
	GAITHERSBURG POLICE DEPARTMENT		
	The Property and Evidence Function		
	GENERAL ORDER	1105.1	
	Effective Date	04/24/2024	
		Related CALEA Standards: 55.2.4, 83.2.7, 83.3.2, 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6, 84.1.7	
Authorized by: Mark P. Sroka CHIEF OF POLICE		SIGNATURE	DATE 04/24/2024

1. **POLICY** – It is the policy of the Department to handle all evidence and property in accordance with legal guidelines and CALEA approved standards. It is the responsibility of the officer who seizes an item as evidence, or takes custody of a piece of property, to submit the item(s) for proper storage and safeguarding. Property will be returned to its rightful owner in a timely manner, provided it is not contraband, and the issue of ownership is not in dispute. Evidence containing blood, semen, saliva, and other fluids, as well as hairs and fibers, will only be submitted to the Montgomery County Police Crime Laboratory when analysis is required.

2. **PURPOSE** – The purpose of the Department’s Property and Evidence Function is to operate a secure, orderly and efficient system, consistent with CALEA policies and practices, in which property taken into custody by officers will be properly stored and safeguarded. The system ensures a clear chain of custody and the integrity of evidence, as well as safe storage until the owner is located and retrieves the property, where applicable, or it is disposed of according to City Code or other applicable law.

3. **DEFINITIONS**
 - 3.1. **Contraband** – Within the context of this directive, the term “contraband” refers to property that is illegal to possess and taken into custody for the purpose of being destroyed.

 - 3.2. **Disposable Property** – Within the context of this directive, the term “disposable property” refers to any property which no longer requires storage or maintenance by the Department for legal or procedural reasons.

 - 3.3. **Evidence** – Within the context of this directive, the term “evidence” is any item which could be of use in a court proceeding, to prove or disprove a fact under consideration.

 - 3.4. **Externally Obtained Digital Evidence** – Within the context of this directive, the term “externally obtained digital evidence” refers to evidence, in a digital format, that was captured by someone other than law enforcement and then seized or turned over to an officer.

3.5. Finder – Within the context of this directive, the term “finder” refers to a person who finds, discovers, or comes into the possession of abandoned or lost property, of which the finder is not the owner, and turns such property over to the custody of the Department.

3.6. Found Property – Within the context of this directive, the term “found property” refers to property that has been lost or abandoned by its owner or custodian and subsequently found by an officer or citizen and is not known to be connected with any known or suspected criminal offense.

3.7. Property – Within the context of this directive, the term “property” is used generically, and refers to anything submitted to the property and evidence function, including found property, recovered property, evidence and items held for safekeeping.

3.8. Property Custodian – Within the context of this directive, the term “Property Custodian” refers to the person designated by the Chief of Police, who is primarily responsible for the Department’s property and evidence function. This term may also refer interchangeably to an individual, also designated by the Chief of Police, who acts as a secondary property custodian, to carry out essential duties in the primary property custodian’s absence.

3.8.1. The Property Custodian has a special email address of Property.Custodian@gaithersburgmd.gov for correspondences related to the property and evidence function.

3.9. Property and Evidence System – Within the context of this directive, the term “Property and Evidence System” (P/E System) refers to the electronic property and evidence tracking system used by the Department and Montgomery County Police (MCP) to document intake, disposal and disposition of property and evidence submitted to either GPD or MCP.

4. PROCEDURE

4.1. Property Custodian

4.1.1. The Property Custodian is responsible for overseeing the Department’s property and evidence function.

4.1.2. Property room security will be maintained through limited access.

4.1.2.1. Persons needing access for legitimate purposes will always be accompanied by the Property Custodian and shall sign in and out using the Property Room Access Log.

