees shall document chain of custody information when items of evidence are delivered to outside agencies.

Evidence Retained by Court

Property removed from the Property Warehouse Unit must be returned within 30 days. The Property Warehouse Unit shall maintain a 30-day tickler file to track removed property. Problems with the expeditious return of property will be noted in a memorandum submitted to the delinquent employee's Commander/Director.

Employees shall complete the Property Record as Evidence Form whenever the courts retain property for evidentiary purposes. The employee shall contact the OSA prior to court to verify which items will be introduced as evidence. The form must be completed in quadruplicate and presented to the OSA or court clerk. The employee may only include those items that will be used as evidence.

If the property has been introduced as evidence, but the employee is excused from court, the court clerk must sign the form and accept custody of the evidence.

The employee will retain Copy #3 for his or her records, and forward Copy #4 to the Property Warehouse Unit within 48 hours.

When the evidence can be released, the court shall contact the Property Warehouse Unit and arrange for retrieval of the property.

6. Property

District Property Files

Each District Station shall maintain a:

- Ⓞ Bicycle file
- Ⓞ Property file
- Ⓞ Property held by employee file
- Ⓞ Property release file

Property Records are filed by CCN.

The *bicycle file* contains records of all bicycles held until picked up by the Property Warehouse Unit.

The *property file* includes all records for property held in storage until picked up by the Property Warehouse Unit.

The *property held by employee file* includes all property records for items held for court or forensic analysis. District Commanders shall ensure that this file is monitored to ensure that no property is held more than 180 days.

The *property release file* includes all records of property released to the owner or to the Property Warehouse Unit. Copies will be filed at the District Station for two years, and then forwarded to the Records Section for disposition according to the Records Retention Schedule.

Notification to Owner

When property is recovered and the owner is known, the recovering employee shall notify him or her. This may be accomplished in person, by telephone, or by mail. In any case, the employee shall inform the owner that he or she must provide proof of identity and claim the property within 90 days of its recovery.

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This provision does not apply for items being held for forensic analysis.

The employee making the notification shall check the appropriate box on the Property Record indicating the method of notification. Notifications by mail are made using the Notification Letter. The employee shall attach a copy of the letter to the Property Record before the property is submitted.

When the property owner is unknown at the time of recovery, the employee shall note that on the Property Record. If the owner information is discovered later, the employee shall notify the owner via the Notification Letter. The employee shall also forward a copy of the Notification Letter to the Property Warehouse Unit to be filed with the Property Record.

Release to Owner

Employees shall use the Disposition section on the reverse of the Property Record to release property to owners. The Property Warehouse Unit will hold recovered property for 90 days (except seized firearms). If not claimed or returned to its owner within that time, the property will be submitted to the County purchasing agent for disposal.

Once any firearm is logged into police custody, it may only be released through the Property Warehouse Unit. Claimants must provide proper identification and proof of ownership.

Property will not be released to owners if it is:

- Ⓞ Contraband
- Ⓞ Held as evidence
- Ⓞ Money confiscated for vice violations

If ownership cannot be clearly established through provided documentation or the preponderance of facts, the property may only be released with the approval of a command officer the rank of Lieutenant or above. The review and approval shall be noted on the Property Record.

Release to Finder

When an employee recovers property found by another, and ownership cannot be established, he or she shall notify the finder that the property may be released to him or her if:

- Ⓞ The property is not claimed by the owner within 90 days of the date of recovery
- Ⓞ The finder lays claim within 90 days of the date of recovery
- Ⓞ The property is not contraband or a firearm
- Ⓞ The finder has proper identification

Property Receipts

The goldenrod copy of the Property Record also serves as a citizen's receipt. Employees shall issue receipts to those who find property having monetary value. The finder shall not sign the receipt copy of the Property Record. Employees shall not issue receipts to those who find:

- Ⓞ CDS
- Ⓞ Contraband
- Ⓞ Evidence recovered from a crime scene, whatever its value

Receipts are not issued for inherently worthless items or items that are so extensively damaged as to have no monetary value.

In cases where no receipt is issued, the recovering employee may:

- ⑨ Discard the goldenrod copy
- ⑨ Retain it
- ⑨ Give it to another employee who has interest in the case

7. Assisting the Fire Department with Major Fires

Property recovered by Fire Department personnel as a result of an overhaul operation shall be turned over to an officer. Officers shall accept custody of the recovered property when:

- ⑨ The items have value and are small enough to be concealed in a person's clothing or are firearms
- ⑨ A reasonable effort by Fire Department personnel has failed to locate the owner of the property

An officer receiving property from Fire Department personnel shall document the following information on an Incident Report:

- ⑨ The name, ID number, and assignment of the individual who recovered the property
- ⑨ The exact location that the property was found
- ⑨ Efforts made to locate the owner

8. Submission of Large Sums of Money & Valuables

Submitted money or valuables worth less than \$5,000.00 shall be stored in a narcotics mailbox. The items shall be logged and processed in the same manner as narcotic property.

