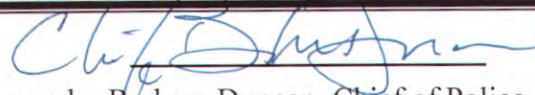
	<b>SALISBURY POLICE DEPARTMENT</b>
	<b>Written Directive:</b> Property and Evidence Control
	<b>Publication Date:</b> January 31, 2018
	 Approved: Barbara Duncan, Chief of Police
<b>Related CALEA Standards:</b> 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7, 84.1.8	<b>Property and Evidence Control</b> Section #402

## Property and Evidence Control

### 1. Policy:

It is the policy of the Salisbury Police Department that all evidence/property be diligently protected and secured. The procedures for all evidence/property must be followed as outlined in this directive. Officers will log their evidence/property into agency records (e.g., SPD CAD System and Safe Evidence Management System) as soon as possible. Officers must enter their evidence/property into the evidence/property system prior to the end of their tour of duty.

### 2. Purpose:

It is the purpose of this policy to provide officers with guidelines for the submission, care and custody of property and evidence so that the integrity of property and evidence is maintained throughout the chain of custody. Proper documentation, collection preservation and submission to the forensic laboratories of physical evidence may provide the key ingredients of any police investigation. It will be the responsibility of the officer or detective collecting evidence to provide a written report into the agency's computer reporting system describing the circumstances by which the property came into the agency's possession and describing each item of property obtained.

### 3. Submission of Property:

- A. All property recovered or received by any member of the department shall be entered into the "Safe Evidence Management" system and be handled as follows without exception.
  - a) The officer locating or receiving the property and/or the follow-up investigator (if appropriate) shall make a concerted effort to identify and notify the owner or custodian of property in the department's custody.
  - b) The "Safe Evidence Management" data entry shall indicate;
    - a. whether the property should be held for evidence, returned to owner or disposed of;



- b. List each item of property;
  - c. Indicate the owner's name and address if known.
  - d. The officer shall indicate who he/she received the property from and the date and time he/she received it.
  - e. The officer shall put his/her name as the person receiving the property and the date and time.
  - f. The officer will ensure each item of property is properly marked with the label that is generated from the Safe Evidence Management software.
  - g. This may be accomplished by submitting all property with the appropriate tag, including the incident number.
  - h. The Safe Evidence Management entry will be reviewed by the Squad Supervisor for accuracy and completeness.
  - i. Once the squad supervisor has reviewed the data entry, the record will be electronically approved in the notes section of the electronic form and submitted into the Safe Evidence Management System for proper storage within the property/evidence room.
  - j. The officer will place the property in a property locker indicating the date and time of the submission on the chain of custody log.
  - k. When property changes custody (lab submissions, trial, one officer to another or to the original owner etc...), the chain of custody log will reflect the name of the individual taking custody of the property to include date and time.
- c) All property will be given to the property custodian as soon as practical and in any event before the officer ends his/her tour of duty.
- d) Under no circumstances will the property be stored in a desk, personal locker, car or taken home.
- e) The property custodians will make additional data entries into the Safe Evidence Management Software as it relates to chain of custody and storage location.
- B. Exceptional Circumstances:
- a) Explosives/Military Ordinance/Dangerous Materials as Evidence:  
The Salisbury Police Department does not handle or store explosives or military ordinances or dangerous material. Whenever military ordinance, dangerous materials or explosives are encountered they should not be handled. The proper procedure is to contact the Maryland State Fire Marshall's Office, advise them what has been located and they will dispatch personnel to take control of the device.
  - b) Perishable Property:  
Certain perishables may be released to their lawful owner by the seizing officer as soon as practical and upon conclusion of the initial inventory procedure. This release of property may at times happen while the officer is still on the scene of an



incident. A hard copy paper property record (SPD-003) must be completed and signed by the person who is receiving the property. The signed property record will then be turned over to the squad supervisor, who will review it for accuracy and completeness. The squad supervisor will then forward the hard copy paper record to the property custodian who will make the electronic entry into Safe Evidence Management Software system.

