

Office of the Sheriff  
Somerset County, Maryland

General Order: 01-14-14

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Chapter 15

Section 1

Property

Procedures for the Administration of Evidence, Controlled Dangerous Substances, and Found or Recovered Property

1. Purpose

This policy establishes property and evidence management guidelines for the SCSO.

2. Policy

It is the policy of the SCSO to provide and maintain accountability, control, and safe storage of all property that it utilizes, recovers, or is being held as evidence.

3. Property Room Supervisor

- A. The Sheriff and Chief Deputy will appoint a Deputy to the position of Property Room Supervisor.
- B. Prior to assuming that responsibility, the SCSO will conduct a background check will be completed which will include the following steps:
  - 1) Drug Test
  - 2) Polygraph/CVSA
  - 3) Credit Check
  - 4) Criminal History Check

C. The Property Supervisor will receive Property and Evidence Management training.

#### 4. Key Control

- A. The SCSO will adhere to the "Two Person Rule" concerning the number of keys to the Property Room.
- B. The Property Room Supervisor and Chief Deputy will each possess one (1) key for the door that secures the Property Room.
- C. If either the Property Room Supervisor or Chief Deputy loses his respective key, the Chief Deputy will immediately have the lock on the Property Room door changed and new keys issued.
- D. The Property Room Supervisor or Chief Deputy will not loan or give the Property Room Door keys to any personnel at the SCSO.

#### 5. Temporary Evidence Box/Locker

- A. Property and/or evidence that is too large to be placed in the temporary evidence box will be secured in the temporary evidence locker.
- B. Sergeants and Corporals will be issued a key to the temporary evidence locker.
- C. Sergeants and Corporals will not be issued keys to the temporary evidence box.
- D. The temporary evidence box and temporary evidence locker are located in the SCSO processing room.

#### 6. Responsibilities

- A. SCSO personnel will record on a Property Record and secure any property which may have been found or confiscated or which has otherwise come under their care.
- B. Proper handling and security will be in conformity with the law and policies and procedures of the SCSO.
- C. Evidence/property which may be considered offensive, *i.e.* sexually explicit, racist or derogatory in nature:
  - 1) Will be processed by all Sheriff's Office personnel in a professional manner;
  - 2) Will not be reproduced, disseminated or displayed beyond investigatory and/or prosecutorial needs; and

- 3) Will be stored in a sealed, opaque container that will prevent viewing by persons not directly involved with the investigation. For film, video, slides, and photographs, detailed logs of review, to include names of persons present and purpose of review, will be maintained in the case file.
- D. SCSO personnel will be responsible for safeguarding the property of others and will exercise discretion when taking property into their care. The handling and disposition of property involves several areas, i.e. storing, bookkeeping, releasing, etc., and strict compliance with the procedures is necessary to properly administer the process.
- E. Instances where property may be disposed of without SCSO are as follows:
- 1) Except for evidence and contraband, which will be processed according to policy, personal property of an arrested individual will be separated from the person, packaged, and appropriately identified as to owner. The package will be transported with the arrestee. If it is not possible to transport the property with the arrestee (*e.g.*, hospitalized due to unconsciousness), established procedures for storage will prevail.
  - 2) Personal property may be secured by the owners or their designated representative.
  - 3) Personal property should not be taken from an agency that has its own procedures for handling property unless that property is part of an investigation, is the product of the judicial process, *i.e.* search warrant, subpoena, etc., or is taken from another state or local government agency for disposal by the SCSO.
  - 4) Personal property that is hazardous materials should be disposed of by authorized personnel having the training and facilities to properly control and store such items.

## 7. Procedures

- A. SCSO Deputies coming into possession of any evidence, controlled dangerous substance, or found or recovered property which may have been confiscated or which has otherwise come under their care, will unless otherwise directed by a Supervisor, submit the property for storage at the SCSO and complete a Property Record before the end of their current tour of duty.
- B. During after hours, if property and/or evidence cannot be secured in the temporary evidence box or temporary evidence locker, the Shift Supervisor will contact the Property Room Supervisor and/or Chief Deputy.

- C. The Property Room Supervisor and/or Chief Deputy will respond to the SCSO and place the property and/or evidence in the Property Room.
- D. The Property Room Supervisor has the “right of refusal” to return to the submitting deputy improperly packaged or labeled property or evidence.

8. Tracker Products Procedures

- A. Upon receiving property/evidence from a temporary storage location, the Property Room Supervisor shall scan the property/evidence label that has been placed onto or attached to said item(s) and place such item(s) into the Property Room. The Property Supervisor will then download the scanned information into the Tracker system updating the case information.
- B. When property/evidence is to be released to an officer or an authorized entity the Property Supervisor shall scan each property/evidence label on the property/evidence to be released indicating the correct disposition. The Property Room Supervisor will then download the scanned information into the Tracker system updating the case information. When property/evidence is to be released permanently, the Property Supervisor will have the individual obtaining the property sign an Item Transfer Receipt.
- C. When property/evidence is returned to the Property Supervisor, the Property Room Supervisor shall scan each property/evidence label on the property/evidence being returned. The Property Supervisor will then download the scanned information into the Tracker system updating the case information.
- D. When property/evidence has been tagged for destruction, the Property Room Supervisor, prior to disposing of such property/evidence, shall scan the property/evidence label and include a notation on such label as to the manner of disposal. The Property Room Supervisor will then download the scanned information into the Tracker system updating the case information.

9. The Property Room Supervisor:

- A. Identify evidence to be analyzed at the Maryland State Police Forensic Sciences Division.
- B. Assure the evidence is properly labeled and packaged for transport to the Maryland State Police Forensic Sciences Division.

- C. Coordinate the transportation of evidence with Maryland State Police Crime Scene Unit personnel. Evidence will be transported to the Maryland State Police Forensic Laboratory within ten (10) business days.
- D. Contact the Maryland State Police Forensic Laboratory if a CDS laboratory report has not been received at least three (3) business days before a scheduled trial date.

10. Notification

- A. SCSO Deputies coming into possession of another's personal property will, within three (3) days, attempt to notify and inform the owner, if an owner can be determined, that the owner's property is being held and the procedures by which it can be released. If the owner is known but cannot be notified, the results of such notification attempt and will be recorded in the investigative report.
- B. When abandoned property is received from someone other than its owner, obtain the name, address, and telephone number of the person turning in that property in addition to the circumstances surrounding the recovery, which will be explained in the investigative report. Deputies will not be listed as the owner or claimant on the Property Record.
- C. For property that has not been released by sixth (6) months following the date it was obtained by the SCSO, and there is a last known owner or, in lieu of an owner, a known party who delivered the property to the SCSO, the Property Room Supervisor will initiate a notification of the intent of the SCSO to dispose of said property. The notification will be sent by certified mail, return receipt requested, to the last known address of the owner of person who delivered the property to the SCSO.
- D. The notification shall include:
  - 1) Date stored;
  - 2) Property Record Number;
  - 3) Incident Report number;
  - 4) Last date that the property may be claimed at the Sheriff's Office ;
  - 5) Location and times where property may be claimed; and
  - 6) Required identification and proof of ownership (which vary with types of property)

- E. The original copy of the notification, attempts to notify the owner, and evidence will be attached to the Property Record or investigative report if no Property Record is available.
- F. Property not claimed within ten (10) days of the last claim date or the first date it is available to the party other than the owner, will be disposed of according to law.