Money or valuables worth \$5,000.00 or more shall be transported to the Property Warehouse during the shift in which it was recovered. Officers who recover large sums of money shall request that a supervisor respond to the scene. The supervisor shall count the money in the presence of the recovering officer.

A supervisor shall make the determination when doubt exists as to the value of nonmonetary property. He or she shall also decide whether the item should be transported to the Property Warehouse. Supervisors may authorize the transport of money or valuables worth less than \$5,000.00. The supervisor shall notify the Property Warehouse prior to transport.

Prior to leaving for the Property Warehouse, the transporting employee shall transmit his or her odometer reading and destination to the dispatcher via police radio. Upon arrival, the employee shall transmit the word "arrival," followed by another odometer reading. The dispatcher shall acknowledge the employee with a time check. If the Property Warehouse is closed, a supervisor may authorize the storage of money or valuables worth \$5,000.00 or more in the narcotics mailbox. The recovering officer shall print "VALUE *EQUALS* OR *EXCEEDS* \$5,000" as appropriate on the Property Record. The property supply clerk shall check submitted

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Property Records for this notation and notify the Property Warehouse to arrange for the transport of the money or valuables.

Currency Seized for Forfeiture

(Maryland Criminal Procedure Title 12)

Maryland law requires that the County petition for the forfeiture of money and personal property when seized during gambling and CDS investigations. The County's Office of Law handles these proceedings. Petitions must be made within 90 days of the final disposition of the criminal case.

Employees who seize currency for forfeiture as a result of gambling or CDS investigations shall write "CONFISCATED MONEY" in the lower left corner of the narrative section of the Arrest Report. Employees shall forward copies of the following to the Office of Law:

Arrest Report
Incident Report
Vehicle/Asset Forfeiture Summary Report

The Office of Law will monitor cases involving confiscated money through disposition. The Office of the State's Attorney's (OSA) Asset Forfeiture Unit coordinates the processing of forfeiture cases from initial seizure through final court disposition in cooperation with the Office of Law.

Authority to Seize CDS-Related Currency

Currency may be seized and subject to forfeiture if the currency has a direct relationship to CDS-related violations.

The following are examples of such cases:

- Ⓞ Currency used to facilitate a CDS transaction
- Ⓞ Currency located in close proximity to seized CDS (when the CDS constitutes PWID or a felony amount)
- Ⓞ Currency that is proceeds from the distribution of CDS

Notifications

NED's Narcotic Asset Forfeiture Unit (NAFU) shall be notified of all CDS-related currency seizures in excess of \$1,000.00. The seizing officer shall make telephone notification within 24 hours of the seizure.

Officer's Responsibilities

Upon the seizure of assets in CDS-related cases, the reporting officer shall complete an Asset Forfeiture Summary Report within 24 hours and distribute it as follows:

- Ⓞ White and pink copies – OSA/Asset Forfeiture Unit
- Ⓞ Yellow copy – Records Section
- Ⓞ Green copy – NED/NAFU
- Ⓞ Photocopy – Commander/Director

The officer shall also forward copies of the Incident Report and Property Record(s) to NED/NAFU.

Currency Held as Evidence

If currency seized for evidence or forfeiture is needed for legal proceedings, the officer shall:

- Ⓞ Photograph (not photocopy) the currency
- Ⓞ Record the serial numbers of each piece of paper currency, by denomination, on as many Property Records as needed

Photographs may be substituted for the currency in criminal cases. Seizures of currency involving more than one bill shall be photographed as a whole, not separately.

Unless the employee advises the Property Warehouse of the need for the actual currency as evidence, it will be deposited in the County treasury.

Currency Not Needed as Evidence

When currency is recovered but not needed for court or forfeiture proceedings, the officer shall:

- Ⓞ Photograph the currency
- Ⓞ Record the total number of bills by denomination on a Property Record

9. Routine Deaths

When an officer determines that the deceased has no living next of kin or relatives or cannot locate any, he or she shall:

- Ⓞ Contact the Office of the Sheriff (OSPG) to arrange for a court order securing the deceased's property
- Ⓞ Request that a deputy respond to the scene and take custody of the property
The following information will be supplied to the OSPG:
 - Ⓞ Name of the deceased
 - Ⓞ Address and description of the property to be safeguarded
 - Ⓞ The reason for the request
 - Ⓞ Materials needed to properly safeguard the property
 - Ⓞ Telephone number where the officer can be contacted

After the OSPG has been contacted, it should be no more than two hours until a deputy arrives on the scene with a court order that legally authorizes the safeguarding of the deceased's property.

