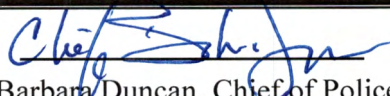
	SALISBURY POLICE DEPARTMENT
	Written Directive: Property and Evidence Control
	Publication Date: August 14, 2020
	 Approved: Barbara Duncan, Chief of Police
Related CALEA Standards: 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7, 84.1.8	Property and Evidence Control Section #402

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 the agency electronic records (SAFE-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 items 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. If the locating officer can release the property to the rightful owner in the field, then the officer shall do that immediately upon fully completing SPD-003 (Property Record).

- 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 labeled on the outside of any package 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 by the reviewing supervisor and the supervisor will place his/her initials and ID# in the notes section within SAFE for each item being submitting into property;
 - 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; and
 - 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 submitted to the property lockers 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, military ordinances or dangerous material. Whenever military ordnance, 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 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, completeness and then sign the record as the approving supervisor. The seizing officer will then submit the property record to the records division, who will then electronically scan the property record into the departments RMS system. Once scanned, the paper property record shall then be destroyed.
- c) The secure refrigerator used to store perishable evidence, such as blood, drug facilitated 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. The officer shall then make an electronic data entry into the Safe Evidence Management System. This entry will be approved and electronically signed off by the submitting officer's supervisor in the notes field of the item being submitted.
- 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. This cleaning of the cabinet shall be completed before each use;
 - iii. Once an article(s) is placed inside the cabinet, the fan unit of the cabinet will be activated to facilitate drying of the article;
 - iv. The cabinet has an internal HEPPA filter which prevents any outside airborne contamination;
 - v. Personnel will attach a property record (SPD-003) to the outside of the cabinet;
 - vi. The submitting officer will maintain custody of the key until the items have been removed from the cabinet. This will avoid unnecessary chain of custody issues;

- vii. Drying is usually completed within 4-6 hours as a result of the forced air circulation;
 - viii. Once the evidence items are dry, the initial submitting officer will remove the item(s) and package them accordingly for submission into a property locker.
- e) **Controlled Dangerous Substances (CDS):**
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 supervisor will electronically verify the weight/count in the notes section of the SAFE entry by placing his or her initials and ID# under the particular item which is being submitted;
 - c. CDS evidence which is of different type (cocaine, marijuana, pills etc.) will be individually packaged in the provided zip lock baggies, labeled accordingly and then placed into the provided Kapak evidence bag. Each individual label that will be attached to the provided zip lock baggies will be completed with the case number, time of seizure, date of seizure and the initials of seizing officer. The submitting officer should make every effort not to over fill a Kapak bag with individual pieces of evidence so that all items can be clearly viewed and seen from the outside of the bag.
 - d. In the presence of a supervisor, the submitting officer will then close the Kapak evidence bag, heat seal it, and place his/her initials and ID# on the seal with the provided permanent felt tip marker. This is necessary to refute possible concerns about evidence tampering.
 - e. 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;
 - f. The evidence bag and MSP 67A (Laboratory Submission Form) will be thoroughly examined by the supervisor for accuracy and completeness prior to being placed in the property locker by the submitting officer;

- iii. Evidence should be weighed with the least amount of wrapping material possible. Examples of items requiring a weight would include, but are not limited to: marijuana, P.C.P and cocaine;
- 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) 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, but not limited to: currency, money counters, cellular telephones or drug paraphernalia;
- viii. The suspected fentanyl or fentanyl related evidence must be double bagged;
- ix. 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;
- x. 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. Upon being properly submitted into a property locker, the CDS will then be stored in a separate lockable drug storage area located in the property/evidence room.
 - xiii. 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 will not accept the evidence;
 - xiii. 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 appropriate electronic data entries will be made into SAFE and the property will then be placed in one of the property lockers. Property clerks are responsible for adhering to appropriate property destruction guidelines as outlined in the Salisbury Municipal Code.
- f) Prescription Drop Box:
- i. This section does not apply (nor does the department have any control of this drop box) 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 Wicomico County Health Department. The on duty squad supervisor will check the drop box daily and make telephone contact with the company when the box is full.
- g) Ammunition (non-evidentiary only)
- i. Ammunition which is considered evidentiary or part of an Extreme Risk Protective Order will be collected by the investigating officer. The following procedure shall be followed when submitting ammunition which is considered evidentiary:
 - 1) The submitting officer will package the ammunition in a brown bag and seal the bag with evidence tape;
 - 2) The submitting officer will then place his/her initials over the evidence tape crossing onto the bag;
 - 3) The submitting officer will make all necessary electronic SAFE entries;
 - 4) The submitting supervisor will review the evidence which is packaged and the electronic SAFE entry;
 - 5) Upon a successful review by the supervisor, the submitting officer will place the packaged ammunition into the property lockers;