- c) The secure refrigerator used to store perishable evidence, such as blood, sexual assault kits, etc., is located in the squad room. Perishable items not released on scene will be stored in the secure refrigerator. The secure refrigerator is located in the squad room with access granted in the following manner:
- i. The key to the refrigerator will be kept in the secure key tracer lock box.
  - ii. Supervisors will ensure that officers store perishable items in the refrigerator and electronically sign the key out of the key tracer lock box.
  - iii. An electronic data approved entry of the property being submitted to the refrigerator must be completed in the Safe Evidence Management software.
- d) **Storage For Wet Clothing/Evidence:**  
The primary location for the storage and drying of wet clothing will be the evidence drying cabinet located within the squad room.
- i. Access to the drying cabinet will be made by obtaining the key maintained in the electronic key tracer box.
  - ii. Personnel utilizing the cabinet shall clean the cabinet before use with the supplied cleaner.
  - iii. This cleaning process shall be followed before and after each use.
  - iv. Once an article(s) is placed inside the cabinet, the fan unit of the cabinet will be activated to facilitate drying of the article.
  - v. The cabinet has an internal HEPPA filter which prevents any outside airborne contamination.
  - vi. Personnel will attach a generated label from the Safe Evidence Management system to the outside of the cabinet.
  - vii. Drying is usually completed within 4-6 hours due to the fan.
  - viii. Personnel will remove the item(s) when dry and package them accordingly for submission into property.
- e) **Secondary Storage For Wet Clothing/Evidence:**  
The contamination room shall be used when the evidence drying cabinet is unavailable to store wet clothing until dried before transferring to the property room.



- i. Access to the evidence processing area and the contamination room shall be limited and made by obtaining the key from the electronic key tracer box maintained in the squad room;
  - ii. Personnel entering the contamination room must complete and sign the evidence; processing/contamination hold log located in the evidence processing room;
  - iii. The key shall be returned to the key tracer box.
  - iv. A generated label from the Safe Evidence Management system will be placed on door or with items being stored.
- f) **Controlled Dangerous Substances:**  
Whenever CDS has been seized as evidence and is to be sent to the lab for analysis, the following procedure will be adhered to:
- i. Officers will not field test any CDS evidence with the exception of marijuana.
  - ii. Items submitted to the Maryland State Police Laboratory must be weighed and counted, if applicable (i.e. capsules, pills, and caplets).
    - a. The seizing officer will weigh and count the evidence as appropriate in the presence of the Squad Supervisor who will verify the weight/count.
    - b. The officers will then close the evidence bag, seal it, and initial the seal.
    - c. The label on the Kapak bag needs to be completed with the case number, date of seizure, initials of the sealing officer and the witnessing officer.
    - d. The evidence bag will be placed in the property locker by the supervisor who will assure that the MSP 67A is properly filled out;
  - iii. Evidence should be weighed with the least amount of wrapping material possible. Examples of items requiring a weight would include vegetable matter such as marijuana and P.C.P;
  - iv. When handling and packaging powder type substances such as cocaine and heroin additional safety measures should be taken.
    - a. Officers must wear departmentally issued nitrile gloves to limit physical exposure. Officers may wear a surgical mask (dust mask), eye protection and a personal protection suit to limit airborne and physical exposure. This equipment will be provided by the quartermaster's office.
    - b. This process may be considered optional based on the surrounding circumstances of the crime scene.
    - c. Officers should also have a naloxone injector readily available.



