

THURMONT POLICE DEPARTMENT

GENERAL ORDER	<i>Date Issued:</i> 7/14/2010	<i>Effective Date:</i> 7/14/2010	<i>Order No:</i> Chapter 6.0
<i>Authority: Chief of Police</i> <div style="text-align: center;"><i>Gregory L. Eyer</i></div>		<i>Manual Page No:</i>	
<i>Subject:</i> Evidence / Property Control		<i>Replaces Page No:</i>	
<i>CALEA Standard:</i> Chapter 84.1	<i>Distribution:</i> ALL	<i>Amends:</i>	<i>Number of Pages:</i> 11
<i>Related Documents:</i>		<i>Rescinds:</i> New Order	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. Purpose:

It is the purpose of this policy to provide officers with guidelines for the proper storage, inventory and safeguarding of property and evidence.

II. Policy:

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

III. Definitions:

None.

IV. Procedure:

A. Evidence/Property Control

It is the responsibility of the Thurmont Police Department to manage and control all evidence and property directed to this department for safekeeping. As part of this responsibility, accurate records shall be maintained. Evidence and property will be stored, released and disposed of according to policies and procedures outlined in this General Order.

It is the responsibility of the Evidence/Property Control Officer to manage and control all citizens' property in custody for evidentiary, recovered, found or safekeeping.

1. The officer taking custody of an item will complete an Evidence/Property Control Form (TPD Form 6.0B).
2. Any property submitted as evidence/property must be marked, tagged and properly packaged regardless of the circumstances of recovery in order to insure preservation of vital evidence and chain of custody in the event the item could be related to a serious incident. All property/evidence taken into the Thurmont Police Departments custody will be sealed in an approved envelope, bag or other container and will be marked with the incident number, property held number, officer's name and owners name, if known or applicable.
3. The officer taking custody of an item will deposit the item with the original yellow copy of the completed Evidence/Property Control Form (TPD Form 6.0B), (attached to the outside of the sealed bag, package, container, etc.), in the Temporary Evidence Storage Locker as soon as possible and no later than the end of their shift. No evidence or property may be retained in an officers' vehicle, desk or any other location other than the approved evidence storage areas or lockers past the end of the officer's shift. The Evidence/Property Control Officer will remove the items from the Temporary Evidence Storage Locker in a timely manner and secure them in the Evidence /Property Storage Room. The Evidence/Property Control Officer will log the item(s) into the Master Evidence/Property Room Ledger.
 - a. C.D.S. and related items will be sealed in a clear plastic envelope of a type and size approved by the Maryland State Police Crime Laboratory. The plastic envelope will be heat-sealed and an identifying label affixed to the upper right corner next to the heat seal. Accompanying the item must also be the Maryland State Police Crime Lab Examination Request Form 67A.
 - b. A Maryland State Police Crime Lab Examination Request Form 67 must accompany non-CDS items being submitted to a Maryland State Police Crime Laboratory for examination.
 - c. All currency submitted to the Evidence/Property Room will be sealed in a package, properly marked and tagged. The tag must identify the amount of money and bear the signature of the submitting employee and supervisor verifying the count. An Evidence/Property Report Form (TPD Form 6.0B) will accompany all money submitted to the Evidence/Property room.

