



Property and Evidence Procedures

I. PURPOSE

The Ridgely Police Department Property Reports are generated by the Department's computer system. References to these form numbers are for filing control to coincide with the Department's filing system policy and procedures. All Property Reports will be printed and filed as required in the appropriate file. It will be the responsibility of each Officer that records items on a Property Report to print that report and attach it to any submitted paperwork through normal submission channels.

II. RESPONSIBILITIES

A. All employees of the Ridgely Police Department (RPD) will properly process and secure any property which may have been confiscated or which has otherwise come under their care. Proper handling and security will be in conformity with the law and with the established procedure of the Department.

B. All employees are responsible for safeguarding the property of others. Personnel are to exercise discretion when taking property into their care. In the following instances, property may be properly disposed of without Department intervention:

(1) Except for evidence, contraband, etc. which will be according to policy, property may be secured by the owner or his designated representative.

(2) Personnel should not take property from agencies that have their own procedure for handling property unless that property is part of an investigation or is the product of judicial process, i.e. search warrants, subpoena, etc.

(3) Hazardous materials should be disposed of by authorized personnel having the training and facilities to properly control and store these items.

C. The handling and disposition of property is a phase of the Department involving several areas, i.e. storage, bookkeeping, release, etc., and strict compliance with the procedures is necessary to properly administer the program.

General Order No. 3-12 (Cont.)

III. PROCEDURE

A. All employees of the Department coming into possession of any evidence, controlled dangerous substances, and found or recovered property which may have been confiscated or which has otherwise come under their care will, before the end of their current tour of duty unless otherwise directed by the proper authority, submit the property for storage and complete an Evidence Recovery Log (RPD Form 37) if required. Whenever abandoned property is received from someone other than the owner of the property, in addition to the name and address of the individual delivering the property, the telephone number will be noted in the "Owner" section of the Evidence Recovery Log. Certain property, enumerated in this section, is exempt from being accounted for on an Evidence Recovery Log but will be accounted for as specified in this section.

B. All property taken into possession and placed in storage will be recorded in the Property Control Ledger (RPD Form 39) whether accounted for on a Evidence Recovery Log or not. All property will be identified by the Evidence Recovery Log number, if applicable, and/or by the Complaint Control Number on the envelope/pouch. Property recorded on a Evidence Recovery Log which is released before being stored need not be recorded in the Property Control Ledger

C. A single Property Control Ledger (RPD Form 39) will be maintained for all property stored. Property inventories will be conducted in April and October of each year by the Property Control Officer and the Chief of Police. The inventories will be recorded in the same book. All entries will be chronological. Errors are to be lined through with a single line and initialed by the individual making the entry and correction.

IV. NOTIFICATION

A. Employees coming into possession of another's personal property will, within three days, attempt to notify the owner, if an owner can be determined, that his property is being held and the procedures by which it can be released. The results of such notification or its attempt will be recorded in the "remarks" section of the Evidence Recovery Log, if one is required, or in the investigation report.

B. When abandoned property is received from someone other than its owner, the employee will obtain the name, address, and telephone number of the person turning in that property in addition to the circumstances surrounding the recovery. The appropriate investigative report will be completed and an Evidence Recovery Log if required. Notification procedures as specified in this subsection will be followed.

General Order No. 3-12 (Cont.)

C. If property has not been released by the end of the 90 days following the date it was obtained by the Department, and there is a last known owner or in lieu of an owner, a known party who had delivered the property to the Department, the Property Control Officer will initiate a notification of the Department's intent to dispose of said property. The notification will be sent to the last known address of the owner or person having delivered the property to the Department by certified mail, return receipt requested. The notification shall include:

1. Date stored
2. Property report number
3. Complaint control number
4. Last date that the property may be claimed
5. Location and times when property may be claimed
6. Required identification and proof of ownership

A copy of the notification and evidence of mailing will be attached to the original of the property record or investigative report if no property record is on file.

D. If the property is not claimed within ten days of the last claim date or the first date it is available to the party other than the owner, it will be disposed of according to law.

3-9-5 RELEASING PROPERTY

A. Property will be released to authorized individuals in accordance with departmental procedure.

B. Members will not convert to their own use or have any claim to any evidence or lost, mislaid, recovered or other property.