11. Releasing Property

- A. SCSO employees will not convert to their own use or have any claim to any evidence or other property either lost, mislaid or recovered.
- B. Property will be released to authorized individuals in accordance with SCSO Procedure.
- C. Persons authorized to receive property eligible for release are the rightful owner of the property or the authorized representative of the identified owner.
- D. Abandoned property that remained unclaimed in the care of the SCSO for six (6) months may be claimed by the person who, except, SCSO personnel, delivered such property to the SCSO.
- E. SCSO personnel releasing property must take steps to ensure that the party claiming the item(s) is entitled to the 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 right of possession. Items that may be considered to establish authorization are:
  - 1) Verbal authorization, under limited circumstances may be the only form necessary, *i.e.*, when the owner specifically identifies a party to accept. Only proper identification at the time of release is necessary.
  - 2) Third party releases require substantial documentation. Forms of authorization may be:
    - a) A notarized letter from the owner;
    - b) A court order as in the case of divorced spouses, judgments, incarcerated individuals;
    - c) Legal documents as in the case of wills, power of attorney, writs of replevin; and

d) The ability to specifically identify property. The right of possession may be established by the claimant's ability to specifically identify the item(s), *i.e.*, engravings, identification markings, serial numbers, insurance photographs, etc. Identification of items should be established with as much specificity as possible prior to the party viewing the item(s).

F. SCSO Deputies 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 SCSO is released to the rightful owner.

## 12. Accountability

A. The Property Room Supervisor will maintain a master inventory of the pre-numbered Property Record form issued.

B. The Property Room Supervisor will maintain a master ledger of all open and closed SCSO Property Records. This ledger is subject to review by the Sheriff or other authorized personnel.

C. The Property Room Supervisor will maintain an inventory of the Property Records issued to the SCSO. The record number will be recorded in the Property Record Issuance Log, Form 63-A.

## 13. Property Records

A. The types of property that will be recorded on separate Property Records are as follows:

1) CDS, suspected CDS, and paraphernalia which contains CDS;

2) Evidence;

3) Contraband;

4) Lost or found property; and

5) Money or property seized for forfeiture in relation to a CDS or gambling violation.

B. Separate Property Record forms will be initiated for each known owner.

C. Each item will be listed separately whenever feasible.

- D. Items which generally can be excluded from item-by-item listing are: keys, pencils, old or used clothes, etc.
- E. Equipment or property that belongs to the SCSO, including firearms that are taken from sworn employees following accidental discharges or SCSO shootings will not be placed on a Property Record.
- F. Evidence for Laboratory Analysis.
  - 1) In addition to any Property Record requirements that may exist, all items seized or recovered as evidence or potential evidence will be recorded on one of the following:
    - a) SCSO Form 70, Request for Laboratory Analysis/Chain of Custody (non-CDS); or
    - b) Maryland State Police Form 67-A, Request for Laboratory CDS Examination/Chain of Custody.
  - 2) A properly completed evidence envelope will be used to hold evidence or any other small items that come into the possession of the SCSO. Incident Report Numbers shall be used to identify items on Form 70.
  - 3) Maryland State Police Form 67-A for items being submitted to the lab will be typed.
  - 4) Items of evidentiary value or items that are sent to the Maryland State Police Forensic Laboratory for analysis will be accompanied by a Maryland State Police Form 67, regardless of whether a Property Record for the item has already been completed. This will ensure that a proper chain of custody log accompanies the evidence.
  - 5) All items deemed to be evidence that are placed on a Property Record will be so indicated in the appropriate space on the Property Record.
  - 6) Property that is recorded on a Property Record that has no evidentiary value need not be listed on a separate Form 70.
  - 7) After worthless (*i.e.*, no resale value) property that is recorded on a Form 70, has been destroyed, or at the conclusion of a case. A copy of the Form 70 will be placed in the case file.

- G. When there are a greater number of items to be listed on a Property Record than such record will accommodate, additional items will be recorded on a Property Record continuation sheet. Property Record continuation sheets will be referenced to the corresponding Property Record.
- H. In all instances where more than one Property Record is used for the same case, all Property Record numbers will be crossed referenced in the remarks section.
- I. To facilitate the timely disposal of stored property in cases where an arrest is made and property is held as evidence, the corresponding arrest number(s) will be included in the applicable space on the Property Record. For evidence not included on the Property Record, the arrest tracking number(s) will be recorded on Form 70.

14. Items Required to be Placed on a Property Record

- A. Each item will be recorded in the column provided on the Property Record.
- B. Items such as genuine antiques, gems, precious metals, pieces of art, coins of gold, silver, and currency worth more than face value, etc., will be individually listed.
- C. Federal, State, and local law prohibit the sale of certain property, regardless of its condition. These types of items are required to be on Property Records for control purposes. The following items are considered to fall within these guidelines and shall be placed on a Property Record:
  - 1) Firearms;
  - 2) Ammunition;
  - 3) Law Enforcement Uniforms and Equipment;
  - 4) Military Uniforms and Equipment;
  - 5) Electronic/Mechanical Gambling devices;
  - 6) Electronic surveillance devices and related equipment required to be regulated by the Maryland State Police;
  - 7) Tobacco products, for quantities exceeding personal use;
  - 8) Illegally recorded material such as "pirate tapes," computer programs, etc.;
  - 9) Any vehicle part with altered serial number, other counterfeit goods and currency; and
  - 10) Unopened alcoholic beverages, in quantities exceeding personal use.