- d. Currency not properly packaged or tagged will not be accepted into the custody of the Evidence/Property room. A Patrol Supervisor will be notified to correct any problems with packaging or labeling of money.
 - e. Seized currency submitted to the Evidence/Property Room once logged in will be placed into a designated bank for safekeeping.
 - f. The Evidence/Property Control officer will not open the sealed package to verify the content or amount.
 - g. The Evidence/Property Room will not retain food items. Seized food items will be documented with photographs and disposed of properly.
 - h. The Evidence/Property Room will not accept loaded firearms. It is the responsibility of the submitting officer to unload the firearm.
4. A photo copy of the Evidence/Property Control Form (TPD Form 6.0B) will be submitted to the Thurmont Police Department Records Section within the case file. In the case of found or recovered property where no other incident report exists, the officer taking custody of the item will complete an incident report detailing the circumstances by which the property came into the Police Department's custody and detailed description of each item recovered. All attempts to contact the owner of the property will be documented within supplement reports.
 5. Proper submission, documentation, labeling and packaging of evidence/property are the responsibilities of the submitting officer. The submitting officer must follow guidelines required by the Thurmont Police Department Evidence Manual.
 6. Whenever an item is removed from the Evidence/Property Room, (court, lab, investigative purposes, return to owner, etc.), the Evidence/Property Control Officer will record the date, time and the item's destination in the Thurmont Police Department Installation Property Log. The date, time, location and officer taking custody of the item/s will be also be recorded on any and all accompanying Evidence/Property Control Form (TPD Form 6.0B) or MSP Form 67 or 67A. The officer receiving the property will inventory each item to ensure that it matches the Evidence/Property Control Form (TPD Form 6.0B). The original yellow copy of the Evidence/Property Report Form will remain with the item/s, a second photo copy will remain in the Property Out file until the item is disposed of or returned. All property not released to its owner will be returned to the Evidence/Property Room immediately.
 7. If Evidence items are held in the custody of the States Attorneys Office or the Clerk of the Court, it will be so noted on the Chain of Custody. The officer who signed the item out of evidence/property will notify the Evidence/Property Control Officer so the location of the item can be recorded in the Master Property Room Ledger.
 8. Evidence will be returned to the Evidence/Property Room or Temporary Evidence/Storage Lockers immediately after court or legal proceedings. The Evidence/Property Control Officer will record the date and time the evidence was returned in the Thurmont Police Department Installation Log.

9. The Evidence/Property Control Officer will be responsible for making arrangements for the submittal and retrieval of evidence from the labs.

B. Evidence/Property Storage Areas

1. All property stored at the Thurmont Police Department will be within a designated Evidence/Property Storage area. The secured areas of the Evidence/Property room (any area in which in-custody and evidentiary property are stored) will be locked and only accessible by the Evidence/Property Control Officer or Chief of Police. No unauthorized persons are allowed in any secured areas of the Evidence/Property Room without the Evidence/Property Control Officer or Chief of Police or his designee physically present.
2. Evidence/Property Storage Areas will be locked when not attended by the Evidence/Property Control Officer or other authorized personnel.
3. A secure storage lot for vehicles and items too large for the Evidence/Property Room will be maintained and secured. Access to these areas will be limited to the Evidence/Property Control Officer, Chief of Police, other supervisors and authorized personnel.

C. 24 Hour Submission of Evidence/Property

1. Officers submitting evidence and/or property to be stored in the Evidence/Property Room will properly package and label the evidence and/or property, complete the required Evidence/Property Report Form (TPD Form 6.0B) and/or applicable Maryland State Police Laboratory Request Examination Forms and deposit the item/s in the Temporary Evidence Storage Locker. The locker is available at all times. If the item is too large for the Temporary Evidence Storage Locker or if the locker is full, then evidence/property will be placed and secured in the oversized evidence/property storage lockers. If the evidence/property is too large for any of the storage lockers, then the submitting officer will contact the Evidence/Property Control Officer or the Chief of Police or his designee to make arrangements for the storage of the item(s).

D. Access to Evidence/Property Storage Areas/Rooms

1. The Evidence/Property Control Officer and the Chief of Police or his designee will be the only personnel authorized to have keys to the Evidence/Property Storage Areas. The Evidence/Property Control Officer and the Chief of Police will be the only Thurmont Police Department personnel authorized to escort non-office and unauthorized office person(s) into the secured areas. Person(s) permitted access must be physically accompanied and observed at all times by the Evidence/Property Control Officer or Chief of Police. All Evidence/Property Storage Areas will be locked when not attended by the Evidence/Property Control Officer or Chief of Police, or his designee.

2. The Evidence/Property Control Officer and Chief of Police will be the only personnel with access to the secured areas of the Evidence/Property Storage Room and the Temporary Evidence/Storage Locker.