- 6) Upon submission, the property custodians will take custody of the evidence and electronically log the evidence into the proper storage location.
- h) Currency (paper money or coins)
- When currency is seized by an officer, the following procedure must be followed:
- i. The officer and his/her supervisor will activate their body worn camera during this entire procedure and will not de-activate the camera until the currency envelope has been submitted into property;
 - ii. The officer will count and verify all paper currency and coin that was collected in the presence of a supervisor;
 - iii. The officer will record all currency that has been counted on SPD-241 (currency envelope) to include all denominations of paper currency and coin and record the total on the envelope;
 - iv. The officer will record the incident #, owner's name, owner's address, date of seizure, time of seizure, location of seizure;
 - v. The officer will then place his or her name and ID# on SPD-241;
 - vi. The officer's supervisor will then count and verify all denominations of currency and coin and place his or her initials and ID# on the envelope in a legible fashion within the "verified by" box on the envelope;
 - vii. The officer will then seal the envelope utilizing "evidence tape" and place his or her initials over the evidence tape and crossing over onto the envelope while in the presence of his/her supervisor and in a legible fashion;
 - viii. As the sealing officer and at the bottom of the envelope, the officer will record his/her name, ID#, date submitted and time submitted.
 - ix. The officer will then complete all necessary electronic computer entries in SAFE and place the envelope into one of the property and evidence storage lockers;
 - x. Once submitted to the property department (through the property and evidence lockers), the property custodians will take custody of the currency envelope;
 - xi. Upon initially examining the envelope, if the property custodians determine that the envelope has NOT been completed in its entirety (ie. incident number, owner's name, owner's address, date, time and location of recovery, officer's name and officer ID#, entered and sealed by, ID#, date and time and especially which supervisor verified the currency and coins) the property custodian WILL NOT open and verify the currency and coins. The property custodian will immediately notify his/her supervisor and the submitting officer and supervisor will be required to report to the department to complete the necessary tasks;

- xii. If the entries on the outside of the envelope are completed properly, at the minimum of two property custodians will cut and open the bottom part of the envelope in an effort to count and verify the currency that was submitted. A second property custodian will witness all steps from this point forward until the envelope is placed into the secure area of the property room;
- xiii. While in the view of installed CCTV, at least two (2) property custodians will physically count the currency submitted;
- xiv. After the currency has been counted and verified by the two (2) property custodians and all counts are verified, the currency will be placed back into the envelope and resealed with evidence tape. Both property custodians will place their initials over the tape, crossing onto the envelope in a legible fashion;
- xv. Upon being re-sealed, the property custodians will make the necessary entries into SAFE and store the currency in the respective storage area within the property storage room;
- xvi. IF the property custodians find an error while verifying the count of currency, they will immediately inform their supervisor (and if that supervisor is not available, another supervisor must be contacted) of the discrepancy;
- xvii. While in the view of installed CCTV, the property supervisor (and if that supervisor is not available, another supervisor must be contacted) will then attempt to verify the same currency in the presence of the original two property custodians, in an effort to identify the discrepancy;
- xviii. If the supervisor still cannot reconcile the amount of currency, the supervisor will immediately notify his/her division commander who will in turn notify the affected officer's division commander and the matter will be forwarded to the chief of police and an internal affairs investigation will be initiated;
- xix. Currency Seized During CDS Arrest
 - 1) Currency found on an arrestee during a CDS arrest will be processed and collected (and potentially released back to the arrestee after processing) just like any personal property collected from an arrestee at the time of arrest. However, this currency should not automatically be formally seized by the arresting officer until the officer has approval from their Watch Commander. 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:
 - Whether the arrested person is employed;

