

## **Salisbury University Police Department**

### **CHAPTER 84 – PROPERTY AND EVIDENCE CONTROL**

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## Salisbury University Police Department

### CHAPTER 84 – PROPERTY AND EVIDENCE CONTROL

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*The directives of this chapter relate to the department's property and evidence control which provides for the accurate control and accountability of property and evidence which is seized, recovered, abandoned, evidentiary, lost and found.*

#### **84.1 Administration and Operations**

##### **84.1.1 Property/Evidence Management System**

The University Police Department shall provide for the proper care, storage, dissemination and disposal of items held as evidence, contraband, recovered or found property. The Administrative Commander serves as the Property Custodian and is responsible for ensuring that all procedures relative to the Property and Evidence Management systems are maintained.

- A. All employees of the Department coming into possession of any evidence, controlled dangerous substances, and found or recovered property which may have been confiscated or which has otherwise come under their care will, before the end of their current tour of duty, unless otherwise directed by the proper authority, submit the property for storage at the Department and complete a property record form (SUPD form 028.) Personnel will also ensure that any items be listed in the Property/Evidence section of the Records Management System. Whenever abandoned/found property is received from someone other than the owner of the property, in addition to the name and address of the individual delivering the property, the telephone number will be noted.
- B. All property will be identified by the case number placed on the property record that will be attached to the item(s) which will then be placed into temporary storage lockers, which officers will lock, located in the squad room, prior to the end of the officer's tour of duty. The Property Custodian, or his/her designee, who is the only authorized employee with a key to access these lockers, will retrieve the item(s) and log each item(s) into the secure Property/Evidence Room.
  - 1. Under no circumstances will any property/evidence be stored in a desk, personal locker, vehicle or taken home.
  - 2. The Property Custodian will complete the chain of custody on the property record form and indicate the location within the property room that the item(s) is held.
- C. It is the responsibility of the officer collecting the property or evidence to ensure that a written case report is completed; detailing the circumstances by which the property came into the agency's possession and describing each item of the property obtained.
- D. Certain packaging and labeling requirements for specific items will be completed prior to placing items in temporary storage locations. These include:
  - 1. Controlled Dangerous Substances (CDS):

Items which will be submitted to the Maryland State Police Forensic Sciences Unit for analysis must be weighed and counted, if applicable (ie. pills, capsules, etc). The seizing officer will weigh and count the evidence as appropriate in the presence of the on-duty

Supervisor or, if a supervisor is not working at the time, a second officer on-duty will verify the weight/count. The Supervisor/second officer verifying the weight/count will note the finding on the SUPD property record and initial the document confirming the results of the weight/count. The evidence bag will then be heat-sealed and the seizing officer's initials will be placed on the heat-sealed portion of the evidence bag. The appropriate (MSP) label will be completed and affixed to the evidence bag. The seizing officer will properly complete the MSP form 67 and attach this form to the evidence, both of which will be placed in the lockable temporary storage area. Any discrepancies will be accounted for prior to submission into temporary storage lockers.

In the event CDS is seized but the officer will NOT be submitting it to the MSP Forensic Sciences Unit for analysis (ie: recovered, for disposal, no suspect, *marijuana less than 10 grams*, etc), the same procedures described above will be followed except that an MSP form 67 will not be completed. Officers will only complete the SUPD property record #028 identifying the contents of the *clear (not heat-sealed plastic)* evidence bag; both of which will be placed into a lockable temporary storage area.

Controlled Dangerous Substances will be disposed of within six months of the final disposition of the case or after all legal requirements have been satisfied.

## 2. US Currency

All US currency taken as evidence will be counted, photocopied and placed in an evidence envelop with a completed SUPD property record which identifies each denomination of the currency. The property record and evidence bag will be placed into a lockable temporary storage area. The photocopies of the currency will be placed into the case file. US currency taken as recovered property associated with a case does not require photocopying.