E. Evidence/Property Section Records

1. The Evidence/Property Control Officer is responsible for the control and documentation of all property and evidence received and stored in the Evidence/Property Room. The Evidence/Property Control Officer will log all property coming into the custody of the Evidence/Property Room as soon as possible. The Evidence/Property Control Officer will maintain detailed records, to include status, of all items in his/her control. The records will include a description of the item, the owners name (if known), date of receipt, Incident Report number and the submitting officers name.
2. Items of evidence and property under the control of the Evidence/Property Control Officer will be recorded in two ways. Each item will be listed on an Evidence/Property Control Form (TPD Form 6.0B) and each item will be recorded in the Thurmont Police Department Installation Property Log.
3. A photocopy of the Evidence/Property Control Form (TPD Form 6.0B) will be filed with the main incident report with the Records Section. The original (yellow) copy will be filed in the Evidence/Property Storage Room and remain with the item.
4. When an item is released or destroyed, the status will be noted in the Thurmont Police Department Installation Property Log and the Evidence/Property Control Form (TPD Form 6.0B) will be removed from the inventory file. The Master Property Room Ledger will reflect the status (Open, Released, Destroyed or Closed) of all Property/Evidence Control Forms (TPD Form 6.0B), where the item(s) are located and if they have been sent to any laboratory for analysis.
5. The Evidence/Property Control Officer or officer who has signed out an item may release an item to it's rightful owner, or if the owner is deceased, incarcerated or otherwise incapacitated to the family of the owner, if the item is legal to possess and is of no further evidentiary value.
6. The owner or person to whom the item is being released will provide proof of ownership and/or have a police report on file identifying the item as stolen from them. The person accepting the property will provide photo identification and will sign the Evidence/Property Control Form (TPD Form 6.0B) next to each item being released to them and sign in the Chain of Custody area showing they took possession of the item/s. The signed Evidence/Property Report Form (TPD Form 6.0B) will then be returned to the Evidence/Property Control Officer.

F. Periodic Inspections

1. Semi-annually, the Chief of Police or a designee will conduct unannounced inspections to determine adherence to procedures used for the control of property, to ensure that all

- locking devices are in good repair, the storage areas are maintained, orderly and clean and that all ledgers, files and records are up to date and accurate. These inspections will be documented on the Thurmont Police Department Inspection Form.
2. Whenever a new Evidence/Property Control Officer is appointed, an inventory will be conducted. The newly appointed custodian and the Chief of Police or their designee will perform this inventory jointly.
 3. The Chief of Police may appoint an officer of supervisory rank who has not been associated with the evidence control function for at least two years, to monitor the inventory.
 4. A Thurmont Police Department Inspection Form 6.0A will be completed and signed by both parties conducting the inspection and forwarded to the Chief of Police through the chain of command for his review.
 5. If any problems or discrepancies are found, action will be taken to correct the problem immediately and the Thurmont Police Department Inspection Form will be forwarded to the Chief of Police through the Chain of Command.
 6. An annual audit of property and evidence held by the Thurmont Police Department will be conducted by a supervisor chosen by the Chief of Police, not directly connected with the control of the property.
 7. The audit will be of at least 10 items of evidence and property. At least 10% should be examined from each classification and no more than 25% of the audit should be from any single classification.
 8. The results of the audit will be reported on the Thurmont Police Department Inspection Form 6.0A and forwarded to the Chief of Police through the Chain of Command.
 9. A copy of all audits, inspections and inventories will be maintained on file with the Chief of Police and Evidence/Property Control Officer.

G. Final Disposition of Evidence/Property

1. The Thurmont Police Department will make every effort to return items of evidence/property that is legal to possess to its rightful owner, or if the owner is deceased, incarcerated or otherwise incapacitated to the family of the owner. Other property will be disposed of in a manner which best serves the interest of the public.
2. Thurmont Police Department employees coming into possession of other person's property will immediately enter the item onto evidence/property and within three (3) days make reasonable efforts to notify the owner of the status of his/her property.