## 15. Currency

- A. Currency, insofar as use of the Property Record is concerned, will be treated as property, but will be handled as follows:
  - 1) Money that can be identified as to ownership, and not classified as evidence or subject to forfeiture as in item #4 below, will be returned to the true owner or authorized representative as soon as possible;
  - 2) Money that cannot be identified as to true ownership, and not classified as evidence, will be recorded on a Property Record in conformance with SCSO policy;
  - 3) Money classified as evidence will be recorded on a Property Record and placed in the Property Room. Upon conclusion of the case and upon authorization of the State's Attorney for Somerset County, money seized as evidence will be disposed of; and
  - 4) Money seized for forfeiture under State law is seized if there is probable cause to believe the money is connected with illegal drugs or illegal gambling. Such money will be handled as outlined below:
    - a) Monies seized will be placed on a Property Record;
    - b) The seized monies will be taken to the Treasurer's Office for Somerset County, Maryland;
    - c) The seized monies will be deposited into the seized monies account for the SCSO; and
    - d) A receipt will be obtained and will be attached to the Property Record and will be placed in the case file.
- B. When recording money on the Property Record, the various denominations will be itemized. The words "Total Amount" and the exact total will be indicated on the Property Room.
- C. Supervisors will verify currency amounts recorded on Property Records and will sign the Property Record indicating the amount has been verified.
- D. Any money, such as collectors' items and coins or currency, worth more than face value will be retained as originally received, and no other currency substituted.
- E. Claims to money will be forwarded to the Sheriff only after they have been verified by the Property Room Supervisor.

- F. Verification shall be made by memoranda to the Sheriff and will include the name and address and social security number of the claimant and the applicable Property Record number.
- G. The Property Room Supervisor will be responsible for processing the claim and returning the money to the claimant.

16. Duties of the Deputy who Seizes Currency

- A. Money may be seized whenever there is probable cause to believe it has been used or is intended to be used in connection with the possession, distribution, manufacturing or importation of illegal drugs or in connection with illegal gambling.
- B. A separate Property Record shall be completed for each individual from whom money is seized. When money is not seized from the person or any individual, all individuals present are deemed to be in constructive possession of the money, unless one or more individual asserts a claim to the money.
- C. The Property Record will contain the name, address, and social security number of:
  - 1) The individual from whom the money was seized, and/or
  - 2) Any individual who makes a claim to the money, or
  - 3) All individuals present, if the money is in the constructive possession of individuals and no individual asserts a claim to the money.
- D. The remarks section of the Property Record may be used to record additional information on names, addresses and social security numbers.
- E. By the end of the shift, place a copy of the Property Record and the money in a Property Envelope and place it in the temporary evidence locker.

17. Distribution of Property Records

- A. Retain White copy for Office Records.
- B. Place Yellow copy in investigative case file.
- C. Give pink copy to person receiving the property.

18. Destruction of Property

- A. Authorization to destroy property must be obtained from the State's Attorney for Somerset County prior to destruction.

- B. When property is to be destroyed, the Property Room Supervisor and, if applicable personnel from an allied agency will witness the destruction.
- C. Unopened and opened alcoholic beverage containers seized as contraband that have no evidentiary value or when the owner is unknown, may be destroyed locally at the SCSO.
- D. CDS or suspected CDS will be disposed of only as specified under the CDS provisions of this Chapter.
- E. Request for destruction must be made by the Property Room Supervisor.

#### 19. Property Releases

- A. A release of all items listed on a Property Record will be accomplished by completing the Release section in the lower portion of the Property Record.
- B. A partial release of one or more items will be accomplished by completing the "Partial Release" columns on the Property Record.
- C. The Deputy releasing the property will type/print, in the appropriate space; the name of the person to who each item is being released and have that individual sign the same space.
- D. The last item or group of items on a Property Record will not require the completion of the partial release columns, but will be handled in the same manner as a full release.

#### 20. Voiding Property Records

- A. If a deputy request a Property Record be voided, the deputy will complete the following:
  - i. The deputy will submit a SCSO Form 17 to the Property Room Supervisor explaining why he/she is requesting the Property Record be voided; and
  - ii. The SCSO Form 17 must be attached to the Property Record that the deputy is requesting to be voided.
- B. The Property Room Supervisor will write "Void" on the Property Record.
- C. The Property Room Supervisor shall insert the date the record is voided in the Property Record Ledger.
- D. All voided Property Records and attached SCSO Form 17 from the submitting deputy will be placed in the "Closed" Property Records file.

## 21. Official Use of Property of Known Ownership

- A. Usable items of property which were directly obtained by a SCSO employee in pursuit of his/her official duties, which are released to the SCSO either voluntarily by the owner (under certain circumstances) or by a court order, may be immediately converted to official use, following the Sheriff's approval of a written request for such usage.
- B. Photographs of the subject property will be attached to the request.
- C. Items of this type will be considered SCSO property and will be utilized, cared for, and if appropriate, disposed of according to established procedures. In the case of motor vehicles, the Chief Deputy will ensure that the vehicle is retitled in the name of the SCSO before it is put into service.

## 22. Files

- A. A Property Record issuance log (Form 63-A) will be maintained to indicate the status of each Property Record and will be filed in the operations files.
- B. As records are closed, they will be filed in the "Closed" file of the operations files.

## 23. Inventories

- A. Annual inventory of property and evidence stored in the SCSO Property Room will be conducted during the month of December.
- B. These inventories will consist of a visual item-by-item inspection.
- C. 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.
- D. Inventories will be completed by the Property Room Supervisor by the last day of June 30<sup>th</sup> and December 31<sup>st</sup>.
- E. Inventory reports will be inspected by the Chief Deputy and will be placed in the Administrative file.

## 24. Audit

- A. An audit of the SCSO Property Room will be conducted on an annual basis.
- B. The primary reason for conducting audits is to identify any discrepancies.

- C. The audit will be conducted during the month of December.
- D. The audit will consist of a review of SCSO policies and procedures, documentation and facilities at the SCSO.
- E. The Sheriff or Chief Deputy may contact and request an allied agency to assist with the audit.

#### 25. CDS Procedures

- A. The following procedures have been established for the handling of all alleged or known CDS and paraphernalia containing CDS which has been acquired by SCSO personnel.
- B. When CDS or suspected CDS is taken into custody, it will be weighed on a SCSO scale and counted if applicable by the seizing deputy in the presence of a Supervisor. The substance will be secured in a SCSO approved, heat sealed, clear polyester evidence pouch. The package will be identified with the adhesive label placed on the upper right hand corner of the heat sealed end. The sealing deputy will initial over the heat seal with indelible ink. Cases requiring multiple pouches for submission will have the pouches labeled Bag #1 of N, Bag #2 of N, etc. where "N" is the total number of pouches being submitted to the Maryland State Police Forensic Service Division.
- C. Evidence contaminated with any type of fluid and/or recovered from a body cavity must have a "Biohazard warning label prominently attached to the evidence pouch.
- D. A Property Record will be immediately executed by the seizing Deputy for any amount of CDS or suspected CDS taken into possession regardless of how small. Any suspect(s) from whom the CDS was seized will be listed as the owner(s) on the Property Record.
- E. CDS or suspected CDS, including paraphernalia containing CDS, seized as evidence or otherwise acquired, will be recorded on a Property Record independent of any other property relating to the same incident.
- F. The witnessing Supervisor will verify the count and weight of all seized CDS, suspected CDS, and paraphernalia containing CDS. This verification will be by legible signature on all copies of the Property Record.
- G. A Request for Laboratory CDS Examination (MSP 67-A) will be completed for any CDS or suspected CDS evidence requiring analysis.
  - 1) All entries, except signatures, on Form 67-A will be typed, and all suspect information must be completed.