C. Persons authorized to receive property eligible for release are the rightful owner or the properly authorized representative of the identified owner. When abandoned property has remained unclaimed in the care of the RPD for a period of 90 days, the person having delivered such property to the RPD except RPD personnel, is entitled to its possession.

D. When releasing property, personnel must take steps to ensure that the party claiming the item(s) is entitled to its possession. Each release may necessitate different forms of authorization. Personnel should consider the circumstances of each report and take steps based on the information available, to establish the right of possession. Items that may be considered to establish authorization are:

E. Verbal authorization, under limited circumstances, may be the only form necessary, i.e., when the owner specifically identifies a party to accept. All that would be necessary is proper identification at the time of release.

General Order No. 3-12 (Cont.)

F. Third party releases will require substantial documentation. Form of authorization may be:

- (1) A notarized letter from the owner
- (2) A court order as in the case of divorced spouses, judgments, incarcerated individuals
- (3) Legal documents as in the case of wills, power of attorney, writs of replevin
- (4) The ability to specifically identify property. The right of possession may be established by the claimant's ability to specifically identify the items(s), i.e., engravings, identification markings, serial number, insurance photographs, etc. Identification of items should be established with as much specificity as possible prior to the party viewing the items(s).

RPD employees are charged with the responsibility of safeguarding property and should take steps based on the circumstances of each release to ensure, to the best of their ability, that property held by the RPD is released to the rightful party.

3-9-6 EVIDENCE RECOVERY LOGS

A. The following categories of property will be recorded on separate Evidence Recovery Logs:

- (1) Controlled dangerous substances (CDS), suspected CDS, and paraphernalia which contains CDS
- (2) Evidence having a resale value and contraband
- (3) Lost and found property having a resale value

B. Separate Evidence Recovery Logs will be initiated for each known owner. Each item is to be listed separately whenever feasible.

C. Certain evidence taken into possession of the Department can be exempted from being recorded on property reports, but should always be recorded in the Department's Property Control Ledger, for example: blood samples, fingerprint lifts, broken glass, plaster casts, expended ammunition, vehicle registration plates, driver's licenses, open alcoholic beverage containers, sexual assault kits, canceled checks, etc. Only items which by their very nature have no resale value can be included in this exception. Maryland State Police Form # 67 (Request for Laboratory Analysis) and Form 67A (Request for Laboratory CDS Examination) will be used in the event this type of evidence is forwarded to the Maryland State Police Crime Laboratory Division for analysis. Applicable complaint control numbers on Property Tags (Form #56A) will be used to identify these items.

General Order No. 3-12 (Cont.)

VII. PROPERTY VALUE

Each item will be recorded on an Evidence Recovery Log and the value will be established in terms of resale value only.

VIII. MONIES

Money, insofar as use of an Evidence Recovery Log is concerned, will be treated as property, but will be handled as indicated below.

A. Monies that can be identified as to ownership, and not classified as evidence will be returned to the true owner or authorized representative as soon as possible.

B. Monies that cannot be identified as to true ownership, and not classified as evidence will be retained by the Department until the owner can be identified. Monies in the Department's possession in excess of six months and the owner cannot be identified will be converted to Department property.

C. Monies, classified as evidence, will be retained by the Department upon the conclusion of the case. When directed by the court to otherwise dispose of the monies, the Evidence Recovery Log will be so executed.

D. Except as previously indicated, money coming into the Department's possession will be treated as personal property and recorded on the same Evidence Recovery Log as other items. The items and money will be handled according to procedures for storage, release and/or disposition of personal property as addressed elsewhere in the order.

E. When recording money on the Evidence Recovery Log, the various denomination will be itemized.

IX. PROPERTY REPORTS FILE (LEO 22 FILE)

A. The Department will maintain a LEO 22 "Property Reports" file. It will contain the open property reports filed consecutively by property report number. As the reports are "closed" they will be removed from the LEO 22 file and placed in the LEO 22-1 file in numerical sequence.

B. Property Reports will remain in the LEO 22 file until the property indicated on the record has been disposed of in accordance with Department procedures.

X. PROPERTY CONTROL OFFICER

The Chief of Police shall select an Officer of the Ridgely Police Department to be the custodial officer for all evidence, controlled dangerous substances (CDS) and property.