3. Non-evidentiary property will be packaged separately and listed on different Evidence/Property Control Forms from items of evidence.
 - a. Items having no evidentiary value will be returned to the owner or owners' family as appropriate.
 - b. When a non-evidentiary item is held for ninety days without contact from the owner, the last known owner will be notified by Certified Letter and advised to pick up the item within thirty-one (31) calendar days. If no owner is known, the citizen who delivered the item to the police department may be notified and take possession of the item, if legal to possess and not a firearm. When Thurmont Police Department personnel have found the property, this option is not available.
 - c. After attempts to notify the owner or related citizens have failed, the items will be converted to government use, sold, destroyed or otherwise disposed.
 - d. The sale of the property will conform to the Annotated Code of Maryland, Courts and judicial Proceedings Article, Section 2-311, with the approval of the Chief of Police or his designee.
4. Property being held for evidentiary purposes that is legal to possess and the proper owner can be identified may be released to the owner prior to trial after the item(s) are photographed and approved for release by the State's Attorney's Office. The photographs will then be entered into the case file.
5. After a case has been adjudicated, related evidence will be held for a period of twelve months to allow for appeal. Unless the department has been advised in writing by the States Attorneys Office that the case has been appealed, the items will then be disposed of after the initial twelve-month holding period. All evidence related to a serious crime must be held to its entirety until the appeal process is completed.
6. Items of evidence which have not been adjudicated but where no active investigation is underway will be disposed of after being held based on the statute of limitations for charges.
7. Items of evidence or property that is legal to possess, other than firearms and whose owners cannot be contacted or who have not responded to contact may be disposed of at a public auction. Items sold at auction will be inventoried by original incident number and property held number. Proceeds from items that were received as a result of a drug investigation will be forwarded to the Town Account.
8. Auctions will be conducted by a bonded auctioneer.
9. Notice of Auctions will be published for two weeks prior to the auction in a newspaper of general circulation in Frederick County, Maryland.

10. C.D.S. or other items that are at face value illegal to possess and are not of use to the Thurmont Police Department, will be destroyed by incineration, shredding or other appropriate means.
11. CDS and contraband items shall be destroyed; however small amounts of CDS, when authorized by the Chief of Police may be converted for educational purposes, K-9 training or investigative purposes.
12. In cases where a firearm or other deadly weapon is recovered during the arrest of a suspect, the firearm or deadly weapon shall be held until the case has been adjudicated. After adjudication, firearms and other deadly weapons that are legal to possess will be returned to their rightful owner or owner's family if appropriate and the weapon is not needed for appeal. The Request for Return of Firearm Form must be submitted prior to the release of any firearms or deadly weapons.
13. Firearms will only be released after an investigation has been conducted to verify that the requestor is the owner and has legal claim to the firearm. The requestor must be able to legally possess a firearm. Firearms may not be released if the owner (or person attempting to obtain the weapon) does not pass the Investigative Background conducted by the Evidence/Property Control Officer and is ultimately denied to receive the firearms by the Chief of Police. Forms to be utilized and completed by the investigator are attached to this policy. (Request To Return Firearms / Request To Return Firearms Investigative Worksheet / Return of Firearms Notice)
14. Handguns and ammunition carried in violation of Maryland Criminal Law Article 4-204 will be automatically forfeited to the Thurmont Police Department unless an investigation reveals that the rightful owner had no knowledge that the weapon was carried in violation of the law, (Maryland Criminal Law Article 2-203).
15. In accordance with existing local, state and federal laws, the Chief of Police or a designee will conduct a review of all firearm cases. If it is determined after a review that the firearm should be forfeited to the State, the owner shall be notified at their last known address by certified mail. Within thirty (30) days following notification, they may petition the District Court for disposition of the firearm.
16. If a timely response is not received for review, a petition to the court is effected or an order for release is not issued, the firearm shall be forfeited to the State without further proceedings and shall become the property of the Thurmont Police Department.
17. Firearms forfeited or abandoned to the department that are legal to possess may be either sold to a federally and state licensed firearms dealer or retained by the department for internal use. Firearms that become the property of the department will immediately be transferred to the Armory. The Armory Officer will make a determination of the suitability of the weapon for departmental use. If the Armory Officer determines the weapon is:

- a. Appropriate for departmental use, the weapon will be placed in inventory and the Evidence/Property Control Officer will be notified in writing of the weapon identification and provided a copy of the forfeiture order, if applicable.
 - b. When a weapon is determined to be suitable for use by the department, the Chief of Police will complete all necessary forms for placing the weapon into inventory and with the Chief of Polices' signature of approval, will add the weapon to the Thurmont Police Departments inventory.
 - c. Unsuitable for use, then the weapon will be held in the Armory pending sale or disposal and the Evidence/Property Control Officer will be notified in writing of the disposition.
 - d. When a weapon is determined to be unsuitable for addition to the Thurmont Police Department inventory, the Chief of Police will notify the Evidence/Property Control Officer to place the weapon in the master listing of saleable/disposable weapons.
18. If a firearm or other deadly weapon cannot be released to the owner and other dispositions are not met, the weapon will be disposed of in accordance with Maryland Law.
 19. Items to be destroyed will remain sealed and marked with its Incident Report Number. The preferred method of destruction is incineration. All items destroyed will be logged on an Evidence/Property Control Inventory Destruction Report. The Chief of Police, or other member of the supervisory staff and the Evidence/Property Control Officer will witness the destruction of the evidence. They will then complete and sign the report. The original will be filed with the Evidence Unit.
 20. Items may be removed from the regular property inventory after adjudication and entered into the departments Permanent Collection/Display and training purposes. The collection contains items of public or office interest and/or items relating to cases with indefinite appeals (death penalty, life or near life incarceration, etc.).
 21. The Permanent Collection will be secured within the Evidence/Property Storage Area(s). The items will be inventoried each year in conjunction with the regular annual inventory.
 22. At no time will any member of the department convert any item of evidence or property to their personal use.

H. Submission of Controlled Dangerous Substances

1. Controlled Dangerous Substances (C.D.S.) include all legal and illegal drugs, narcotics, paraphernalia and non-commercially manufactured alcohol. Legal tobacco and commercial alcoholic beverages are not considered C.D.S. for this section.
2. Items of C.D.S. will be logged on separate Evidence/Property Report Forms and packaged in separate containers from non-C.D.S. related items.
3. CDS items will be sealed in a clear plastic envelope of a type and size approved by the Maryland State Police Crime Laboratory. The plastic envelope will be heat-sealed and a Maryland State Police Evidence Label will be affixed to the upper right corner next to the heat seal. The heat seal must be initialed by the submitting officer. After the item has been sealed it will not be opened except for laboratory analysis.
4. Should it be discovered that a seal or container is broken, the Evidence/Property Control Officer will notify the Chief of Police and the item will be inspected, counted, inventoried, repackaged and sealed. This will be noted on the chain of custody. If any items are discovered missing, the Chief of police will institute an investigation and a full report will be forwarded to the Chief of Police through the chain of command.
5. Items of C.D.S. requiring laboratory analysis will be sealed in separate containers from items not requiring laboratory analysis.
6. CDS items being submitted to a Maryland State Police Crime Laboratory must be accompanied by a completed MSP Form 67A.
7. The Evidence/Property Control Officer or a designee will be responsible for the submittal and retrieval of evidence to a Maryland State Police Crime Laboratory.

I. Hazardous Materials

1. With the exception of small quantities of biologically contaminated materials needed for evidentiary purposes, such as clothes, DNA samples, blood samples, etc., the Evidence/Property Room will not accept any biologically or chemically hazardous or contaminated material. When an officer encounters such a material, it must be disposed of in a manner consistent with O.S.H.A. and the Maryland Department of Energy guidelines. The Frederick County Division of Fire and rescue and the Maryland Department of the Environment should be contacted immediately.
2. Small items of biologically hazardous or contaminated material may be collected and submitted for evidentiary purposes. All items containing biologically hazardous materials must be packaged according to Maryland State Police Crime Laboratory guidelines and clearly marked with a Biohazard sticker affixed to the packaging.
3. At no time will explosives, fireworks or large quantities of ammunition be submitted or stored in the Evidence/Property Room.

ATTACHMENTS :

TPD Form 6.0A – Evidence Section Inspection Check-Off List
TPD Form 6.0B – Property/Evidence Control Form
Request To Return Firearms
Request To Return Firearms Investigative Worksheet
Return Of Firearms Notice

DOCUMENT DATES :

Amended Date:02/02/2015

Rescinds:

Order Written by: Sgt. Christopher McLoughlin
Order Edited and Approved by: Chief of Police

CALEA Standards Included in this Order
CHAPTER 84.1.1-84.1.9