The requesting officer will note in the report the name and ID number of the deputy who receives custody of the property.

Removing Property from the Deceased

If the deceased is removed from the scene before the arrival of a deputy, the officer handling the case shall:

- Ⓞ Inspect the deceased for articles of value
- Ⓞ Remove those articles from the body and inventory them on a Property Record

Upon arrival of the deputy, the officer will have the deputy sign the Property Record and take custody of the items.

If the removal of property from the body would result in damage to the item, destruction of evidence, or desecration of the body, the officer shall:

- Ⓞ Note the item on the report documenting why it was not removed
- Ⓞ Photograph the items before the body is removed

The film will be forwarded to the Records Section for processing and filing of negatives. When photographs are taken, it shall be noted on the Special Report.

The individual accepting custody of the body will be requested to sign for any property that accompanies the deceased.

Release of Property to Next of Kin

Provided that an immediate family member's identity and relationship to the deceased is established to the officer's satisfaction, property belonging to the deceased may be released by the officer at the scene. In cases involving persons that are not immediate family, authorization must be obtained from the Office of Register of Wills to release the deceased's property.

Immediate family includes:

- Ⓞ Parent
- Ⓞ Spouse
- Ⓞ Child

10. Recovering Stolen Property from Pawn Shops

The Pawn Unit is responsible for recovering stolen property from pawn shops. The Unit shall initiate a STOP number, complete a Pawn Recovery Sheet, and forward it to the investigator handling the case. The investigator shall:

- Ⓞ Meet with the victim at the pawn shop to recover the property
- Ⓞ Prepare a Property Record to document the recovery
- Ⓞ Have the victim or his or her designee sign the reverse side of the white copy of the Property Record
- Ⓞ Give the yellow copy of the Property Record to the victim or his or her designee
- Ⓞ Have the victim or his or her designee and the employee from the pawn shop releasing the property sign the Pawn Recovery Sheet
- Ⓞ Distribute the copies of the Pawn Recovery Sheet to the following:

- Ⓞ Pink copy to the employee from the pawn shop
- Ⓞ Yellow copy to the Pawn Unit
- Ⓞ White copy is retained by the investigator

- Ⓞ Send copies of Pawn Recovery Sheet, Incident Report, and Property Record to the Pawn Unit

11. Forensic Examinations

(Evidence Handbook)

This section details submission and examination procedures for the Department's forensic analysis components. The Evidence Unit is the point of contact regarding the submission of evidence for forensic examination outside the Department.

12. Computer Forensic Unit (CFU)

The CFU collects and examines data contained within computer systems, computer hardware and other devices capable of capturing and/or storing data electronically. The recovered data is then analyzed for its evidentiary value. The CFU also conducts computer crime investigations.

The CFU is the point of contact for investigative sections within and outside the Department when it is believed that a computer crime has been committed. Criminal acts discovered by CFU beyond computer crime shall be referred to the responsible investigative unit. All requests for examination shall be directly related to an investigation.

Seizure of Computer Media

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The CFU has primary responsibility for seizing any devices capable of capturing and/or storing data electronically.

Investigators who target computer systems and any other devices capable of capturing and/or storing data electronically

and seizure warrant shall notify the CFU at least 48 hours prior to the execution of the warrant. When available, a CFU investigator will respond to the scene and assist by safely shutting down the computer system and collecting items to be analyzed. The CFU investigator will take custody of seized computer items and transport them to the CFU.

Submitting Items to CFU

Investigators who request analysis of electronic media shall transport the items directly to the CFU. Officers are cautioned regarding the properties of electronic storage devices and shall take steps to prevent their exposure to harsh conditions and magnetic fields. Officers intending to transport items to the CFU shall first contact the unit by telephone to ensure that a CFU investigator is available to accept custody of the evidence.

When circumstances prevent a timely response to the CFU, a supervisor may authorize placing the items in temporary storage. Officers shall submit the property as they would under normal circumstances, noting "FOR CFU ANALYSIS" on the Property Record after "LAST ITEM." The requesting officer shall notify the Property Supply Clerk.

The Property Supply Clerk shall ensure such property is held until the requesting officer can transport the items to the CFU.

Requesting officers shall transport the items to the CFU as soon as possible. Items to be

analyzed shall not be held at a temporary storage facility for more than 96 hours. Upon completion of analysis, CFU will send a Report of Findings to the requesting officer.