- 2) If multiple suspects are required to be placed on the same Form 67-A, list them separately by name.
  - 3) The wording: "Evidence Pouch N of N": one heat sealed bag containing the following: N (indicating the number of heat sealed bags submitted) shall be typed before any listed evidence.
  - 4) Each exhibit listed should be numbered in a sequence to correlate with any associated identification numbers.
  - 5) If multiple pouches are needed, group the items together in the order they are listed on the Form 67-A.
  - 6) The most important item should be listed first and preceded by an asterisk.
  - 7) Any other items that the deputy thinks should be analyzed will also be preceded by an asterisk.
  - 8) List subsequent items in a descending order of importance to the case as all items may not be analyzed.
  - 9) Do not submit non-essential items and then place an asterisk next to each one.
  - 10) No weights or verification signatures should appear on the Form 67-A.
- H. 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. Further, it will not be forwarded to the Maryland State Police Laboratory for analysis or destruction. 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. If an item categorized as CDS paraphernalia is not considered an essential piece of evidence for the investigation, it is not necessary to record the CDS paraphernalia on a Form 67-A. In these instances, such an item should be recorded on a Chain of Custody SCSO Form 70 may remain stored at the SCSO.
- I. All evidence/property that is considered CDS, suspected CDS, or CDS paraphernalia that contains suspected CDS will be secured in an SCSO approved heat sealed, clear polyester evidence pouch.
- J. A request for priority rush analysis on CDS evidence should be made in writing to the MSP Forensic Sciences Division by the State's Attorney for Somerset County.

- 1) All of the necessary information should be contained on the receipt (pink) copy of the Maryland State Police Form 67-A which is returned to the submitting deputy as the time the CDS evidence is accepted at the Maryland State Police Forensic Services Division.
  - 2) The submitting deputy should forward a copy of the receipted Maryland State Police Form 67-A to the State's Attorney for Somerset County immediately after submitting the CDS evidence to the Forensic Services Division.
  - 3) The written request from the State's Attorney for Somerset County must contain the Forensic Services Division file number, date the CDS evidence was submitted to the Forensic Services Division, defendant/suspect(s) name, name of the submitting agency, case number and/or Property Record number.
  - 4) A photocopy of the Maryland State Police Form 67-A should be attached to the written request for priority rush analysis.
- K. Assistance from the Forensic Services Division technologist. The following procedures will be adhered to in obtaining assistance from a Forensic Services Division chemist when circumstances specifically relate to handling, preservation, transportation or analysis of substances normally associated with the manufacturing and/or trafficking of illicit drugs (*i.e.* liquid PCP, ether, hydrochloric acid, potassium carbonate, etc.):
- 1) In order to ensure safe handling and appropriate disposition of these illicit substances which may pose a threat to personal safety, SCSO personnel who encounter such substances (either by design or unintentionally during search and seizure, controlled buys, drug interdiction, etc.) shall seek the advice of the Federal Regional Drug Enforcement Administration (DEA) Local Hazardous Material Response Unit:
  - 2) Individuals requesting consultation with a Forensic Services Division chemist Monday thru Friday from 0800 to 1600 hours may contact the Forensic Services Division drug analysis location servicing their area. At all other times, they should contact the Maryland State Police Telecommunications Section Duty Officer. The Maryland State Police Duty Officer will contact the Regional DEA Office.
  - 3) If it is determined that any substance poses a safety threat, the following steps should be taken to minimize risk to personal safety:
    - a) The immediate area around the substance will be secured and vacated;

- b) The appropriate explosive/bomb specialist from the State Fire Marshall's Office may be summoned when a material is considered extremely volatile and/or
    - c) The Hazardous Material Unit of the Fire Marshall's Office may be consulted for guidance and to provide contaminant equipment.
  - 4) The closest Fire Department will be requested to stand-by with appropriate equipment until the situation is neutralized, when circumstances indicate their necessity.
  - 5) When conditions are safe, a small sample of the substance should be collected for an analysis and an order to destroy the remaining substance will be obtained from the State's Attorney for Somerset County.
  - 6) The collected sample will be transported to the Forensic Services Division as soon as possible by the SCSO Criminal Section Supervisor or Maryland State Police Crime Scene Unit personnel.
- L. If it is determined that the substance does not pose an immediate threat, the Criminal Section Supervisor will collect and preserve a representative sample. The Criminal Section Supervisor or Maryland State Police Crime Scene Unit personnel will transport the item to the Forensic Services Division for analysis.
- M. Evidence requiring both CDS and latent print examinations requires special handling and the submission of both a Maryland State Police Form 67 for the latent print examination and a Maryland State Police Form 67-A for the CDS analysis. Refer to the Maryland State Police Crime Lab guidelines for submission of Physical Evidence or contact the Latent Print/Chemistry Unit Supervisor or regional Laboratory Supervisor for further assistance.

## 26. Hypodermic Syringes and Needles

- A. Syringes will only be accepted at the MSP Forensic Sciences Division for analysis when pre-approved in writing by the Forensic Services Director, Deputy Director, or Assistant Commander in response to a written special request made by the State's Attorney. The parameters of such request are defined in the Maryland State Police Forensic Services Division guidelines for submitting physical evidence. Syringes should be submitted to the Forensic Services Division with the needle portion removed.
- B. 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.

- 1) 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.
  - 2) Rubber gloves should be worn anytime a potential infectious item is handled, as well as when making searches of areas where such items may be encountered.
  - 3) Searches should first be made visually, if possible, using a mirror if necessary, to observe difficult areas, *i.e.*, under vehicle seats, unexposed shelves, etc.
  - 4) All such searches should be conducted in a careful, slow and deliberate manner.
- C. Hypodermic syringes and needles, unless absolutely critical to the prosecution of a major case, will not be routinely analyzed by the Forensic Services Division. 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. In many cases, there are other less hazardous exhibits emanating from the same case which can be introduced into evidence with more substantial results.
- D. The Property Room Supervisor, or in his/her absence the shift Supervisor, will make an immediate determination of the evidentiary value of the needle or syringe. The criteria employed when making this decision should be the seriousness of the offense versus health hazards involved, coupled with predetermined procedures as established with the local States Attorney. When possible, photographs should be used as second best evidence. If it is determined that a syringe that has been seized has evidentiary value, but will be disposed of, a photograph and a Form 70, Chain of Custody will be used to document the seizure. The Form 70 will be placed in the investigative case file.
- E. Hypodermic syringes and needles fall under the categories of infectious waste or hazardous waste materials and will be disposed of using an "infectious Waste" sharps container.
- 1) All syringes, needles, and similar sharp hazardous objects determined to have no probative value or are determined not to be crucial evidence, will be inserted into the container needle point down without bending, cutting, snipping off, or in any way tampering with the needle; leaving them capped if recovered capped and uncapped if recovered uncapped. All syringes and needles will be disposed of in this manner.