- v. Once the substance has been weighed and properly packaged, the officer will thoroughly clean the work area and digital scale with the supplied cleaner and paper towels;
- vi. Officers and detectives must wear departmentally issued personal protection equipment (as stated above in) while investigating suspected heroin overdose death scenes and search warrant locations in which suspected hazardous powder type CDS may be located and collected. Any CDS powder type substances collected from an overdose death scene will be properly processed and packaged on the scene and submitted into property.
- vii. Due to the hazardous nature of synthetic opioids, officers who encounter suspected fentanyl or fentanyl related substances should not disturb any powder type substances without deploying the proper protection equipment as described above.
  - a. This same procedure shall be adhered to when handling non-drug related evidence such as currency, money counters, cellular telephones or drug paraphernalia.
- viii. The evidence will be double bagged
- ix. The suspected fentanyl or fentanyl related evidence must be double bagged.
- x. When packaging evidence which is believed to have been contaminated with fentanyl or fentanyl related substances, officers will make a notation on the outer most packaging that the item is suspected fentanyl or fentanyl related substances.
- xi. Items such as pills, tablets, capsules, squares of blotter paper, etc., should be accurately counted, and weighed.
  - a. Items involving traces or residue of suspected CDS need only be accounted for in number, but not weighed;
- xii. The CDS will then be stored in the lockable drug storage area located in the property room.
- xiii. Currency found during a CDS arrest should not automatically be seized by the arresting officer. The States Attorney's Office will not apply for forfeiture proceeding for currency seized as a result of a CDS arrest unless the officer can articulate that the currency is directly related to the distribution of CDS. The officer will need to articulate factors such as:
  - a. Whether the arrested person employed,
  - b. Was the currency grouped or folded in fashions indicative of CDS distribution,
  - c. Was the currency being exchanged during a CDS transaction,
  - d. The amount of currency recovered, etc.
  - e. Supervisors will review the circumstances of the case to determine if currency should be seized.



- i. If currency is seized as a result of a CDS arrest, the Property Custodian will be responsible for depositing the seized currency into an account established by the Finance Department;
- xiv. All officers are advised to review the most up to date MSP guidelines for the submission of CDS. Unless this procedure is followed accurately, the laboratory shall not accept the evidence;
- xv. When packaging CDS for submission to the crime laboratory, MSP Lab requires the initials of the person who seals the Kapak evidence bag to be written directly on the heat seal itself with a permanent felt-tip marker. This is necessary to refute possible concerns about evidence tampering. The crime laboratory will no longer accept CDS for analysis unless the bags are properly sealed and initialed; and
- xvi. In those instances, where CDS is turned in to be disposed of, the CDS must be weighed in the presence of a supervisor who will verify the weight. A scale for weighing the CDS has been placed in the squad room. The property will then be placed in the property locker. Property clerks are responsible for adhering to appropriate property destruction guidelines as outlined in the Salisbury Municipal Code.
- xvii. This section does not apply to instances where members of the public intend to use the Prescription Drop Box to properly dispose of unused or unwanted prescription medication. The Prescription Drop Box is located in the public lobby of the Police Department and the property contained therein is monitored and removed by an independent company assigned through the Health Department.

**4. Status of all Property held by the Department:**

- A. If property is to be removed for laboratory submittal or any purpose it will:
  - a) Be electronically scanned and signed out by the property custodian noting time and date;
  - b) Be signed by the officer noting time and date;
  - c) If the property is taken to court as evidence, it will be returned to the property room the same day when court concludes. An exception will be granted if the court maintains possession of the property;
  - d) Under no circumstances will the property be stored in a desk, personal locker, car or taken home;
  - e) The property custodians shall also maintain a record of the final disposition of property;
  - f) Should the property custodians not be available or it is after normal business hours, the following procedure will be followed:



- i. The officer recovering the property will electronically complete an entry into the Safe Evidence Storage software and place the property into a designated property locker. The officer will close and lock the locker.
- g) Officers having possession of property or evidence that is too large to fit in the property lockers shall store the property in the “Property Hold Room” located in the detention area next to the Sally port.
  - i. A key to the Property Hold Room is maintained in Key Tracer lock box in the squad room.
  - ii. Officers entering the Property Hold Room will sign in and out of the room using the provided sign in/out log in the room.
  - iii. Officers storing property or evidence in the Property Hold Room shall complete the necessary electronic data entry into the Safe Evidence Storage software and affix a sticker/tag to the respective evidence that is being stored.