General Order No. 3-12 (Cont.)

XI. IDENTIFICATION

A. All stored property shall be properly identified by a Evidence Recovery Log number, if applicable, or the Complaint Control Number if not covered by a Evidence Recovery Log number.

1. Property Held Tags (Form #56A) shall be attached to all property held or container holding such property, unless an evidence envelope or heat sealed pouch is used.

3-9-13 EVIDENCE TEMPORARILY REMOVED FROM STORAGE

A. The Property Control Book shall be used whenever any property or evidence is placed into or removed from storage.

B. Court Exhibits

1. Whenever evidence is taken from the storage area to be used in courts as exhibits and is retained by the court, a completed Court Evidence Receipt will be obtained from the applicable court and filed with the applicable Evidence Recovery Log. Proper entry will be made in the Property Control Ledger. If the court disposes of any property without returning it to the Department, a representative of the court should sign the release portion of the Evidence Recovery Log. If such representative of the court refuses to sign, this fact will be so noted on the form.

2. Personnel should not automatically consider a Court Evidence Receipt as a final disposition for purposes of property held procedures. The Property Control Officer shall see that personnel follow up on evidence retained by a court. When the case has been adjudicated and the property has been retained by the court, personnel are to obtain the property and process according to Department policy. If the court refuses to return the property or has disposed of same, the property release should be completed as specified above.

XII. INVENTORIES

A. During the months of April and October, the Property Control Officer will conduct a physical inventory of all property held at the Department. This inventory is to consist of an item by item comparison between the stored property and the Property Reports and the Property Control Book. In cases where evidence or CDS is in properly sealed containers and careful examination does not indicate the seals have been tampered with, the package should not be opened. Inventories shall be completed by the last day of the month. All inventories will be recorded in the next open line of the Property Control Book. The term "inventory", the date, individuals conducting the inventory, and the results, will be recorded in the space available. The entry will indicate that all preceding entries have been accounted for as required.

General Order No. 3-12 (Cont.)

B. During the inventory the Property Control Officer will ensure that proper notification has been made as prescribed in subsection 1-3 "Notification". The custodial officer will also ensure proper disposition of evidence is made once final adjudication of the case has been completed.

3-9-14 CONTROLLED DANGEROUS SUBSTANCE PROCEDURES

A. An Evidence Recovery Log will be immediately executed by the seizing Officer for any amount of CDS or suspected CDS taken into possession regardless of how small. CDS or suspected CDS, including paraphernalia containing CDS, seized as evidence or otherwise acquired, will be recorded on an Evidence Recovery Log independent of any other property relating to the same incident.

B. A Request for Laboratory CDS Examination (Form # 67A) will be completed for any CDS or suspected CDS evidence requiring analysis. Five copies of Form 67A will be submitted to the Maryland State Police Crime Laboratory Division with the CDS evidence. The Form 67A must be typed with all spaces completed.

C. Paraphernalia (pipes, cigarette papers, empty capsules, spoons, plastic bags, bongs, etc.) absent evidence of CDS residue will not be recorded or packaged as prescribed for CDS. Generally, unless the item contains evidence of CDS, it will be recorded, processed and disposed of according to those procedures established for personal property or evidence.

D. Hypodermic Syringes and Needles

1. There are serious health hazards involved when handling hypodermic syringes and needles. Therefore, they should be handled only when necessary and in a most careful manner. All such items should be presumed to be infectious and extreme caution should be exercised to avoid pricking the skin with the needle or allowing any part of the syringe to come into contact with an open cut or scratch. Rubber gloves should be worn anytime a possible infectious item is handled, as well as when making searches of areas where such items may be encountered.

2. Hypodermic syringes and needles, unless absolutely critical to the prosecution of a major case will not be routinely analyzed by the Maryland State Police Crime Laboratory. It is of paramount importance when determining the significance of such evidence to weigh the inherent dangers involved against the seriousness and probable disposition of the case if the analysis is not performed.

3. The supervisor of the Chief of Police will make an immediate determination of the evidentiary value of the needle or syringe. The criteria employed when making the decision should be the seriousness of the offense versus health hazards involved, coupled with predetermined procedures as established with the State's Attorney. When possible, photographs should be used as second best evidence.