

## Property

### 802.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and identifies those persons authorized to remove and/or destroy property.

#### 802.1.1 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Department , including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

### 802.2 POLICY

It is the policy of the University of Maryland, Baltimore Police Department to process and store all property in a manner that will protect it from loss, damage or contamination, while maintaining documentation that tracks the chain of custody, the location of property and its disposition.

### 802.3 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property in the custody of this department. A Property and Evidence Custodian shall be appointed by the Support Services Bureau Commander. The Property and Evidence Custodian is responsible for the security of the Property and Evidence Section.

#### 802.3.1 REFUSAL OF PROPERTY

The Property and Evidence Custodian has the obligation to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property and Evidence Custodian refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting member's supervisor of the reason for refusal and the action required.

#### 802.3.2 KEY CONTROL

Property and Evidence Section keys shall be maintained by the Property and Evidence Custodian and members assigned to the Property and Evidence Section, and any other member designated by the Support Services Bureau Commander. If a Property and Evidence key is lost, all access points shall be re-keyed and new keys issued as necessary.

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### 802.3.3 ACCESS

Only authorized members assigned to the Property and Evidence Section or members designated by the Support Services Bureau shall have key or electronic (key fob) access to property storage areas. Any individual who needs to enter the property storage area (e.g., maintenance or repair contractors) must be approved and accompanied by the Property and Evidence Custodian.

### **802.4 PROPERTY HANDLING**

The member who first comes into possession of any property is generally responsible for the care, custody and control of such property until it is transferred to the Property and Evidence Custodian and/or processed and placed in a temporary property locker or storage area. Care shall be taken to maintain the chain of custody for all items of evidence.

#### 802.4.1 PROCESSING AND PACKAGING

All property must be processed and logged into the agency records prior to the responsible member going off-duty, unless otherwise approved by a supervisor. Members shall process and package property as follows:

- (a) A property entry into RMS shall be completed, separately describing each item of property. List all known information including:
  1. Serial numbers
  2. Owner's name
  3. Finder's name
  4. Other identifying information or markings
- (b) Each item shall be marked with the member's initials and the date processed using a method that will not damage, deface, degrade, or devalue the item. Items too small or too delicate to mark should be individually packaged and labeled and the package marked with the member's initials and date.
- (c) Property shall be packaged in a container suitable for its size.
- (d) A property record form shall be printed and attached to the property or container in which the property is stored.
- (e) The case number shall be indicated on the property tag and the container.
- (f) The property record from the RMS shall be submitted with the property directly to the Property and Evidence Custodian or placed in a temporary property locker, which all shall be submitted prior to the member going off-duty. Items too large to fit in a temporary property locker may be placed in a designated storage area that can be secured from unauthorized entry, a copy of the property entry form placed in a temporary property locker. This, too, must be submitted prior to the member going off-duty.

#### 802.4.2 EXCEPTIONAL PROCESSING

The following items require special consideration and shall be processed as follows, unless special conditions dictate a reasonable deviation:

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**Bicycles** - Bicycles and bicycle frames shall have a property tag securely attached and should be placed in the bicycle storage area.

**Biological and related items** - Evidence that may contain biological samples shall be indicated as such on the property form and shall be immediately submitted to the Baltimore Police Department Forensic Crime Lab or the Maryland State Police Forensic Crime Lab..

Property stained with bodily fluids, such as blood or semen, shall be air-dried in a secure location (e.g., locked drying cabinet) prior to processing.

Items of evidence collected from a crime scene that require specific storage requirements pursuant to laboratory processing shall have such storage requirements clearly indicated on the property form.

Evidence items that are potential biohazards shall be appropriately packaged and marked "Biohazard" to reduce the risk of exposure or contamination. Found property items that are potential biohazards shall not be placed into storage. The item will be listed on the property form, photographed, and then properly disposed of. The property form and photo will be submitted for record purposes only.

**Cash** - Cash shall be counted in the presence of another member. The cash shall be placed in a property envelope and initialed by both members. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall witness the count, initial and date the envelope, and specify any additional security procedures that may be necessary.