**5. Procedures for the Collection and Preservation of Physical Evidence:**

- A. Controlled Dangerous Substance (CDS):
  - a) CDS will be stored in the designated lockable drug storage room located in the Property and Evidence vault.
- B. Firearms/Weapons:
  - a) Firearms and weapons will be stored in the designated lockable storage room located in the Property and Evidence vault.
- C. Valuables, Jewelry, Monies, Tapes.
  - a) Valuables, jewelry and monies will be stored in the secure area located in the Property Room.

**6. Property/Evidence Disposition:**

Disposition of found, recovered and evidentiary property handled as directed by the Salisbury Municipal Code. All evidence and recovered property will be disposed of in a manner consistent with state, federal law or city code. The disposition of the following listed items will be handled as follows:

A. Firearm(s):

Firearm(s) received as evidence will be returned to the owner/lienholder after all judicial proceedings have been completed. If there is legal cause not to return the



firearm(s), the owner/lienholder may appeal the court's decision. If the appeal is denied, the firearm(s) will be destroyed after 90 days.

The return and disposition of firearm(s) received by the Department as 'found property' will be handled in accordance with City Code. If the owner/lienholder cannot be identified, the firearm will be destroyed.

**B. CDS:**

All CDS will be disposed of in accordance with Maryland law and or Salisbury City Municipal Code. The property custodian will inventory the CDS to be destroyed by entering the case number, the type of drug and quantity on a Salisbury Police Department drug inventory form. The CDS will then be prepared and transported to the facility where it will be destroyed in the presence of a representative of the Wicomico County State's Attorney's Office, a property custodian, the administrative commander or his designee, and facility administrator.

**C. Arrestee's Personal Property:**

Officers must make reasonable efforts when making an arrest to safeguard the arrestee's personal property. Officers should attempt to allow release of non-evidentiary personal property at the scene of the arrest with the arrestee's authorization and signature on form SPD176. This will allow the officer to avoid having to take custody of the property which prevents the unnecessary storage of the property. This process should also be captured on the officer's Body Worn Camera.

When officers must secure personal property of an arrested person due to the property not being acceptable for transfer to the Wicomico County Detention Center, the officer shall: electronically complete an entry into the Safe Evidence Storage software and place the property into a designated storage locker. The officer will make every effort to immediately release and or dispose of the arrestee's property with the arrestee's authorization and signature on the SPD-176. If the arrested person refuses to sign form SPD-176 then the items will be submitted into property after completing an electronic entry into the Safe Evidence Storage software.

**D. All other Property and Evidence:**

- a) All other property and evidence will be disposed of in a manner consistent with the Salisbury Municipal Code. The following procedure will be followed when disposing of evidence and or property where the owner is known:
  - i. Upon taking custody of the property or evidence by the reporting officer, the officer will electronically complete an entry into the Safe Evidence Storage software