Copies of the original evidence, under certain circumstances, may be stored at CFU. If the Office of the State's Attorney requires that the actual item be analyzed, the request will be honored by CFU. CFU will submit analyzed items to the Property Section or back to the submitting officer. This will be indicated in the last paragraph of the analysis report.

CFU's hours of operation are:

- Ⓞ Monday to Friday
- Ⓞ 0700 hours to 1500 hours

13. Serology & DNA Laboratory

The chemists in the Serology and DNA Laboratory analyze submitted property for the presence of biological evidence, develop DNA profiles, and when possible, determine the source of the evidence.

Biological evidence may include blood, semen, saliva, sweat, hair, bones, tissue, etc.

Handling & Collection Procedures

Proper handling and submission of biological evidence is vital for reliable examination. Officers having questions regarding biological evidence may request guidance from the Forensic Services Division, the DNA Laboratory, or refer to the Evidence Handbook.

Employees shall follow these guidelines when recovering biological evidence:

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- Ⓞ Always assume the evidence is a biohazard and handle accordingly
- Ⓞ Always handle the evidence with gloves and/or protective clothing
- Ⓞ Package each item separately in paper or cardboard, not in plastic bags
- Ⓞ Seal each item with evidence tape and sign over the seal
- Ⓞ Label each evidence container with the case and item numbers, and affix a biohazard label
- Ⓞ Items of evidence should not be stored in extreme heat or placed in direct sunlight

Submitting Items for DNA Analysis

All submissions require a Property Record. More than one item may be listed on the Property Record. Each individual item must have an Evidence Tag/Chain of Custody attached.

DNA Laboratory hours of operation are:

- Ⓞ Monday to Friday
- Ⓞ 0800 hours to 1600 hours

DNA Laboratory is closed on holidays.

Crime Scene Clean-up

Employees investigating incidents where biohazards such as bodily fluids exist and require removal will refer the property owner to the Evidence Unit.

Evidence personnel will provide the citizen with the names and telephone numbers of the companies who provide crime scene clean-up services.

14. Firearm & Toolmark Examination Unit (FEU)

PGPD officers and those from other agencies submit firearms and related items to the FEU. The FEU examines these items as well as toolmark related evidence such as pry marks made by burglary tools.

Firearms

The proper handling and submission of firearms allows for reliable examination by FEU and other investigative entities.

Whenever possible, investigators or evidence technicians shall recover firearms. FEU shall be contacted whenever a firearm needs to be recovered from water. Employees having questions regarding the proper handling of firearms may request guidance from the Evidence Unit or FEU. Loaded firearms shall not be submitted to FEU.

Collection & Packaging

Employees shall never:

- Ⓞ Assume a weapon is unloaded and safe
- Ⓞ Attempt to test fire a firearm
- Ⓞ Clean the barrel, chamber, or cylinder of a firearm
- Ⓞ Disassemble a firearm
- Ⓞ Insert pens, pencils, or foreign objects into the barrel or chamber of a firearm
- Ⓞ Point a weapon at others

Employees shall record the following and provide it to the firearm examiner:

- Ⓞ Whether a fired or unfired round was in the chamber or cylinder

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- ⊙ Hammer position (down, half-cocked, cocked)
- ⊙ Make, model, serial number, barrel length, and finish of the firearm
- ⊙ Position of the safety
- ⊙ Position of the slide

Clips or magazines shall not be stored in a weapon. Ammunition shall not be stored in a clip or magazine. Firearms and ammunition shall be packaged separately and submitted as different items. Any questions shall be directed to FEU or the Evidence Unit.

NCIC Checks

When a firearm is taken into custody that is not listed as stolen in NCIC or cannot be checked through NCIC, the recovering employee shall contact the Telecommunications Unit and provide the:

- ⊙ Make
- ⊙ Model name and number
- ⊙ Serial number or unique identifying number
- ⊙ Physical description of the firearm, including size, type, and color

The Telecommunications Unit shall make an entry in the NCIC Recovered Gun File. NCIC retains the information for the balance of the year of entry plus two years. The recovering officer shall document the stolen status and gun file entry on the Property Record.

Submitting Items to FEU

Employees shall submit all firearms or firearms related items that they seize or recover to FEU, and shall itemize all appropriate items submitted for analysis on a Request for Analysis Form when a complete

analysis is required. A copy of the Incident Report and Property Record shall be attached to the Request for Analysis Form. A separate Property Record is required for each firearm submitted. Associated ballistic evidence or leather goods shall be packaged separately and submitted on a separate Property Record. Employees shall document the exact address, beat, and District for all firearm seizures and recoveries.