- Was the currency grouped or folded in fashions indicative of CDS distribution;
- Was the currency being exchanged during a CDS transaction;
- The amount of currency recovered;
- Supervisors will review the circumstances of the case to determine if currency should be seized.
- If currency is seized as a result of a CDS arrest, the procedure set forth in this policy will be followed for proper submission of the currency.

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 and accepted by the officer noting the 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) If the property custodians are not available or it is after normal business hours the following procedures will be adhered to:
 - i. After normal business hours the officer returning the evidence upon the conclusion of a court proceeding, will place the evidence into the property storage lockers and the submitting officer will log the property back into SAFE evidence;
 - ii. After normal business hours and if the returned evidence is too large to be placed into the storage lockers, the evidence will be placed in the bulk storage property hold room. The officer will note the date and time the evidence is placed into this room.
- B. Officers having possession of property or evidence that is too large to fit in the property lockers shall store the property in the “bulk property hold room” located in the detention area next to the Sally port.
- a) A key to the property hold room is maintained in key tracer lock box in the squad room;
 - b) Officers entering the property hold room will sign in and out of the room using the provided sign in/out log in the room;

- c) Officers entering this room will activate their body worn camera prior to entry and will not de-activate the camera until the door is locked and secured;
- d) Submitting officers will ensure that their body worn camera video is tagged appropriately with the incident number, which will ensure that the video is electronically retained;
- e) 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. Physical Evidence Stored in the Property Room:

- A. Controlled Dangerous Substance (CDS):
 - CDS shall be stored in the designated lockable drug storage room located in the property and evidence vault.
- B. Firearms/Weapons:
 - Firearms and weapons shall be stored in the designated lockable storage room located in the property and evidence vault.
- C. High valuable items such as, jewelry, precious metals and currency.
 - These items shall be stored in their respective secure area located in the property room.
- D. General Property and Evidence (NOT CDS, firearms/weapons or high valuable items)
 - These items shall be stored in an orderly fashion within the property room.

6. Sexual Assault Evidence Collection Kit Analysis and Disposition:

- A. Once the department receives a sexual assault evidence collection kit, the investigating officer shall within 30 days of the department receiving possession of the kit, submit the kit to a certified laboratory for analysis:
 - a) The investigating officer may not submit the kit for testing if the following exceptions have been identified and documented during the course of the investigation:
 - i. There is clear evidence disproving the allegation of sexual assault;
 - ii. The facts alleged, if true, could not be interpreted to violate a provision of title 3, subtitle 2 (Assaults), Title 3, subtitle 3 (All sexual offenses), title 3, subtitle 6 (Child Abuse), or Title 11, subtitle 3 (Prostitution) of the criminal law article of the Maryland annotated code. If an assault, a sexual offense, an allegation of child abuse or prostitution is NOT evident during