- 4.1.3. The Property Custodian will maintain an electronic record, using the P/E System, which accurately reflects the status of all property, held by the Department.
- 4.1.4. The Property Custodian controls the movement of property and evidence entering the property room. When items are moved from temporary storage to the property room:
 - 4.1.4.1. Records are updated as soon as possible by the Property Custodian in the P/E System. In the event the electronic system is out of service, the Property Custodian shall update the system as soon as it becomes operational;
 - 4.1.4.2. Receipt of property is indicated in the chain of custody area of the P/E System;
 - 4.1.4.3. Proper packaging and labeling, consistent with this and other applicable directives, is confirmed (items not properly packaged will be returned to the submitting officer for correction);
 - 4.1.4.3.1. Changes to the P/E System entry or packaging of an item may be made by the Property Custodian with permission (email approval) of the submitting officer; these approvals will be noted in the P/E System for the item.
 - 4.1.4.4. The assigned unique barcode number is printed on a label and affixed to the property container;
 - 4.1.4.5. The property is securely stored within the property room;
 - 4.1.4.6. The following items, of obvious value or of a sensitive nature, will be stored in an additional secured container within the property room unless out for investigation or lab analysis:
 - 4.1.4.6.1. Weapons/firearms, will also be stored separately from other valuables;
 - 4.1.4.6.2. CDS and CDS paraphernalia (most will require analysis);
 - 4.1.4.6.3. All money, whether found, recovered or seized as evidence (see General Order 1106.1 Currency & Conveyance Seizures; and 4.1.4.6.4 Jewelry.

- 4.1.5. In order to maintain a high degree of evidentiary integrity over agency controlled property and evidence, the Administrative Bureau Commander is responsible for ensuring that the following documented inspections, inventories and audits are completed:
 - 4.1.5.1. Unannounced inspections, at least annually (at the direction of the Chief of Police), of all property storage areas;
 - 4.1.5.2. Semi-annual inspections, to be conducted by the person responsible for overseeing the Property and Evidence Function or designee, to determine adherence to the procedures used for the control of property by the Property Custodian;
 - 4.1.5.3. An annual audit of property held, to be conducted under the supervision of a sergeant or lieutenant who is not routinely or directly connected with the control of property and evidence; and
 - 4.1.5.4. A memorandum of all completed inspections will be prepared and given to the Chief of Police.
- 4.1.6. Whenever personnel are assigned, or transferred from, the responsibility of primary Property Custodian, the Chief of Police will direct that an inventory be conducted jointly by the newly designated Property Custodian and a person designated by the Chief of Police.
- 4.1.7. A civilian Property Custodian is the only civilian employee authorized to handle a firearm once it is properly packaged and submitted into the P/E Systems.

4.2. Handling Property and Evidence

- 4.2.1. Officers regularly encounter property that was previously lost or stolen, must be held temporarily for safekeeping, or is contraband. These items may also potentially be evidence connected to a previously reported or unreported crime.
- 4.2.2. All property will be treated as evidence until determined otherwise.
- 4.2.3. The recovering officer will take initial steps to locate or identify the owner of property and determine if the item(s) needs to be held for safekeeping or as evidence, or if the property may be returned to the owner.
- 4.2.4. Found property will be checked, by the recovering officer, through METERS / NCIC, previous reports and/or contact with the owner to

determine if the property was stolen. When property is determined to have been stolen, the recovering officer will:

- 4.2.4.1. Determine whether the property may be returned to the owner after processing for latent evidence, if applicable;
- 4.2.4.2. Complete an event or supplement report, depending upon whether the theft was previously reported, describing the circumstances under which the property was recovered;
- 4.2.4.3. Make every reasonable effort to notify the owner without delay and discuss disposition of the property.
 - 4.2.4.3.1. Advise the owner if the property must be held as evidence until trial and obtain consent to hold the property;
 - 4.2.4.3.2. Discuss with the supervisor and/or State's Attorney's Office (SAO) concerning photographing the property and releasing it to the owner.
 - 4.2.4.3.2.1. The recovering officer should consider taking a photo of all items submitted into property and evidence, as the SAO will be able to view these photos remotely.
- 4.2.5. Property may be taken into custody for safekeeping, in this case, it will be noted in the P/E System as "Safekeeping". Likely reasons for this may include:
 - 4.2.5.1. Refusal of MCDC Central Processing to accept an arrestee's property;
 - 4.2.5.2. Inability of Fire / Rescue to transport items of property to the hospital with a patient; and
 - 4.2.5.3. Removal of weapons pursuant to a court issued order (specific requirements apply to the submission of firearms).
- 4.2.6. **The recovering officer is responsible for notifying owners where their property is being held and the procedure for recovering it from the Property Custodian.** If ownership is unknown at the time of recovery, notification will be made at such time as it becomes known.