**Firearms and other weapons** - Firearms shall be unloaded and packaged separately from ammunition. Knife boxes should be used to package knives.

**Government property** - License plates that have not been reported stolen or have no evidentiary value shall be processed similar to found property or seized property for return to the Motor Vehicle Administration.

**Sharps** - Syringe tubes should be used to package syringes and needles.

### 802.4.3 CONTROLLED DANGEROUS SUBSTANCES

- (a) Controlled dangerous substances (CDS) shall not be packaged with other property, but shall be processed separately using a separate property form.
- (b) The member processing CDS shall retain such property in his/her possession until it is weighed, packaged, tagged, and placed in the designated CDS locker, accompanied by the property control card and lab copy of the property form.
- (c) Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected CDS. If conducted, the result of the test shall be included in the crime report.
  1. The member shall package CDS as follows:
    - (a) Maintain the property in the container in which it was seized and place it in a property envelope of appropriate size.

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- (b) Seal and initial the property envelope and cover the initials with cellophane tape.

**802.5 RECORDING OF PROPERTY**

An Incident Report shall capture and detail the circumstances by which the property came into the department's possession and describing each item of property obtained. The Property and Evidence Custodian receiving custody of property shall ensure a property control card for each item or group of items is/has been created. The property control card will be the permanent record of the property in the Property and Evidence Section. The Property and Evidence Custodian will record on the property control form his/her signature, the date and time the property was received and where the property will be stored.

A unique property number shall be obtained for each item or group of items from the property log. This number shall be recorded on the property form, property tag and the property control form. The property log shall document the following:

- (a) Property number
- (b) Case number
- (c) Property tracking number
- (d) Item description
- (e) Item storage location
- (f) Receipt, release and disposal dates

Any change in the location of property held by the University of Maryland, Baltimore Police Department shall be noted in the property log.

**802.6 PROPERTY CONTROL**

The Property and Evidence Custodian relinquishing custody of property to another person shall record his/her signature, the date and time the property was released and the name of the person accepting custody of the property on the property control form.

The Property and Evidence Custodian shall obtain the signature of the person to whom the property is released, and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to the Property and Evidence Section or properly released to another authorized person or entity.

The return of the property to the Property and Evidence Section should be recorded on the property control form, indicating the date, time and the name of the person who returned the property, and to whom the property is returned.

**802.6.1 EVIDENCE**

Every time evidence is released or received, an appropriate entry on the property control form shall be completed to maintain the chain of custody. No evidence is to be released without first receiving written authorization from a supervisor or investigator.

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Temporary release of evidence to members for investigative purposes, or for court proceedings, shall be noted on the property control form, stating the date, time and to whom released. Requests for items of evidence needed for court proceedings shall be submitted to the Property and Evidence Custodian at least one day prior to the court date.

Requests for laboratory analysis for items other than CDS shall be completed on the appropriate lab form and submitted to the Property and Evidence Custodian. This request may be submitted any time after the property has been processed.

### **802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The Property and Evidence Custodian releasing items of evidence for laboratory analysis must complete the required information on the property control card. The transporting member will acknowledge receipt of the evidence by indicating the date and time on the property control card. The lab form will be transported with the evidence to the examining laboratory. Upon delivering the item involved, the member will record the delivery time on the lab form and the property control card and obtain the signature of the person accepting responsibility of the evidence. The original copy of the lab form will remain with the evidence and a copy of the form will be attached to the incident report for filing with the case.

### **802.6.3 CONTROLLED DANGEROUS SUBSTANCES**

The Baltimore Police Department Property and Evidence Custodian will be responsible for the storage, control and destruction of all CDS submitted to them by the UMBPD. These functions will be performed in accordance with BPD ECU policy and the requirements of the law. A written analysis report is provided by the laboratory on all submitted evidence upon request.

### **802.6.4 UNCLAIMED MONEY**

The Property and Evidence Section Supervisor or the authorized designee shall submit an annual report regarding money that is presumed to have been abandoned through the chain of command to the Chief of Police, or more frequently as directed. This unclaimed money can be redirected to the UMBPD or assigned to the UMB General Fund, as determined by the UMB Financial Services.