Items that have blood or body fluids on any surface should be submitted after the item has dried. Biohazard labels shall be attached to the packaging for the safety of the examiner.

Employees shall transport all recovered firearms and firearms-related evidence to FEU within 96 hours of recovery or seizure. Chain of custody information and a receipt stamp will be placed on the Property Record by FEU and the officer's copy returned to him or her.

Property Warehouse Unit personnel will only receive recovered firearms from FEU.

Submission hours:

- ⊙ Monday to Friday
- ⊙ 0730 hours to 1700 hours

FEU is closed on holidays.

FEU Open

Employees who request analysis of a firearm or tool are responsible for transporting such items directly to FEU. Employees intending to transport such evidence to FEU shall first contact the unit by telephone to ensure that an FEU analyst is available to accept the item. When circumstances prevent a timely

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response to FEU, a supervisor may authorize the requesting officer to place the items in temporary storage as indicated below.

FEU Closed

Officers shall submit the items as they would under normal circumstances, except they shall indicate “FOR FEU ANALYSIS” on the Property Record after the “LAST ITEM” notation. The supervisor authorizing the temporary storage shall notify the property supply clerk who shall then ensure such property is held. In both cases, the authorizing supervisor shall ensure that items to be analyzed are not held at a temporary storage facility for more than 96 hours. Requests for assistance after normal business hours shall be made through the PSC supervisor to the Commander, Forensic Services Division.

FEU shall send an analysis report to the requesting employee through the chain of command when the analysis is complete. FEU shall submit the evidence to the Property Warehouse Unit or notify the outside agency when the analysis is complete. This information shall be noted in the last paragraph of the analysis report.

Submission of Handguns Involving Criminal Charges

Officers seizing handguns when criminal charges are filed shall:

- ⑨ Process the firearm and/or ammunition for latent prints prior to submission
- ⑨ Complete a Property Record, describing the handgun by make, model, and serial number

- ⑨ If the owner is different from the possessor, include the owner’s name and address, if known
- ⑨ Transport the weapon to FEU or place it in Property prior to the end of watch

Criminal Law Article 4-203 – Wearing, Carrying, or Transporting a Handgun

Handguns seized pursuant to the provisions of Maryland Criminal Law Article 4-203 are subject to forfeiture.

When an officer seizes a handgun pursuant to the aforementioned statute, he or she shall print the words “FOR FORFEITURE” in bold letters in the description section of the Property Record. This applies even if the possessor is not charged with a violation of the aforementioned statute, though he or she may be charged with another crime, such as armed robbery. The Property Warehouse Unit shall notify the owners of these handguns regarding the forfeiture appeal process.

Officers seizing handguns under this law can help expedite the return of a gun to its owner if the gun has been reported stolen. In these cases, “HOLD FOR OWNER” shall be printed in bold letters beneath “FOR FORFEITURE” and the owner will be advised to apply to the Property Warehouse Unit for the return of the gun.

If the handgun has not been reported stolen, the owner shall be referred to the Property Warehouse Unit for retrieval procedures.

Submission of Handguns Not Involving Criminal Charges

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Handguns seized, found, or recovered shall be submitted to FEU using the same procedures detailed above. Officers seizing such handguns shall notify the registered owner, if known, and advise him or her to contact the Property Warehouse Unit within 90 days of the notification for retrieval of the weapon.

Submission of Long Guns Involving Criminal Charges

When a rifle or shotgun is seized and charges are filed, officers shall immediately:

- Ⓞ Complete a Property Record including the name and address of the owner if different from the possessor
- Ⓞ Notify the owner
- Ⓞ Submit the firearm to FEU using the same procedures detailed above

Test Firing

Test firing of recovered or seized firearms is done by FEU. Seizing or recovering employees shall witness test firings. The witnessing employee will be given a letter for use in court certifying that the firearm functions.

Other Weapons

Police employees that seize weapons other than firearms shall handle the weapon in the same manner as other property.

Special Police Officer (SPO) Responsibilities

SPOs are required to follow the same procedures as PGPD officers when submitting firearms for test firing. They are

responsible for transporting firearms to FEU during normal business hours. If seized after FEU business hours, the SPO may place the firearm in temporary storage. The supervisor placing the weapon in storage shall inform the SPO that he or she must retrieve and transport the weapon to FEU within 96 hours.

The property supply clerk will send firearms that are not retrieved from storage by SPOs within 96 hours to FEU. FEU shall test fire the weapon according to their procedures and forward it to the Property Warehouse Unit. In such cases, the SPO must:

- Ⓞ Retrieve the firearm from the Property Warehouse Unit
- Ⓞ Transport the firearm to FEU for additional test firing

15. Drug Laboratory

Employees seizing Controlled Dangerous Substances (CDS) or suspected CDS shall maintain strict control and supervision over the property until submission. Other employees shall be brought into the chain of custody only as necessary, and every transfer shall be documented on the Chain of Custody Log/Request For Analysis/Analysis Report Form.