- ii. If the owner is known, the officer will then make reasonable attempts to contact the owner.
  - iii. If the owner cannot be located, the property will be submitted into SPD property.
  - iv. The property custodian will then send a letter by U.S mail to the owner.
    - a. The property custodian will then upload an electronic copy of the letter into the Safe Evidence Storage software as well as the Department's computer system.
  - v. If the owner contacts the Salisbury Police Department and attempts to claim the property, the property custodian will receive appropriate identification from the property owner prior to release of the property.
  - vi. The property owner will then electronically sign for the piece of property.
  - vii. If the property owner cannot be located after 30 days of the letter being sent by U.S. mail, the electronic property record will then be signed off on by a supervisor indicating permission to destroy or discard the property.
  - viii. The Property will then be discarded or sold.
- E. The following procedure will be followed when disposing of evidence and or property where the owner is unknown:
- a) The officer, upon taking custody of the property or evidence, will electronically complete an entry into the Safe Evidence Storage software.
  - b) The officer will then make reasonable attempts to identify, locate, and or contact the owner.
  - c) If the owner cannot be located, the property will be submitted into SPD property with the owner listed as 'unknown'.
  - d) The property custodian will then make every reasonable attempt to identify the owner for the purposes of following the procedures above for a known owner. These attempts shall include, but not be limited to;
    - a. An in-house search of missing or stolen property reports
    - b. A data base search of serial numbers
  - e) If the owner still cannot be identified, the property will be held for 90 days for an owner to make claim to the property.
  - f) If the property owner cannot be identified after 90 days of being submitted to SPD property, the electronic property record will then be signed off on by a supervisor indicating permission to destroy or discard the property.
  - g) The property will then be discarded or sold.
  - h) Evidence and property in homicides and rape cases will never be destroyed.
  - i) Lost, found, or unclaimed non-evidentiary items may be sold through an on-line auction company. This process will be the responsibility of the Property Custodians, while being overseen by the Administrative Commander and the City of Salisbury purchasing department.



**7. Stored In Custody Property and Evidence Within Designated Secure Areas With Access Limited To Authorized Personnel:**

- A. Only personnel who are directly related to the control of property held by this department shall have access to areas that are utilized by this department for the storage of property.
- B. No person is permitted to enter the property room except the property custodian, the assistant property custodian, the administrative commander and his/her designee, and person(s) designated to conduct audits and/or staff inspections.
- C. Persons who have business with the property custodian are not to enter the property room. They are to advise the property custodian of what they need and it will be handed over the counter to them.
- D. It will be the responsibility of the property custodian to ensure that this policy is carried out. If any unauthorized person enters the property room, the property custodian is to advise them to leave immediately. If they do not do so, the administrative commander is to be notified as soon as possible of the refusal. The administrative commander will then initiate disciplinary action against the violator.

**8. Security And Accountability for Controlled Substances, Weapons (Including Seized Or Forfeited) Or Explosives:**

- A. The Salisbury Police Department does not utilize explosives for training or investigation purposes.
- B. Controlled Substances seized or forfeited to be utilized as a training aid of police K-9 units must be approved by the Chief of Police. Any such training aids will follow procedures for security and accountability as set forth in the Salisbury Police Departments K-9 policy and procedure.
- C. Weapons seized or forfeited to be utilized for operational, investigative or training purposes must be approved by the chief of police. Any such weapons shall be listed on the semi-annual firearms audit prepared by the quartermaster.

**9. Property Room - Inspections/Inventories/Audits :**

- A. Semi-annually, an inspection to determine adherence to procedures used for the control of property and evidence is conducted by the person responsible for the property and evidence control function or his/her designee. The administrative commander shall ensure that this inspection is completed.



- B. Whenever the chief of police appoints a new property custodian an inventory of the property storage areas will be conducted to assure that records are complete and all property is accounted for. The inventory will be conducted jointly by the new property custodian, the outgoing property custodian, and any other employees designated by the Chief of Police. The inventory shall be conducted with accordance with appendix I of the CALEA Standard Manual.
- C. Annually the administrative commander shall ensure that an audit of the property and evidence room is conducted by a supervisor who is not routinely or directly connected with the control of property and evidence as directed by the chief of police. This audit shall be conducted in compliance with appendix "K" of the CALEA manual.
- D. As directed by the Chief of Police, an unannounced inspection of all property storage areas will be conducted at least once a year to assure that records are complete and that the integrity of the property is maintained.

**10. All Property Acquired Through The Civil Process Function By The Department Is Accounted For In Agency Records:**

All property acquired by the Salisbury Police Department through the civil process function or asset forfeiture proceedings is accounted for in the department's records and shall be disposed of by the department pursuant to legal authority.