US currency located during a CDS arrest may not automatically be seized by the arresting officer. The officer will need to articulate factors such as: whether the arrestee is employed, was the amount of currency grouped or folded in a fashion indicative of CDS distribution, was the currency being exchanged during a CDS transaction, the amount of currency recovered and so forth. Supervisors shall review the circumstances of each case to determine if the currency should be seized at the time of arrest. The arresting officer will make contact with the Wicomico County State Attorney's Office to determine whether forfeiture of the funds will be requested at the time the criminal case is presented in court.

US currency will be disposed of within six months of the final disposition of the case or after all legal requirements have been satisfied.

## 3. Firearms

All firearms that are seized by officers will be unloaded prior to submission into a locked temporary storage area. If the seizing officer is unable to ensure that the firearm is unloaded, the officer will make contact with the Firearms Instructor who will inspect the weapon and ensure it is made safe prior to placing the item into property.

(Revised 02/01/2016)

The seizing officer will make a check of the serial number through NCIC to determine whether the firearm is stolen. A MSP form 67 will be completed and attached to the firearm prior to submission into a temporary storage area. All firearms must be secured in a container specifically for weapons prior to submission to the MSP Firearms Unit for examination, tracing and testing purposes.

Firearms will be disposed of within six months of the final disposition of the case or after all legal requirements have been satisfied.

4. Perishable Items

- a. Food – These items will be photographed as necessary for evidentiary purposes and the item(s) will either be returned to the owner, if known, or be disposed of immediately. Photographs of the perishable item(s) will be contained in the case file. A property record will be completed and if the item is returned to its owner, the officer will obtain the signature of the person to whom it was released. The property record will be then placed in the case file.
- b. Biological Fluids – Evidence such as blood, urine, semen, etc which are collected as evidence will be properly documented on the SUPD property record/MSP 67. Depending upon the circumstances in which the items were collected, certain procedures will be followed as necessary. Refer to MSP Guidelines for Submitting Physical Evidence.

As some biological evidence will require special handling depending upon its nature (ie. blood to be dried prior to packaging in paper, refrigeration of certain perishable evidence, etc), officers should ensure the procedures outlined in the MSP Guidelines are followed. Questions should be referred to the Property Custodian.

In the event evidence containing blood or other material is collected which requires the item (clothes, shoes, etc) to be dried, officers shall immediately notify the Property Custodian, his/her designee, who shall respond to ensure the item is placed in a secure area within the Property Room to be dried prior to packaging.

Items that require refrigeration will be placed in the refrigerator located in the Squad Room for temporary storage purposes. The property will be placed in this location with the property record attached then locked until retrieved by the Property Custodian for placement into the Property Room.

5. All Other Property/Evidence Articles

Items seized as property and/or evidence to include, but not limited to, DVDs, compact discs, books, clothing, license plates, alcohol bottles, etc, will be submitted into the Property/Evidence Room with an attached property record. The Property Custodian will log each item into the Property Room log pending submission to the MSP Forensic Sciences Unit, any court proceedings, return to owner or disposal of property.

All property and/or evidence items will be disposed of within six months of the final disposition of the case or after all legal requirements have been satisfied.

*(Revised 02/01/2016)*

6. Bicycles

Bicycles which are frequently recovered on campus will primarily be handled as lost & found or recovered property. At any time bicycles are seized by officers, a check will be completed to determine if the bicycle is stolen or if an owner can be located. Officers shall complete a property record with the original forwarded with the case report and a copy attached to the bicycle which will be stored in the lockable Bicycle storage garage on campus.

Any bicycle that is seized as evidence in a crime will be handled accordingly. If the bicycle needs to be processed for latent prints, etc, officers will secure the bicycle in the temporary locked storage room within the squad room. The Property Custodian will then retrieve the bicycle from the temporary storage room and place/log the item in the Property/Evidence Room.

All bicycles will be disposed of within one year of the final disposition of the case or after all legal requirements have been satisfied.