- 2) No other disposal device or method will be substituted by SCSO personnel.
- 3) The container will be kept in the property/evidence temporary holding area or similar location accessible to Supervisor s only, and will be clearly marked with a "Bio Hazard" sign.
- 4) When the container is full, it will be properly disposed of by the Property Room Supervisor.
- 5) Hypodermic syringes and needles will not be submitted to the Forensic Services Division for destruction.

- F. The Property Room Supervisor, or in his/her absence the shift Supervisor, will make an immediate determination of the evidentiary value of the needle or syringe. The criteria employed when making this decision should be the seriousness of the offense versus health hazards involved, coupled with predetermined procedures as established with the local States Attorney. When possible, photographs should be used as second best evidence. If it is determined that a syringe that has been seized has evidentiary value, but will be disposed of, a photograph and a Form 70, Chain of Custody will be used to document the seizure. The Form 70 will be placed in the investigative case file.
- G. Evidence requiring both CDS and latent print examinations requires special handling and the submission of both a Maryland State Police Form 67 for the latent print examination and a Maryland State Police Form 67-A for the CDS analysis. Refer to the Maryland State Police Crime Lab guidelines for submission of Physical Evidence or contact the Latent Print/Chemistry Unit Supervisor or regional Laboratory Supervisor for further assistance.

## 27. Chain of Custody

- A. CDS will be recorded in the SCSO Property Control Tracker Products Computer Program by the Property Room Supervisor noting the date(s) when the CDS is placed in, removed from, or returned to storage. Any movement of evidence must also be documented on the chain of custody portion of the MSP Form 67-A.
- B. Laboratory Analysis
- 1) All CDS and suspected CSDS evidence requiring laboratory analysis will be expeditiously transported to the laboratory within no more than five (5) working days from seizure or recovery.

- 2) The Property Room Supervisor or his/her designee transporting the CDS evidence to the Forensic Services Division will make an appointment with the evidence coordinator and deliver the heat sealed evidence bag(s) and the attached documentation to the respective Forensic Service Division Laboratory. The white copy of the Form 67-A and the evidence will be returned by the Property Room Supervisor or his designee.
  - a) Before making the delivery, the Property Room Supervisor will check the integrity of the package(s) and the contents against the paperwork for obvious discrepancies.
  - b) If any discrepancies exist that can not be rectified at the time of submission, the evidence will be returned to the submitting Deputy, along with an explanation for the rejection.
  - c) When it is determined that the forms are complete and accurate, and that evidence described on the MSP Form 67-A is acceptable, the Property Room Supervisor will sign the chain of custody, and deliver the package(s) to the MSP lab.
  - d) If a discrepancy is discovered between the descriptions given on the Form MSP 67-A and what the chemist actually observes, the MSP lab will send a letter to the submitting Deputy.

C. Evidence involving large quantities of materials must be random sampled.

- 1) For tablets and capsules of a greater quantity than fifty (50), a 10 % random sample should be submitted to the MSP Lab. Quantities less than fifty (50) may be submitted in their entirety. Note on the Form 67-A if the submission is a random sample.
- 2) Exhibits involving whole marijuana plants of a length greater than one (1) foot should be submitted by taking parts of the plant and submitting them. Parts to be included are the leaves, flowering tops and stems. Mature stalks and roots need not be included. Seizures dealing with a large number of plants should follow the 10% random sampling guide. Note on the MSP Form 67-A that the submission is a random sampling.

- 3) Bulk quantities of vegetable matter or powders greater than one (1) kilogram should be random sampled by taking random samples from different locations within the exhibit (including the core), packaged separately and labeled individually. Submit one (1) random sample for every 200 grams of bulk matter. Each random sample must be at least a (1) gram, but not greater than five (5) grams in net weight. The sampling tool must be routinely cleaned with alcohol before using and between each sample. Persons taking the random sample should initial each container/package. Note on MSP Form 67-A that the submission is a random sample.
- 4) In the above instances, one Property Record will be prepared covering both the samples submitted and the remainder left in the CDS Property Room.

D. CDS or suspected CDS submitted for analysis will be identified in the "Item Description" section of the Property Record and clearly marked "Submitted for Analysis" along with the package number containing the material. Amounts of CDS, suspected CDS, and paraphernalia containing CDS remaining in the CDS storage locker in the Property Room will be listed on the Property Record with the notation "Remaining in the CDS storage locker" along with any package number(s) containing the material or paraphernalia. For example, one Property Record is completed with the following entries:

- 1) Item #1: 25 capsules of suspected CDS submitted for analysis. Count verified by: (Supervisor 's legible signature)
- 2) Item #2: 975 like capsules remain in CDS storage locker. Count verified by: (Supervisor 's legible signature)
- 3) Item #3: 5 pipes with suspected CDS residue remain in CDS storage locker. Count verified by (Supervisor 's legible signature)
- 4) Item #4: 6 packages each containing a sample of suspected CDS submitted for analysis.

Item 4A: 3.8 grams

Item 4B: 4.8 grams

Item 4C: 3.16 grams

Item 4D: 5.0 grams

Item 4E: 2.8 gram

Item 4F: 2.9 grams

5) Item 5: 1,050 grams of suspected CDS remain in CDS storage locker. Weight verified by: (Supervisor 's legible signature)

E. To assist in the successful prosecution of CDS cases, it may be advisable to photograph all large seizures of CDS prior to submission for analysis.

#### 28. Court Custody

- A. When CDS or suspected CDS is taken into custody by the Court, the Court evidence receipt will be attached to the Property Record to establish that it is no longer in the possession of the SCSO. Upon completion of the judicial proceedings, and return of the evidence to the custody of the SCSO, the completed Court Evidence Receipt will be attached to the Property Record.
- B. In the event it is necessary to open a sealed CDS evidence pouch for Judicial proceeding or any other purpose, the weight or count will be verified upon return to the SCSO and the pouch resealed and initialed.
- C. During inventories or upon change of custody of the sealed pouch after laboratory analysis, the Property Room Supervisor conducting the inventory will inspect the evidence pouch and verify that the seal is intact. Any indication that the seal or pouch has been tampered with or altered in any manner will be cause to immediately notify the Sheriff.

#### 29. Storage

- A. The Chief Deputy will designate a Deputy as being responsible for the security and storage of property and CDS or suspected CDS and paraphernalia containing CDS.
- B. When practical, the storage location for CDS evidence will be separate from other types of evidence.
- C. Stored CDS will be secured in a locked safe within the SCSO Office Property Room.