## **802.7 RELEASE OF PROPERTY**

The Property and Evidence Custodian shall authorize the release of all property coming into the care and custody of the Department. All reasonable attempts shall be made to identify the rightful owner of found property or items of evidence not needed for an investigation.

Release of evidence shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released. The property release form shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property control form or must specify the specific items to be released. Release of all property shall be documented on the property control form.

Found property and property held for safekeeping shall be held for the period of time required by law. During such period, Property and Evidence Section members shall attempt to contact the

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rightful owner by telephone and/or mail when sufficient identifying information is available. The final disposition of all such property shall be fully documented in related reports.

A Property and Evidence Custodian or authorized UMBPD member shall release the property when the owner presents proper identification and an authorized property release form has been received. A signature of the person receiving the property shall be recorded on the property control card. If some items of property have not been released, the property control form will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the property log.

Firearms or ammunition should only be released upon presentation of valid identification and determination that the individual may legally possess the item.

### **802.7.1 DISCREPANCIES**

The Shift Supervisor shall be notified whenever a person alleges there is a shortage or discrepancy regarding the person's property. The Shift Supervisor will interview the person claiming the shortage. The Shift Supervisor shall ensure that a search for the alleged missing items is complete and shall attempt to prove or disprove the claim.

### **802.7.2 DISPUTED CLAIMS TO PROPERTY**

Occasionally, more than one party may claim an interest in property being held by the Department and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department should be contacted.

### **802.8 DESTRUCTION OR DISPOSAL OF PROPERTY**

The Property and Evidence Custodian shall authorize the destruction or disposal of all property held by the Department. All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the property control form and property log.

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court:

- Weapons or devices that are forfeited or declared by law to be illegal to possess (Md. Code CP § 13-206).
- CDS declared by law to be illegal to possess without a legal prescription (Md. Code CP § 12-403).
- Money seized in connection with arrest for unlawful bookmaking, betting, or gaming (Md. Code CP § 13-106).
- A forfeited motor vehicle, other vehicle, vessel, or aircraft that was used to conceal, convey, or transport explosives in violation of law (Md. Code CP § 13-301(d)).

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### 802.8.1 BIOLOGICAL EVIDENCE

The Property and Evidence Custodian shall ensure that no biological evidence held by this department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and/or Attorney General
- (d) Any sexual assault victim
- (e) The Criminal Operations Bureau Commander
- (f) The Investigation Division Supervisor
- (g) The Investigating Officer

Biological evidence shall be retained for a minimum period established by law (Md. Code CP § 8-201) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice, unless a motion seeking an order to retain the sample is filed and served on this department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division Supervisor. If the Property and Evidence Custodian determines that biological evidence should be destroyed before the end of the statutorily required retention period, he/she should give 120-days' notice to the appropriate parties pursuant to Maryland law, if applicable (Md. Code CP § 8-201).

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Sexual assault evidence collection kits and other crime scene evidence relating to sexual assaults that has been identified by the prosecutor as relevant to the prosecution should not be disposed of prior to 20 years from the date of collection, unless allowed by law (Md. Code CP § 11-926; COMAR 02.08.01.04).

### 802.8.2 REQUEST FOR NOTICE

Upon written request by a victim of sexual assault, the University of Maryland, Baltimore Police Department should notify the victim 60 days before the date of intended disposal of biological or other evidence relating to the victim's case or retain the evidence for 12 months longer than the time period required by law unless a different time period has been agreed upon by the victim (Md. Code CP § 11-926; COMAR 02.08.01.04).

## **802.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION**

The Inspection Section shall ensure that an annual unannounced inspection of the Property and Evidence Section operations and storage facilities are conducted to ensure adherence to appropriate policies and procedures. The annual inspection shall be conducted by a member of

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this department who is not routinely or directly connected with the Property and Evidence Section operations.

Whenever there is a change of the Property and Evidence Custodian, an inventory of all property shall be conducted by the incoming and outgoing Property and Evidence Custodians to ensure that all property is accounted for and records are correct.