- the investigation, the sexual assault kit is not subject to the 30 day rule and may not have to be submitted to a certified crime laboratory.
- iii. The victim from whom the evidence was collected declines to give consent for analysis (ie. Jane Doe Kit); or
 - iv. The suspect's profile has been collected for entry as a convicted offender for a qualifying offense in the Combined DNA Index System (CODIS) maintained by the Federal Bureau of Investigation and the suspect has pleaded guilty to the offense that led to the sexual assault evidence collection kit. (DNA collected on scene, examined and suspect identified before kit is sent by agency).
- b) Notify the victim of the status of the kit analysis; and
 - c) Provide all available results of the sexual assault evidence collection kit analysis except results that would impede or compromise an ongoing investigation.
 - d) If the sexual assault evidence collection kit has not been or will not be submitted to the lab for examination, the investigating officer shall inform the victim of this and document this within the supplemental narrative.
 - e) If the sexual assault evidence collection kit has been sent to the lab and the forensic examination of the kit is not complete within 30 days, the investigating officer will notify the victim of this and document this in the supplemental narrative.
- B. A sexual assault evidence collection kit shall be transferred to the department by the hospital that has collected the kit within 30 days after the examination has been performed. The investigator shall submit the sexual assault evidence collection kit to a certified laboratory for examination within 30 days from collected the kit from the hospital.
- C. Per COMAR 02.08.01.04 (Transfer and Destruction of kits) rape and sexual assault investigation files, related evidence (to include sexual assault evidence collection kits), any digital media and other crime scene evidence relating to a sexual assault that has been identified by the State's Attorney as relevant to prosecution, will be retained for a period of time that is consistent with the departments approved records retention schedule. The department will hold all sexual assault kits, evidence and associated reports indefinitely.
- D. Per COMAR 02.08.01.04 (Transfer and Destruction of kits) the department is not required to comply with the requirements set forth in (C) stated above if:
- a) The case for which the evidence was collected resulted in a conviction and the sentence has been completed;
 - b) All suspects identified by testing a sexual assault evidence collection kit are deceased; or
 - c) If the offender has been found guilty and has completed his/her sentence.

- d) The department will still hold all sexual assault kits, evidence and associated reports indefinitely.
- E. On a written request by the victim from whom the evidence was collected, the departments victim/witness coordinator shall:
 - a) Notify the victim no later than 60 days before the date of the intended destruction or disposal of the evidence; or
 - b) Retain the evidence for 12 months longer than the period specified in (a) for a time period agreed to by the victim and the department.
- F. Biennially, the department will submit the following information to the Office of the Attorney General:
 - a) The number of sexual assault evidence collection kits in its possession as of June 30th of that calendar year;
 - b) The date each sexual assault evidence collection kit in its possession was received;
 - c) The number of sexual assault evidence collection kits tested within the prior 2 years as of June 30th of that calendar year;
 - d) The number of sexual assault evidence collection kits destroyed during the prior 2 years as of June 30th of that calendar year; and
 - e) The number of written requests received pursuant to COMAR regulation 02.08.01.04 (D)(1)(2) during the prior 2 years as of June 30th of that calendar year.

7. Property/Evidence Disposition:

All found, recovered and evidentiary property shall be handled and ultimately disposed of in a manner consistent with the most current state law, federal law or city code. The disposition of the following listed items will be handled as follows:

A. Firearm Disposal(s):

- a) Firearm(s) received as evidence will be returned to the owner/lienholder after all judicial proceedings have been completed to include any appeals.
- b) 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 in accordance with city code.
- c) Firearms voluntarily surrendered for destruction will be received with a notation made on the electronic SAFE evidence entry (or paper property record if this surrender occurs in the field) of the voluntary surrender. These firearms will be destroyed immediately at the next regularly scheduled firearms destruction date.

- d) Firearms obtained under the Maryland Criminal Procedures Article 6-234 (Order to Surrender Firearms for Domestically Related Offenses or for Disqualifying Crimes) will also be held until the case has been adjudicated. Upon conviction or a guilty plea, the firearms obtained under this law will be held until all appeals and the time period for appeals has expired. A property custodian will email the State's Attorney's Office and inquire about any appeals for a particular weapon seized under this section. All correspondence concerning the appeal will be electronically scanned into the SAFE Evidence System, under the particular incident number associated with the firearm. If the time period and or an appeal has expired, the weapon will be destroyed.
- e) Firearms (and ammunition) seized pursuant to an extreme risk protective orders will be held until the termination or expiration of the order. Thereafter, the property custodian will ascertain whether the owner is legally entitled to possess firearms and ammunition. If the owner is legally entitled to possess the items, the property custodian will immediately contact the owner and ascertain whether they desire to recover the property. If so, the property custodian will return the property as follows:
 - i. No later than 14 days after the expiration of an interim or temporary order;
 - ii. No later than 14 days after the court terminates a Final Order;
 - iii. No later than 48 hours after the expiration of the Final Order; and
 - iv. The CID commander or his/her designee shall approve the release of any firearms and ammunition seized pursuant to an ERPO.
- f) If the property owner does not desire to recover their firearms or is otherwise prohibited from legally possessing firearms and ammunition, the following protocols will be followed:
 - i. The property owner may request that SPD destroy the items. This will be documented in a supplemental report as well as the specific SAFE evidence entry; or
 - ii. The property owner may elect to transfer the firearms/ammunition to a federal firearms licensed dealer or another individual who is not legally prohibited from possessing firearms and ammunition. SPD will not be responsible for completing the legal transfer of these items and the transfer must be approved through the Maryland State Police or a FFLD prior to the firearms/ammunition being released.
- g) In the event that a firearm and/or ammunition seized pursuant to an ERPO is not reclaimed within 6 months after a certified letter has been sent from SPD to the