On-duty or off-duty officers shall submit seized or recovered CDS immediately, unless custody is transferred to another officer. If the CDS is transferred, the accepting officer shall be responsible for its submission.

Submission Procedures & Reporting

All submissions of CDS require:

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- ⑨ A Chain of Custody Log
- ⑨ Adhesive Evidence Label
- ⑨ Incident Report
- ⑨ A biohazard label if the CDS was recovered from a body cavity or is contaminated by body fluids

In addition to these documents, the District Station CDS logbook, which is maintained next to the narcotics mailbox, must be completed by the submitting officer and initialed by the witnessing supervisor. The Chain of Custody Log must be typed and shall document every transfer of custody. If assigned, the District Court tracking number shall be recorded below the CCN. The Chain of Custody Log and packaged items shall be dropped in the narcotics mailbox.

Weighing CDS

All CDS materials shall be weighed before being packaged for submission. Whenever practical, to ensure the most accurate weight, officers should attempt to remove the CDS from the container or wrapping in which it was seized. The weight of the CDS shall be listed in the DETAILED DESCRIPTION block of the Chain of Custody Log. Property items suspected of containing minimal residue or trace amounts of CDS shall be counted and not weighed.

A supervisor shall witness the weighing or counting of the CDS and place his or her signature in the COUNTING/WEIGHING WITNESSED BY block on the Chain of Custody Log. The supervisor's signature indicates only that he or she witnessed the weighing or counting and submission. The supervisor shall not become part of the chain of custody unless absolutely necessary. The supervisor shall also place his or her ID

number, the drop location, and the logbook number in the appropriate spaces on the form.

Packaging CDS

All CDS shall be submitted in clear 9½" x 16" heat-sealable, plastic pouches. Different types of CDS shall be submitted in separate pouches. Items found in different locations or recovered from different defendants shall be packaged separately.

If seized items are too large to be placed in a pouch, they should be placed in a box or other suitable container. The container should then be sealed with evidence tape, initialed, and dated by the submitting officer. A specific description of the contents of the box shall be placed on the outside for the safety of the drug laboratory chemists.

Recovered packaging, such as glass vials, film canisters, and envelopes, shall be placed within the pouch. Glass and fragile containers shall be wrapped with sufficient clear plastic padding to prevent breakage. All containers shall be securely taped to prevent leakage or spillage. Sharp edges that might appear on pipes or broken items shall be wrapped or boxed to prevent injury. Syringes shall be packaged as described in the section of this directive titled ***Paraphernalia***.

After packaging, the employee shall affix the completed adhesive Evidence Label to the extreme lower right corner of the pouch, and a biohazard label, if required. The pouch shall then be placed in the heat sealer and sealed approximately one inch from the top. The employee shall place his or her initials over the heat seal. Employees shall not fill

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the pouch to the extent that it would prevent laboratory personnel from opening and resealing it.

After weighing and packaging, the employee shall attach the Chain of Custody Log to the pouch above the heat seal. A maximum of three separately bagged items can be listed on one Chain of Custody Log. The employee shall then drop the CDS in the narcotics mailbox. The supervisor who witnessed the weighing shall:

- Ⓞ Review the paperwork
- Ⓞ Observe the dropping of the CDS
- Ⓞ Place his or her initials next to the submitting employee's logbook entry

The submitting employee shall fill out the necessary blocks on the District CDS Property Log.

If the amount of CDS is too large to fit in the narcotics mailbox, the employee shall personally deliver the CDS to the Drug Laboratory. If the Drug Laboratory is closed, the employee shall transfer custody to a Narcotics Enforcement Division (NED) investigator, who shall arrange storage at the NED facility until the CDS can be delivered to the Drug Laboratory.

Analysis of CDS

The Drug Analysis Laboratory does not analyze all CDS evidence that it receives. Analyses are conducted only on receipt of a subpoena from the OSA or a memorandum from an employee to the Director of the Drug Laboratory requesting the analysis. This memorandum can go directly to the Director of the Drug Laboratory.

CDS to be Destroyed

The employee shall write "TO BE DESTROYED" at the top of the Chain of Custody Log. The employee shall also check the TO BE DESTROYED block and sign and date the form.

Paraphernalia

Hypodermic syringes and needles shall be packaged in leak proof, puncture-resistant, plastic Biohazard Tube. The sealed tubes shall be placed in a heat-sealed pouch. Syringes and needles will be inserted sharp end first into the plastic tube and the cap firmly tightened.