#### 30. Refrigeration

- A. Any and all DNA evidence will be stored in a refrigerator in the Property Room.
- B. SCSO personnel who obtain DNA evidence will contact the Property Room Supervisor or Chief Deputy and request that the evidence be secured.
- C. If during after hours, SCSO personnel will follow this policy as outlined in line B.

- D. The Property Room Supervisor or Chief Deputy will respond to the SCSO and secure the evidence in the refrigerator.

31. Destruction of Controlled Dangerous Substances

- A. All destruction of CDS, suspected CDS, and CDS paraphernalia will be coordinated by the Property Room Supervisor.
- B. The Property Room Supervisor, with the concurrence of the States Attorney, will identify which CDS and paraphernalia that is in SCSO custody is to be destroyed.
- C. Upon receipt of the items for destruction, the release portion of the Property Record will be executed. The receipt copy will be retained for five (5) years after destruction of the evidence and then destroyed.
- D. All listed items must be present at the time of on-site destruction.
- E. The procedure for destroying CDS, suspected CDS, and CDS paraphernalia containing CDS is as follows:
  - 1) Obtain written authorization from the State's Attorney for Somerset County prior to the destruction of CDS, suspected CDS, and paraphernalia containing CDS.
  - 2) The Property Room Supervisor may request personnel from an allied agency to witness the destruction.

32. Destruction of Marijuana Plants

- A. The destruction of marijuana plants may be carried out at a local level when long term storage of a large quantity of marijuana plants seized is impractical.
- B. Obtain written authorization from the State's Attorney for Somerset County prior to the destruction from the States Attorney.
- C. Photograph the marijuana plants that will be destroyed.
- D. The Property Room Supervisor may request personnel from an allied agency to witness the destruction.
- E. After the destruction, the Property Room Supervisor will coordinate the following:
  - 1) Complete a report listing the date, time, location and method of destruction;
  - 2) Description of the marijuana plants destroyed (count and approximate heights);

- 3) Name of the employee who destroyed the plants;
- 4) Names and ranks of employees who witnessed the destruction; and
- 5) Photocopies of the closed Property Records and the States Attorney's written authorization to destroy the marijuana which will be placed in the "Closed" Property Record file.

33. CDS for Display, Demonstration and Investigative Purposes

- A. Except for laminated marijuana leaves, all CDS samples contained on display boards or plaques, in kits, or in other educational or public information materials maintained by the SCSO or under the control of a Deputy shall be simulated.

34. Firearms

A. Determining ownership

- 1) Deputies who seize or otherwise receive a firearm will attempt, in all cases, to identify ownership by:
  - a) Searching the Maryland Interagency Law Enforcement System (MILES) and the Maryland Automated Firearms Identification System (MAFIS).
  - b) Requesting a trace of the firearm through the MSP Firearms Unit by completing a Firearms Report, MSP Form 219-B. The Form will be forwarded by the Deputy via facsimile to the MSP Firearms Unit. The MSP Form 219-B will be placed in the investigative case file.

35. Care and Maintenance of Seized Firearms

- A. All weapons will be photographed with all damage and the serial number documented.
- B. Once the weapons are photographed, they will be cleaned, oiled and placed in the SCSO Armory.
- C. All weapons will be checked and oiled every thirty (30) days to maintain the condition in which they were received.
- D. All weapons will be logged in the weapons seized log and the computer data maintained by the SCSO Office Armorer.
- E. All weapons shall be documented on a Property Record.

### 36. Firearms Returned to Owners

- A. Prior to a firearm being returned to its owner, SCSO personnel responsible for the release of property will check all State and Federal criminal history records to ensure that the person receiving the firearm is not prohibited from possessing a regulated firearm or long gun.
- B. The criminal history check will include CJIS, NCIC, and District Court records. When criminal history checks are performed, SCSO personnel will ensure that the proper code is entered. The code for weapons related background check is "F."
- C. Enumerated on a Form 17 will be the databases checked, the date they were checked, and the name of the person who completed the check. The Form 17 will be affixed to the SCSO's copy of the Property Record at the time a firearm is released to its rightful owner.

### 37. Firearms in SCSO Possession

- A. Authority: The authority for the disposition of firearms that come into the possession of the SCSO is pursuant to at least one of the sections in the Annotated Code of Maryland, Criminal Law §§ 4-201, or 4-203, or 4-301, or 4-304, or 4-306, or 4-401, or 5-622, or 5-133; or Criminal Procedure Article, Title 13, subtitle 2; or Public Safety Article §§2-311 or 5-101, or 5-118, or 5-133, or 5-135; for a violation of United States Code (USC), Title 18, Section 922, *et seq.* (applies to all firearms); and Family Law, §§4-506, or 4-511.
  - 1) CP §Title 13 provides for the seizure and forfeiture of handguns worn, carried or transported in violation of CR §§4-203.
  - 2) CR §§4-304 states that assault pistols "may be seized by a law enforcement agency as contraband and disposed of according to regulation" in accordance with sub headings CR §§4-301, 4-304, 4-306.
  - 3) PS §§5-135 " Any regulated firearm sold, rented, transferred, possessed, received, or purchased in violation of this subheading may be seized by a law enforcement agency as contraband and, after a finding of guilt, disposed of according to the regulations of the seizing law enforcement agency. PS §§5-133 restricts the sale, transfer and possession of regulated firearms by a dealer or person to a person who:
    - a) Has been convicted of;
      - i. A crime of violence

- ii. Any violation classified as a felony in this State or any conspiracy to commit any crimes established by those regulations.
  - iii. Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than two (2) years.
  - iv. Any violation classified as a common law offense where the person received a term of imprisonment of more than two (2) years.
- b) Is a fugitive from justice;
  - c) Is a habitual drunkard;
  - d) Is addicted to or a habitual user of any CDS;
  - e) Is suffering from a mental disorder as defined in Section 10-101(f) (2) of the Health-General Article, and has a history of violent behavior against another person or self, or has been confined for more than thirty (30) consecutive days to a facility as defined in Section 10-101 of the Health- General Article, unless the person possesses a physician’s certification that the person is capable of possessing a regulated firearm without undue danger to the person or others;
  - f) Is visibly under the influence of alcohol or drugs;
  - g) Is less than twenty one (21) years of age;
  - h) Is a participant in a “Straw purchase” as defined in PS §5-101;
  - i) Is a respondent against whom a current non ex-parte civil protective order has been entered under Section 4-506 of the Family Law Article; and/or
  - j) Is less than thirty (30) years of age at the time the possession and has been adjudicated delinquent by a juvenile court for committing:
    - i. A crime of violence;
    - ii. Any violation classified as a felony in this state; or
    - iii. Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than two (2) years.