owner, no party shall have the right to assert ownership and SPD will immediately destroy the firearm at the next regularly scheduled firearms destruction date.

8. Procedures for Receipt and Return of Firearms at SPD Headquarters

- A. Citizens of the community may respond to the department in possession of firearms under any number of legitimate circumstances. Examples of these situations are voluntary surrender, adherence to a court order for surrender or an incident of found property. It is imperative that interactions with these individuals be handled in a safe manner for officers and the public. Officers should be mindful of ambush attacks or other safety issues even when the interaction may seem routine. While each instance will bring a set of unique circumstances, the following procedures are adopted in order to maximize safety for all involved.
- a) The civilian should be questioned about the location of the firearm(s), whether it is currently loaded and their reason for responding to the department with the weapon. This questioning will preferably be conducted over the lobby telephone while the watch commander/dispatchers use cameras and visual observations to further assess the situation.
 - b) In all cases involving receipt of a firearm(s) at the department, two officers will be dispatched. One officer will serve as the “contact” officer and conduct the appropriate interview and documentation, as well as handle the firearm(s). The second officer will act as a “cover” officer, ensuring that the interaction is conducted in a safe manner to minimize risk to officers and the public.
 - c) Ideally, in most situations the community member will leave the firearm(s) outside in a vehicle. Under these circumstances, the watch commander/dispatcher will instruct the community member to remain in the lobby until an officer is available to meet with them. They should be instructed not to return to their vehicle.
 - d) When firearms are situated in a vehicle outside of the department lobby, both officers will respond outside with the community member. The community member, along with any other occupants of the vehicle, will be requested to remain at a safe distance from the vehicle while the “contact” officer recovers any firearms. The “contact” officer will secure any recovered firearms in a location inside the department that is not accessible to the public. This will be done prior to completing any administrative documentation. Once all firearms are secured, the “contact” officer will complete the appropriate property/transfer of custody/receipt forms and provide same to the civilian as required under the

circumstance. The “cover” officer will provide for officer safety throughout the process, and be alert for any potentially dangerous behaviors or actions.

- e) In the event that a community member indicates that they are in possession of the firearm(s) inside the department lobby, the watch commander/dispatcher will instruct the person not to remove the firearm from its location on their person. The community member should be directed to be seated in one of the lobby interview rooms (with the door open) until an officer is available to meet with them. The individual should be further instructed to keep their hands in a position of plain view where they can be observed by the watch commander/dispatchers and the officers that will be meeting with them. If both interview rooms are occupied or not available, the watch commander will make arrangements to immediately clear one of the rooms. The purpose of this is to protect other members of the public who are in or may be coming into the lobby. Once the room is available, the aforementioned procedure will be utilized.
 - f) Once the community member is seated in the interview room, the responding officers will meet with them with the “contact” securing the firearm and removing it to a location inside department that is not accessible to the public. This will be done prior to completing any administrative documentation. Once all firearms are secured, the “contact” officer will complete the appropriate property/transfer of custody/receipt forms and provide same to the civilian as required under the circumstance. The “cover” officer will provide for officer safety throughout the process, and be alert for any potentially dangerous behaviors or actions.
- B. SPD property custodians routinely return firearms to community members in the front lobby of the headquarters building. While this is normally a routine process, it does present an opportunity for someone with ill-intent to jeopardize the safety of the public and SPD staff. The following procedures will be adhered to during the release of firearms to a civilian at SPD Headquarters:
- i. The property custodian will email the Maryland Gun Center and wait for an official response. If the official response legally allows for the release of the firearm, the property custodian will release the firearm based on the procedure set forth in this policy. If the official response does not allow for the firearm to be released, the firearm shall not be released and the disposal protocol for firearms shall be followed. All email correspondence will be scanned into SAFE under the respective item.
 - ii. Once the property custodian has completed all appropriate administrative tasks and is prepared to release the firearm, a sworn officer will either complete or directly witness the transfer/release;
 - iii. Once the weapon has been returned to the owner and all applicable documentation completed, the officer will escort the community member out