Employees shall not attempt to make the needle safe or unusable by resheathing with protective cap, cutting, bending, or removing the needle from the syringe. Syringes will be packaged separately from other evidence. Biohazard labels will be placed on the Biohazard Tube and the evidence pouch.

Plants

Whole plants greater than one foot in length shall not be submitted for analysis. Employees shall weigh and photograph the plant in its natural form. They shall cut or break the plant apart and then submit leaves, flowering tops, stems, and seeds for analysis. The remainder of the plant, including mature stalks and roots, shall be submitted on a separate Chain of Custody Log and marked for destruction.

Wet vegetable matter shall not be placed in a pouch. If the material does not dry naturally within the seizing employee's tour of duty, custody shall be transferred to a NED

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employee. If the material does not dry during the NED employee's tour of duty, he or she shall photograph the material and arrange for its secure storage until the material dries.

The NED employee shall submit a temporary, partially completed Chain of Custody Log to his or her supervisor. The NED employee shall weigh and package the material and submit final paperwork when the material has dried.

Only trained NED personnel or evidence technicians may use hair dryers or other devices to dry wet CDS.

Liquid CDS

Employees seizing suspected liquid CDS shall exercise extreme caution in handling it, considering potentially carcinogenic, toxic, flammable, and explosive properties. If the container is leaking, employees shall not touch it and shall contact either the Drug Laboratory or NED for assistance. They shall wear gloves when handling the containers of suspected CDS and shall not open the container. The seizing officer shall immediately submit liquid CDS seizures to the Drug Laboratory. If the Drug Laboratory is closed, the CDS shall be packaged in compliance with the taping and padding procedures described above in ***Packaging CDS***. For assistance in packaging, officers may consult the Drug Laboratory during normal business hours or NED after hours.

Seizures of one pint or more of liquid CDS require notification to NED. A NED investigator shall respond to the officer's location and take custody of the material.

Employees encountering unknown substances, unmarked CDS containers, raw CDS manufacturing chemicals, or other possible evidence of clandestine laboratories shall immediately notify NED and obtain specific guidance. Employees shall wear protective gloves and handle such items as little as possible.

Pills, Tablets, & Capsules

Pills, tablets, and capsules shall be counted individually and weighed as a group, provided all items within the group are the same. Different pill types, such as tablets and capsules, require separate groupings.

Pick-up of CDS by Drug Vault Custodian

Drug vault custodians make scheduled visits to facilities that have narcotics mailboxes. In the presence of the property supply clerk, custodians remove CDS submissions from the mailbox. The drug vault custodian shall sign the Chain of Custody Log. He or she shall return the appropriate receipt copies to the property supply clerk. The property supply clerk shall return the employee's copy of the signed Chain of Custody Log to the employee.

The drug vault custodian shall document receipt of the CDS by signing all appropriate entries in the station logbook next to the mailbox. The Property Supply Clerk shall initial each entry, showing that he or she witnessed the transfer of custody.

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Only the drug vault custodian and the property supply clerk shall possess keys to the narcotics mailbox. Other personnel, including the submitting employee and witnessing supervisor, are prohibited from opening the mailbox or attempting to remove CDS from it.

Obtaining CDS Evidence for Court

Employees needing CDS evidence for court shall obtain that evidence from the Drug Laboratory on the court date. It shall be returned to the Drug Laboratory immediately following the conclusion of that day's court proceedings. The Drug Laboratory Vault will be open for pick up and return from 0800 to 1600 each day the courts are open.

If the Drug Laboratory is closed when court proceedings end, the employee shall resubmit the evidence using the narcotics mailbox at any District Station. A supervisor shall witness the resubmission. The Chain of Custody Log and the station logbook for that mailbox shall be signed according to normal procedures. Employees shall never possess checked-out CDS evidence overnight.

There is no need to weigh the evidence prior to its resubmission unless the court opened the evidence pouch. If the court opened the evidence pouch, Drug Laboratory personnel will weigh the pouch upon its receipt.

If the court retains possession of the evidence, the employee shall obtain documentation attesting to that fact from the court and immediately deliver that documentation to the Drug Laboratory or the narcotics mailbox at District III.

When returning CDS property to the Drug Laboratory that is no longer needed as evidence, the employee shall write "TO BE DESTROYED" on the top of the Chain of Custody Log and record his or her signature and the date. The Drug Laboratory shall then prepare the CDS for the next destruction date.

If forfeitures of money or property are involved in a civil proceeding, the employee shall verify with the County Attorney's Office that the drugs are not needed.