- B. CR §5-622 states that any person may not possess, own, carry, transport a firearm if the person has been convicted of a felony under the Criminal Law Article, Title 5 (CDS); an offense under the laws of the United States, another state, or the District of Columbia that would be a felony under the controlled dangerous substance law if committed in this State; or conspiracy or attempt to commit any of the aforesaid offenses. The term firearm is defined in CR §5-622 as follows: handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those terms are defined in CR §4-201; machine gun, as defined in CR §4-401; and regulated firearm, as defined in CR §5-101.
- C. Family Law, §4-506(d) (12), Protective Orders, shall include an order by the issuing Judge “for the respondent to surrender to law enforcement authorities any firearm in the respondent’s possession for duration of the protective order.”
- D. Family Law, §4-511 states that at the scene of an alleged act of domestic violence a law enforcement officer may remove a firearm if:
  - 1) The officer has probable cause to believe that an act of domestic violence has occurred; and/or
  - 2) The officer has observed the firearm on the scene during the response.
- E. Federal Law, 18 USC 922(g) provides prohibition against similar to PS §5-133, but that apply to all firearms and not just “regulated firearms.”

38. Disposition

- A. For a firearm confiscated pursuant to CR §4-203, CP Title 13, Subtitle 2, CR §5-622, or PS §5-135, the reviewing officer (Chief Deputy) will make a disposition of the firearm which may include:
  - 1) Returning the firearm to the owner after a review of the case indicates it is not needed as evidence and that the owner did not use the firearm or knowingly permits it to be used in violation of the law and that the owner is not prohibited from possessing firearms.

- 2) Allow the transfer or sale of a firearm seized under PS §5-135. The firearm owner (where there is no finding of guilt) may designate a non-prohibited person to receive the firearm when originally obtained under a lawful transaction (*e.g.*, a dealer sold the firearm after the seven (7) day waiting period expired) or where an offense after the purchase renders the owner prohibited from possessing the firearm. This is done by a secondary sales registration process being completed, at a MSP installation, between the person receiving the firearm and the firearm owner who is prohibited from possessing a firearm.
  - 3) Retaining the firearm for use as evidence; the firearm may be disposed of by the court at the conclusion of the case.
  - 4) Forfeiting the firearms.
- B. Assault pistols, as described in CR §4-301, found to be in the possession of someone other than the person registered as the owner in MAFIS prior to August 1, 1994, will not be returned and will be seized as contraband.
  - C. Assault pistols seized pursuant to CR §4-304 will be disposed of according to established SCSO Policy if not needed for evidence in a criminal case or criminal investigation.
  - D. For firearms seized under Family Law, §4-511, "At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under 4-506 of this subtitle."
  - E. The owner shall be properly notified on SCSO Form 21, Firearms/Handgun Disposition, by certified mail, "Return Receipt Requested," by the Chief Deputy concerning the intended disposition of all firearms.
  - F. When it has been determined that a non-resident owner is entitled to his firearm, the Property Room Supervisor shall notify the law enforcement agency within the jurisdiction where the owner resides to ensure compliance with applicable laws and forward the firearm, by a reputable package service, other than the United States Mail, to that agency for disposition.
  - G. Shotguns and rifles that are not regulated firearms but are retained as evidence in a criminal case may be disposed of by the court at the conclusion of the case.

### 39. Appeal

- A. When the Property Room Supervisor has determined that the handgun should be forfeited to the state, the owner shall be notified as previously provided for and may apply within thirty (30) days to the SCSO for a review to determine whether he knew or should have known that the handgun was worn, carried, transported, or used in violation of CR §4-203 and whether he/she is qualified to possess the handgun under PS §5-133.
- B. Upon timely receipt of an application, the Chief Deputy shall hold an informal review, not subject to the Administrative Procedures Act, concerned with whether the owner knew or should have known of the use or intended use of the handgun in violation of CR §4-203. If the Chief Deputy rules in favor of the owner, the handgun shall be released to the owner. If he/she is qualified to possess it, unless it is needed as evidence in a criminal case or investigation. In the latter case, it shall be disposed of by the court at the conclusion of the litigation.
- C. The review will be conducted at the SCSO and shall be taped recorded. Recordings shall be retained for one (1) year from the date of the review or until all such cases related to the seizure are finally adjudicated. If the decision is to release the weapon to the owner, standard procedures regarding the release of seized property will be followed.
- D. If the Chief Deputy determines the handgun should be forfeited to the State, the owner shall be notified at his last known address by Certified Mail, Return Receipt Requested, and may within thirty (30) days thereafter, petition the appropriate District Court to release the handgun to him. The Chief Deputy shall be responsible for coordinating with the States Attorney in presenting the position to the District Court at such a review. When an appeal is made to the District Court, a copy of the papers filed by the individual and a copy of the investigation will be forwarded to the legal counsel for the SCSO at the Office of the Attorney General who will review the matter and assist in coordinating the SCSO position with the States Attorney.
- E. In a criminal proceeding involving a seized handgun, a court may order forfeiture or release of the seized handgun in accordance with the criteria established for release in CPA, Title 13, subtitle 2. Persons who have made a written claim of ownership of a handgun to the SCSO or to the States Attorney shall be notified of the Judicial proceedings and of the claimants right to present his claim at those proceedings, except that a claimant who has completed the review procedure provided by the seizing agency shall not have the right to a review before the court.

- F. If no timely application for a review by the SCSO or the District Court is made, or order for the release of the handgun by the criminal court is issued, it shall be forfeited to the State without further proceedings and destroyed by the seizing authority or disposed of pursuant to Annotated Code of Maryland, CP, Title 13, Subtitle 2.

#### 40. Disposition of Confiscated Firearms

- A. All confiscated firearms which are no longer of evidentiary value and are in the possession of the SCSO and have remained unclaimed for three (3) months will be destroyed. However, The SCSO retains the right to dispose of confiscated firearms in the manner prescribed by PS §2-311.
- B. Ownership claims
  - 1) Any person claiming title to a firearm which was held by the SCSO for a minimum of three (3) months, and which was subsequently destroyed may file a claim for reimbursement with the SCSO;
  - 2) Every such claim must be accompanied by proof of ownership; and
  - 3) Reimbursements may not exceed the sale price of the weapon, the trade-in allowed to the SCSO on the purchase of a replacement weapon, or the fair market value of the firearm at the time it was destroyed less all expenses incurred by the SCSO in the disposal of the firearm.

#### 41. Handling of Confiscated Firearms

- A. When SCSO Deputies are requested at a crime scene, firearms associated with a crime, when possible, will be kept in the actual condition in which they are found with the exception of firearms that are cocked.
- B. All firearms found cocked at a crime scene will be made safe as soon as conditions permit.
- C. SCSO Deputies will handle and transport confiscated firearms in accordance with established procedures.
- D. Confiscated firearms not requiring the attention of the MSP Crime Scene Unit will be made safe, unloaded, as soon as safe conditions so permit.
- E. As a general rule, confiscated firearms will be placed in the trunk when being transported in SCSO vehicles.
- F. As a general rule, confiscated firearms will be made safe, unloaded, prior to being brought into the SCSO.