7. Large/Bulky Items

Items such as televisions, signs, lawn mowers, etc are typically too large to be stored in the temporary storage areas. These items will be stored in the Bicycle storage garage if they have no evidentiary value. A check of the item will be made to determine if stolen or if an owner can be located. A property record will be attached to the case report and the appropriate tag will be attached to the item.

Items which are seized as evidence will be placed in the lockable storage room within the squad room until retrieved by the Property Custodian who will log the item(s) into the Property/Evidence Room until processing of the items can be completed.

All large items will be disposed of within one year of the final disposition of the case or after all legal requirements have been satisfied.

8. Explosives/Biohazard Substances

Whenever explosives and biohazardous substances, which are highly volatile, are encountered, these items will not be handled by officers. They will be photographed in the location found and officers will make notification to the Fire Marshall's Office and local Fire Department, if necessary, for recovery of the device. A property record will be completed by the officer who will attach this record to case file; identifying the person who took possession of the item whose signature will be obtained by the officer.

9. Status of all Property held by the Department

If property/evidence is to be removed for laboratory submittal or any other purpose, the Property/Evidence Room log (SUPD form #029) will:

- a. Be signed out by the Property Custodian noting the date and time;
- b. Be signed by the Officer receiving the item noting the date and time;
- c. If the property is taken to court as evidence, it will be returned to the Property Custodian or, if unavailable, the item will be placed in the temporary storage location the same day court concludes (except when the court maintains its possession); and
- d. Under no circumstance will the property be stored in a desk, personal locker, car or taken home.

The Property Custodian will maintain a record of final disposition of all property held in the Property Room.

E. Extra security measures for handling exceptional, valuable, or sensitive items of property will be taken to include the following:

1. Controlled Dangerous Substances – will be stored in a lockable drug storage area located in the Property Room.
2. US currency – will be stored in a lockable storage cabinet in the Property Room.
3. Firearms and other Weapons – will be stored in a lockable storage cabinet in the Property Room.
4. Bodily Fluids - will be stored, as required, in the refrigerator within the Property Room.
5. Jewelry and Other Valuables – will be stored in a lockable cabinet in the Property Room.
6. Bicycles and Large Items – will be stored in the lockable storage garage, the locked storage room within the Squad Room or in Property/Evidence Room.

F. Notification of Owner

Officers who receive property (recovered, lost & found) that does not have evidentiary value will attempt to notify the owner, if an owner can be determined, within the officer's tour of duty during which the item was located. Officers will document their efforts to contact the owner in the original or supplemental report. If the owner is located, officers will be responsible for returning the item to its owner and obtaining the required signature on the SUPD property record #028. If an owner is unable to be located, the item will be placed into a temporary storage areas pending retrieval by the Property Custodian.

The Property Custodian will be responsible for notifying the owner (via telephone or certified mail) of any items held in the property room which may lawfully be returned upon conclusion of any court or campus disciplinary proceedings.

At no time will property or evidence items be converted to personal or agency use without the authorization of the Chief of Police.

G. Final Release of Property/Evidence

Evidence, contraband, or recovered property will not be removed from the department by any employee unless it is in the performance of official duties (i.e. transporting evidence to court, returning an item to its owner, etc.)

Some specific recovered property (excluding controlled dangerous substances and firearms) having no evidentiary value will be disposed of accordingly:

1. License Plates – to the appropriate state’s Department of Motor Vehicles;
2. Identifications -
  - a. Social Security Cards – to the SS administration as designated on the card;
  - b. SU IDs – to Gullcard office or through contact with the cardholder;

The return of evidence in a pending court case shall be contingent on the approval of the Wicomico County State Attorney’s Office.

Whenever evidence or recovered property is returned to its owner, the owner – upon showing valid identification - will sign and date the property record (form 028); acknowledging receipt of the item(s).

Evidence not returned to an owner shall be disposed of by destruction of the item in the presence of the Property Custodian and another supervisor or through donation to a non-profit community organization. All CDS evidence will be reviewed, approved and securely packaged for destruction in the presence of the Property Custodian and a representative of the Wicomico County State Attorney’s Office. Destruction will be completed at a facility with a satisfactory method of disposal (ie. Humane Society’s crematory or other incineration tool). All required signatures will be noted on the Property Record (form 028) at the time of destruction.