of the building. The officer will explain any applicable gun transport laws and instruct the community member to leave the firearm(s) unloaded until they have arrived at a place where they are legally allowed to do so. The officer should ensure that the community member safely exits department property and does not linger on site with the weapons.

9. Property Final Disposition:

A. CDS Disposal:

All CDS will be disposed in accordance with Maryland law and or the City of Salisbury Municipal Code. The property custodian, the property room supervisor along with a representative from the States Attorney's Office will audit and inventory the CDS to be destroyed by examining the submitted CDS and cross comparing that to the paper property record or SAFE Evidence electronic entry. The property custodian will then run a disposal list report of the case numbers, the types of drug(s) and quantity of drugs that will be destroyed. Once completely verified by the property custodian and the member of the States Attorney's Office, the CDS will be transported to the facility where it will be destroyed in the presence of the representative of the Wicomico County State's Attorney's Office, a property custodian, the property room supervisor and facility administrator. The property supervisor will maintain all necessary documentation related to the disposal.

B. Currency Deposited (paper and coin):

Once currency has been submitted into property and verified accordingly (as stated above), it will be deposited at the City of Salisbury finance department on a weekly basis. The following procedure will be adhered to:

- a) Weekly, a designated property custodian will generate a report through SAFE which will document what currency has been received into the property and evidence storage room from the previous week;
- b) The currency envelopes which are in need of being deposited, will be prepared for deposit and a separate chain of custody report will be generated for the cases that need to be deposited;
- c) A sworn property custodian will then transport the envelopes for deposit along with the necessary chain of custody to the City of Salisbury Finance Department for deposit;
- d) The property custodians will receive a receipt of deposit from the finance department and the receipt will be electronically scanned into SAFE under the respective case number that is being deposited;
- e) If currency has been seized and is considered evidence in a criminal matter, the currency WILL be deposited in the same manner as described above in (a-d),

unless a documented reason to hold the currency has been completed by a supervisor of the investigating officer and submitted to the property supervisor.

- f) Any currency which is submitted into property in excess of \$5,000 will be deposited at the finance department within 24 hours of receipt by a property custodian. The same procedure as described above will be followed when depositing currency amounts in excess of \$5,000.

C. Currency (Return to Owner):

A property custodian will be responsible for notifying city finance when currency can be returned to owners. Currency eligible to be returned to owners will typically be found currency, currency that an owner can be linked to or currency that was denied forfeiture. Evidentiary currency will not be released unless the investigating or arresting officer provides written documentation to the property custodians indicating the currency can be released. The following procedure will be followed when releasing currency to an owner:

- a) A property custodian will send a representative from city finance an email indicating a specific amount of currency that can be released. Within the email, the property custodian will identify the owners complete name, case number associated with the currency and exact amount of currency that can be released.
- b) The city finance department will generate a check and then contact a property custodian to advise that the check is ready for pick up. The property custodian will then contact the owner and direct him/her to the city finance department to retrieve the check. The owner will be required to bring a form of government identification in order to receive the check.
- c) If the owner of the currency requests his/her currency to be released prior to it being deposited into city finance, the following procedure will be adhered to:
- i. A property custodian will retrieve the currency from the property/evidence room;
 - ii. In the presence of no less than two (2) property room custodians and the owner of the currency, the money envelope will be opened and the currency will be verified and compared to the SAFE Evidence electronic entry;
 - iii. Once verified, the owner will electronically sign for the currency and the currency will be released to the owner;
 - iv. A SAFE Evidence electronic entry will then be made, which documents the currency being released to the owner;
 - v. If for some reason, the currency does not verify correctly the property room supervisor will be notified immediately;
 - vi. The property room supervisor will then attempt to verify the currency;
 - vii. If the currency still cannot be verified, the administrative commander will be notified immediately, who will then contact the chief of police or his/her designee;

viii. An internal investigation may be initiated at this point.

D. Arrestee's Personal Property Disposition:

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 SPD-176. 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 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 SAFE Evidence.

E. All other Property and Evidence:

- a) All other property and evidence will be disposed of in a manner consistent with the City of 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 SAFE;
 - 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 SAFE.
 - 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 properly disposed of;

- ix. It shall be prohibited for property to be given away to any employee or another person;
 - x. Department employees are prohibited from removing items from a trash can.
- F. 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 SAFE;
 - 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 into 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 properly disposed of;
 - h) Evidence and property related to homicides and sexual assaults will be retained indefinitely.

10. Property Room 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(s) are permitted to enter the property room except the property custodians, the administrative commander or his/her designee, person(s) designated to conduct audits and/or staff inspections and contractors hired to complete repairs or routine service jobs.
- C. Persons who have business with the property department are not to enter the property room and they are to conduct any business at the counter within the visitor's section of the room. Property will be handed over the counter to the requesting officer.

- D. It will be the responsibility of the property custodian(s) 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.

11. Security and Accountability for Controlled Substances, Weapons (Including Seized or Forfeited) Or Explosives:

- A. The Salisbury Police Department does not utilize seized or forfeited ammunition or 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.

12. Property Room - Inspections/Inventories/Audits:

- A. The Administrative Commander shall ensure that a quarterly inspection is conducted to determine adherence to procedures used for the control of property and evidence. This inspection is conducted to determine that the property room is being maintained in a clean and orderly fashion, that the integrity of the property is being maintained, that provisions of agency policy are being followed, that property is being protected from damage or deterioration, that proper accountability procedures are being maintained and that property having no further evidentiary value is being disposed of promptly. This inspection is conducted by the property room supervisor who is directly responsible for the property and evidence control function. In addition to observing and documented what has been described above, the following procedure shall be used when conducting this inspection on the main property/evidence room, bulk property/evidence storage, garage bay property/evidence storage, the range property/evidence storage and evidence refrigerators in the squad room and main property/evidence storage locations:
 - a) Using SAFE evidence software, no less than 10% of property and evidence will be selected randomly through the software. The items storage location and chain of custody will be accounted for and documented in the inspection report.
 - b) Each item selected will be physically inspected (i.e. location stored, the items packaging, the evidence seal and overall condition of the property) and