- G. Confiscated firearms that cannot be unloaded because of unfamiliarity with a weapon or weapon malfunction will be so tagged and stored in the SCSO Armory. As soon as possible, the SCSO Armorer will make such weapon safe.
- H. Unloading weapons at the Somerset County Sheriff's Office will be done in a safe location. Firearms will be unloaded outside with the muzzle pointed in a safe direction.

#### 42. Disposal of Confiscated Firearms

- A. Confiscated firearms will be disposed of by the Property Room Supervisor and Chief Deputy.
- B. Before confiscated firearms are converted to SCSO use, the SCSO Armorer will inspect them and determine if they are safe to fire.
- C. All firearms retained for use by the SCSO will be converted to the SCSO Capitol Inventory and entered on the inventory of SCSO weapons.
- D. All confiscated firearms not converted to Somerset County Sheriff's Office use will be destroyed in accordance with established procedures.

#### 43. Hazardous Materials

- A. With ever changing technology, the likelihood of SCSO personnel having to deal with hazardous materials is greatly increased. Not only are these materials being legally transported and used throughout the state, but they are involved in criminal activity *i.e.* hazardous waste dumping, CDS laboratories, explosives, etc. The following guidelines are established to assist personnel when confronted with such material in its safe and proper disposition.
- B. Supervisor s will ensure the handling, security, transportation and release of hazardous materials is performed in compliance with the following procedures.
- C. When it becomes apparent that the SCSO must deal with the storage of a hazardous material as in the case of evidence in a criminal investigation or property storage situations, Deputies will immediately notify their Supervisor s supplying the information as to the nature of the incident and the details of the hazardous material in question. Deputies will not handle, transport or store any hazardous materials without the authorization of the Sheriff.
  - 1) The Hazardous Waste Division, Waste Management Administration, Office of Environment Programs, Department of Health and Mental Hygiene; or
  - 2) The Maryland State Fire Marshall's Office; or

- 3) The distributor of the material in question.
- D. Every attempt will be made to release such materials to authorized personnel at the scene for storage and/or disposition.
  - E. Should the hazardous material be evidence necessary to a criminal prosecution, the following procedures that apply are as follows:
    - 1) Photograph the items to include proper identification, labels, placards, etc.;
    - 2) See that the material is properly disposed of by authorized personnel;
    - 3) Complete a Property Record and have the release signed by the representative of the authorized agency removing the material; and
    - 4) The Sheriff or his/her designee should utilize all expert resources available when dealing with hazardous materials.

NOTE: Should laboratory analysis and storage become necessary, members of the Maryland Hazardous Waste Laboratory, Spill Response Team can supply information and assistance. Due to substantial cost and potential hazards, the

- F. Personnel discovering violations of hazardous waste laws, *i.e.* illegal dumping, storage, transportation, etc., will contact the Office of the Attorney General, Environmental Crimes Section. This Unit has the responsibility for all investigation and prosecution dealing with hazardous waste materials.

#### 44. Retention of Post-Conviction Deoxyribonucleic Acid (DNA) Evidence and Certain Unsolved Crimes

##### A. Purpose

- 1) To outline the procedures for delivery and long-term storage of potential DNA evidence.
- 2) To ensure that evidence related to unsolved homicides, rapes, and certain sexual offences, in which the investigation has been placed in an inactive status, and certain post-conviction cases, is maintained in a manner that will ensure its integrity and will avoid contamination or deterioration.

## B. Policy

SCSO will ensure that all criminal investigations and subsequent prosecutions are conducted within the scope of all laws and court procedures. The SCSO will maintain DNA evidence, as required by law, in a secure and proper manner to prevent loss, contamination, and destructive change

## C. Background

- 1) The Annotated Code of Maryland; Criminal Procedures Article Title 8-201 mandates that certain scientific evidence be retained for the duration of a sentence imposed and including any consecutive sentence imposed in connection with the offense or for incidents involving a conviction in any of the below listed offenses.
- 2) These offenses qualify for DNA collection on arrest, all listed in the Criminal Law Article:
  - a) Murder in the First Degree, §2-201
  - b) Murder in the Second Degree, §2-204
  - c) Manslaughter, §2-207
  - d) Rape in the First Degree, §3-303
  - e) Rape in the Second Degree, §3-304
  - f) Sexual Offense in the First Degree, §3-305
  - g) Sexual Offense in the Second Degree, §3-306
  - h) Sexual Offense in the Third Degree, §3-307

## D. Responsibilities

- 1) The Property Room Supervisor is responsible for establishing and complying with all procedures related to long term storage of DNA evidence for potential post-conviction review and any evidence related to unsolved homicides;
- 2) Will review all evidence being submitted for long term storage to ensure compliance with proper packaging and chain of custody procedures;
- 3) Will conduct inventories of stored evidence; and

- 4) Will coordinate the release of any evidence required for additional testing as mandated by the court or for ongoing investigation.

E. Procedures

- 1) Prior to any evidence being placed in long-term storage, one of the following criteria must be met;
  - a) The accused has been convicted and sentenced for a qualifying time and the State's Attorney, for the involved jurisdiction, has been consulted by the Criminal Section Supervisor; or
  - b) A homicide investigation has been placed in an inactive status as a result of all investigative leads being exhausted and no additional information is known.
- 2) The Criminal Section Supervisor will ensure compliance of the following requirements prior to any evidence being placed in long-term storage.
  - a) Chain of Custody (Form 70) will be completed and attached to the corresponding package. No evidence will be accepted without proper chain of custody documentation.
  - b) All evidence will be packaged in paper bags or evidence envelopes. No evidence packaged in any type of plastic will be accepted unless approved by the Property Room Supervisor. Evidence will not be stored and or submitted in plastic packaging due to the deteriorating qualities of this type of storage.
  - c) All packages containing evidence will be properly labeled and sealed with evidence tape.
  - d) Any items that have been stored in refrigeration will be packaged separately and brought to the attention of the Property Room Supervisor.
  - e) All evidence related to the involved investigation will be submitted at the same time.
- 3) For those instances when evidence may be disposed of or returned to the owner due to an absence of potential DNA, the Property Room Supervisor and Criminal Section Supervisor will review the evidence and consult with the State's Attorney prior to the evidence being destroyed or released.

- 4) No evidence related to any homicide investigation will be disposed of without written approval of the State's Attorney.

45. Chapter Revisions

- A. General Order 01-10-15 "Property Management" dated January 11, 2002, has been revised.
- B. Effective September 1, 2014, General Order 01-14-14 supersedes General Order 01-10-15.

Ronald Howard

Sheriff  
Somerset County, Maryland