Narcotic Enforcement Division (NED) Notification

If circumstances require a notification to be made to NED, the employee handling the incident shall make the notification. If no NED employees are working, the employee shall request PSC to call one out.

Destruction of Narcotics

The Drug Laboratory will obtain permission to destroy the narcotic property from the reporting employee. Subsequently, all narcotic property will be inventoried to ensure that the documented drugs are present. This inventory shall be conducted by any two of the following witnesses:

- ⑨ Employee assigned to the Drug Laboratory
- ⑨ Professional Compliance Division employee
- ⑨ Any commissioned officer

After the drugs have been inventoried and sealed in boxes for destruction, the witnesses will initial the seal.

An employee assigned to the Drug Laboratory shall transport those drugs to the

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destruction facility, accompanied by a witness as described above. A team from the Special Operations Division shall escort the transport.

The sealed boxes containing the drugs will be placed in an incinerator for destruction. The assigned employee and witness shall remain until all narcotics have been destroyed, checking the incinerator's contents before leaving to ensure destruction.

The Chain of Custody Log shall be stamped "DESTROYED," the disposition documented at the Drug Laboratory, and the Chain of Custody Log forwarded to the Records Section for closure.

Disposition sheets will be signed and a file maintained at the Drug Laboratory.

All paraphernalia contained in a heat-sealed bag will be removed and inventoried in preparation for destruction.

An employee of the Property Warehouse Unit will transport paraphernalia such as bongs, pipes, or scales to the County landfill in Upper Marlboro. The items will be placed on the ground and a bulldozer used to crush the items. All paraphernalia will then be pushed into a hole and covered. The transporting employee will witness the entire destruction process.

16. Submission of Fingerprints to RAFIS

All completed latent fingerprint evidence shall be placed in a Latent Evidence Envelope and sealed with red and white evidence tape to maintain the chain of custody. All latent fingerprint evidence shall

be submitted to a supervisor prior to the end of the submitting officer's tour of duty. The supervisor shall ensure that the Latent Evidence Envelopes are properly secured with evidence tape and place them in a secure storage container specifically designated for Latent Evidence Envelopes in the District's/Division's property room.

On a bi-weekly basis, an employee designated by the District/Division Commander/Director shall complete a Transmittal Sheet for the Latent Evidence Envelopes. The employee shall then handcarry the completed Latent Evidence Envelopes and the completed Transmittal Sheet directly to RAFIS.

RAFIS personnel shall be available to accept latent fingerprint evidence on Tuesdays and Wednesdays during normal business hours. Upon receipt of a District's/Division's Latent Evidence Envelopes and Transmittal Sheet, the RAFIS employee will verify the submission and provide the District/Division employee with a copy of the Transmittal Sheet.

A case requiring immediate or "rushed" analysis by a fingerprint examiner shall be individually hand-carried to RAFIS by an employee of the submitting unit. Prior to responding to RAFIS, the employee shall notify the RAFIS Supervisor or the Commander, Forensic Services Division of the need for immediate analysis. The RAFIS Supervisor or the Commander, Forensic Services Division shall confirm the availability of a fingerprint examiner and shall also determine the priority level of the case.

All requests for examination must be accompanied by a Request for Latent Fingerprint Examination Form.

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Only incoming latent fingerprints of sufficient quality to be submitted to the Automated Fingerprint System (AFS) will be entered into AFS and noted on the envelope.

When an officer makes an arrest in a case where latent fingerprints were previously submitted for analysis, the submitting officer shall notify the RAFIS Unit using the Request for Latent Fingerprint Examination Form.

Fingerprint Comparison Cases

Whenever a suspect is identified by latent fingerprints, RAFIS will provide the following information to the submitting officer:

- Ⓞ Name and ID number of the employee who lifted the latent fingerprint
- Ⓞ Name of employee who compared the fingerprints and made the identification
- Ⓞ Name and ID number of the employee who fingerprinted the suspect on the card used to make the identification

When an examination is made and the results are negative, this information will be noted on the report and a copy returned to the requesting officer.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses: Ⓞ
Commission on Accreditation for Law
Enforcement Agencies, Standards
42.2.1, 42.2.3, 55.2.6, 81.2.9, 83.1.2,
83.2.1, 83.2.2, 83.2.3, 83.2.5, 83.3.1,
83.3.2, 84.1.1, 84.1.4, 84.1.5, 84.1.7

Governing Legislation:

- Ⓞ Maryland Criminal Procedure Title 12
- Ⓞ Criminal Law Article 4-203

Reference:

- Ⓞ Criminal Investigations Manual
- Ⓞ Evidence Handbook