- documented in the report;
- c) If an item is found to be tampered with or simply not located, the property room supervisor will attempt to reconcile the problem. If the problem cannot be resolved, the property room supervisor will immediately notify the administrative commander or his/designee and inform him/her of the problem;
 - d) The property room supervisor will inspect the main property room, bulk storage, garage bay property storage, the police range property storage and evidence lockers. The cleanliness, organization and overall condition of the room will be examined and thoroughly documented in the report;
 - e) The property room supervisor will inspect the temporary hold refrigerator in the squad room, the storage refrigerator in the main property room and the drying cabinet located in the squad room.
 - f) The property room supervisor will complete a written report detailing his/her inspection and what was learned while completing the above steps;
 - g) Upon completion of this report, it will be routed through the inspecting supervisor's chain of command to the chief of police. Once the report has been reviewed and approved, a copy will be provided to the accreditation manager for inclusion into the respective accreditation file.
 - h) If the deficiencies noted and identified cannot be immediately rectified, they shall be corrected in 30 days depending on the nature of the deficiency and a follow up inspection and report will be completed by the property room supervisor.
 - i) Once the follow up inspection report is completed, this report will also be routed through the inspecting supervisors chain of command to the chief of police. Once the report has been reviewed and approved, a copy will be provided to the accreditation manager for inclusion into the respective accreditation file.
- B. Whenever the chief of police appoints a new property custodian or a supervisor with direct access to the property room, a complete audit of ALL 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 or supervisor, the outgoing property custodian, and any other employees designated by the Chief of Police. The inventory shall be conducted in accordance with appendix I of the CALEA Standard Manual.
- a) Using SAFE evidence software auditing function, no less than 100% of property and evidence in the control of the department will be audited;
 - b) Property records both electronic and paper must be reviewed and analyzed with respect to documentation and accountability as they relate to all property and evidence;
 - c) Each item will be physically inspected (i.e. location stored, the items packaging, the evidence seal and overall condition of the property) and

- documented accordingly in the audit report;
- d) Each items storage location, condition of the property/evidence and chain of custody will be accounted for and documented in the final audit report;
 - e) If an item is found to be tampered with or simply not located, the outgoing custodian or supervisor in conjunction with the newly appointed supervisor or custodian will attempt to reconcile the problem. If the problem cannot be resolved, the current property room supervisor will immediately notify the administrative commander or his/designee and inform him/her of the problem;
 - f) Any discrepancies identified shall be recorded and corrected prior to the assumption of property accountability by the newly appointed supervisor or property custodian;
 - g) If for some reason, the identified discrepancies cannot be corrected, the administrative commander shall make immediate notification to the chief of police;
 - h) The final audit report will be jointly completed by the outgoing custodian or supervisor along with the newly assigned supervisor or custodian.
 - i) Once completed, this report will be routed through the inspecting supervisor's chain of command to the chief of police. Once the report has been reviewed and approved, a copy will be provided to the accreditation manager for inclusion into the respective accreditation file.
- C. Annually the administrative commander shall ensure that a complete inventory of the property and evidence storage areas is conducted by an outside entity, vetted appropriately and contracted by the City of Salisbury, as directed by the chief of police.
- a) Once the final inventory report is completed, the report will be provided to the chief of police. Once the report has been reviewed and approved, a copy will be provided to the accreditation manager for inclusion into the respective accreditation file.
- 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. The following procedure shall be followed when conducting this inspection:
- a) Prior to the inspection the inspecting officer will randomly select no less than 20 items of property and evidence through the SAFE Evidence Software. At least 10 of those items shall be considered high risk items (such as, but not limited to: money, drugs jewelry precious metals, guns etc...).
 - b) The inspecting officer will then meet with the property room supervisor and custodian to request the 20 items of property and evidence to be pulled. The inspecting officer will sign into the property room or storage location and accompany the supervisor or custodian into the property and evidence storage

- area to retrieve the items previously selected;
- c) The inspecting officer will document the storage locations, overall condition of the property/evidence and determine if the item(s) have been tampered with;
 - d) The inspecting officer will walk through and closely inspect the property storage room as well as other areas in which property and evidence is being stored in an effort to identify and document cleanliness, orderliness and overall condition of each area in which property and evidence is being stored;
 - e) The inspecting officer will also inspect temporary storage locations within the department;
 - f) The inspecting officer will document any deficiencies in his/her final inspection report;
 - g) Deficiencies which can be corrected immediately, shall be. If the deficiency cannot be corrected immediately a follow up inspection will be completed by the initial inspecting officer within 30 days. A follow up inspection report shall also be completed documenting the deficiency that has been corrected.
 - h) Upon completion of the inspection report will be routed through the inspecting supervisors chain of command to the chief of police. A copy will be provided to the accreditation manager for inclusion into the respective accreditation file. Any deficiencies noted shall be addressed immediately and a re-inspection will be completed within 30 days, documented and distributed in the same manner as described above.

13. 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 an inventory and shall be disposed of by the department pursuant to legal authority.