All property records will be placed in the original case file upon release or destruction of the item.

Disposal of firearms and biohazards will be pursuant to the laws governing these items/materials.

H. Lost and Found

Salisbury University maintains a Lost and Found location in the GUC. In cases where GUC employees cannot locate the owner of recovered items of value: currency, credit cards, etc, GUC employees will contact officers to take possession of these items. Officers will ensure that these items are handled as recovered property in accordance with the above procedures and submit these items into property.

Found property that has not been claimed within one year shall be sold at the agency’s annual auction, destroyed, donated to charitable organizations, or converted to department use.

*Refer to 17.4.2*

### **84.1.2 Storage and Security of Property/Evidence Areas**

Refer to 84.1.1 (A-G)

### **84.1.3 Secure Facilities when Property Room Closed**

Only those personnel who are directly responsible for the property and evidence function shall have access to the Property/Evidence Room. The Chief of Police shall designate the Administrative Commander to serve as the Property Custodian who will be responsible for ensuring that no personnel, other than a designee in the absence of the Administrative Commander, has access into the Property/Evidence Room.

No person shall enter the Property Room other than those assigned to the Property function as outlined above or the person(s) who are conducting audits or inspections.

The authorized temporary storage areas are:

- Designated lockers in the Squad Room,
- A large lockable storage room within the Squad Room,
- Refrigerator in Squad Room; and
- A lockable storage garage located on the west campus.

### **84.1.4 Security Procedures for Controlled Substances, Weapons and Explosives**

No property or evidence items such as controlled substances, weapons or explosives, held by the department will be used for training purposes.

The custody of Items needed for investigative purposes, laboratory analysis and court proceedings will be transferred as required by the completion of the chain of custody on the SUPD property record, MSP form 67 as outlined in 84.1.1. The appropriate chain of custody will be completed every time an item is transferred to another person for a specific purpose.

### **84.1.5 Status of All Property Held – Records**

All SUPD property records and the property/evidence storage log located within the property room reflect the location of the property, the date and time when the property was received and released, the character, type and amount of property on hand, the chain of custody from the time the property was stored until its date of disposal by the agency.

Refer to 84.1.1



#### **84.1.6 Property Room – Inspections/Inventories/Audits**

In order to maintain a high degree of integrity over agency controlled property and evidence, the following shall be completed:

- A. Semi-annually, the Administrative Commander who also serves as the Property Custodian shall designate another member of the department to assist him/her in conducting an inspection of the Property/Evidence Room to ensure that procedures relative to the control of property and evidence is being adhered to in accordance with policy.
- B. Whenever the Chief of Police appoints a new Property Custodian, an audit of the property storage areas will be conducted to assure that records are complete and all property is accountable. The audit will be completed by the current property custodian, when possible, the newly appointed Property Custodian and the Chief of Police or his designee.
- C. Annually, the Chief of Police will designate a supervisor with no control over the property and evidence function to perform an audit of all property and evidence held by the department.
- D. Annually, the Chief of Police or his/her designee shall conduct an unannounced inspection of the Property Room and/or property storage areas to ensure that all procedures are being followed and that all property items are accountable.

#### **84.1.7 Final Disposition of Found/Recovered/Evidentiary Property**

All property/evidence items which have been seized, found, recovered or held for evidentiary purposes will be disposed of in accordance with applicable Federal or State laws, Salisbury University policy and/or department policy within six months after legal requirements have been satisfied.

*Refer to 17.4.2*

Refer to 84.1.1 (D)

#### **84.1.8 Civil Process and Asset Forfeiture Property**

Any property that is acquired through the civil process function or asset forfeiture proceedings will be disposed of in accordance with Federal or State laws, Salisbury University policy and department policy.

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Edwin Lashley  
Chief of Police

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