- 4.2.7. Property will be held a minimum of 90 days for safekeeping, unless the Property Custodian is contacted by the owner. If no contact is made within this period, the property may be scheduled for disposal.
- 4.2.8. Officers taking property into custody for evidence, safekeeping, as found, recovered stolen or contraband will indicate this action in the associated event report, describing the property that is being held and circumstances under which the property was taken into custody.
- 4.2.9. As soon as reasonably possible, but no later than the end of the seizing officer's tour of duty, all property deemed necessary to be held by the Department as evidence or for safekeeping shall be submitted and logged, as outlined in this directive.
 - 4.2.9.1. Should exceptional circumstances arise (officer injured or otherwise incapacitated, held over to next shift, etc.) the on duty patrol supervisor shall be contacted to ensure the property/evidence is submitted and entered into the P/E System prior to the end of the shift.
- 4.2.10. If property seized cannot be released to the owner, the submitting officer shall note "Seizure" in the "Item Detail" field, with the description of the item, in the P/E System entry.
 - 4.2.10.1. If an item is marked as "Seized" and later can be released to the owner, the submitting officer should go back into the P/E System and complete a Disposition Request for the item, making it "OK" to dispose.
- 4.2.11. Whether currency is found or recovered as evidence in a criminal case or as a part of an asset forfeiture proceeding in the civil court, it is all packaged and accounted for in the same manner. Upon receipt of the currency, the Property Custodian will ensure that the currency is securely maintained in a designated location with controlled access prior to being deposited into the appropriate bank account waiting disposition.
 - 4.2.11.1. **If the currency will be needed for a criminal court proceeding**, to avoid confusion, the submitting officer must ensure that it is designated as **Evidence** in the "Type" field in the P/E System.
 - 4.2.11.2. Currency that is being confiscated will be designated as a **Currency Seizure** in the "Item Detail" field when describing the item in the P/E System (i.e. \$3,400 in US Currency – **Currency Seizure**) and an email should be sent

to the Property Custodian (via the special email) advising this.

- 4.2.12. **Weapons** – Only sworn personnel will take custody of weapons turned in at GPD. When a citizen wants to turn in (relinquish) a weapon, civilian employees will promptly contact an officer, who will respond to the Station and the following will occur:

- 4.2.12.1. The weapon will be checked for stolen; and

- 4.2.12.2. A Police Information (2938) report will be written.

- 4.2.12.3. The weapon will be submitted into GPD Property and Evidence in accordance with Section 4.4.6. of this directive.

- 4.2.12.4. Civilian employees (excluding Property Custodian, see Section 4.1.7.) will not handle any firearm.

4.3. Packaging Property and Evidence for Submission

- 4.3.1. **Packaging of Items** – All items of property/evidence will be individually packaged, except like items (e.g., pens, markers, misc. papers) from the same location (e.g., desk top, dresser drawer, glove box), which may be packaged together. The smallest packaging possible should be used, particularly when using boxes, in order to make the best use of space in the property/evidence room.

- 4.3.1.1. All pertinent information will be completed in the information section of the packaging.

- 4.3.1.1.1. If packaging does not have an information section to be completed, a **MCP 724 sticker** will be completed and attached to the packaging.

- 4.3.1.2. Oddly shaped or bulky items, that cannot be placed in any type of packaging, should have a hang tag attached, noting the CR # on it. Enter the item into the P/E System and send an email to the Property Custodian (via special email) so that this item can be addressed immediately by the Property Custodian for proper storage.

- 4.3.1.3. Large paper bags are provided for items such as backpacks, purses, etc., to facilitate organized storage of these items and maintain the integrity of their contents.

- 4.3.2. **Chain of Custody** – To minimize chain of custody questions, one officer should be responsible for packaging and sealing all evidence from a crime scene.
 - 4.3.2.1. When an officer receives an item for submission in the field from another officer it should be noted on the property/evidence packaging with all pertinent information, to include but not limited to: recovery/seizing officer, date and time recovered and recovery location as these are all needed for item entry in the P/E System.
- 4.3.3. **Serialized Items** – Serialized items must be packaged separately, with the exception of currency, and entered individually into the P/E System.
- 4.3.4. **Sealing Containers** – Officers will seal all property/evidence containers **with evidence tape** and write their initials and date over the seal to ensure chain of custody.
 - 4.3.4.1. Containers used to transport multiple sealed items of evidence/property will be labeled as to the contents, but not sealed.
 - 4.3.4.2. Staples will not be used to seal property/evidence packages.
 - 4.3.4.3. Officers using evidence bags that are not already sealed on one end (plastic bag roll) will write their initials and date over both sealed ends of the bag.
- 4.3.5. **Dangerous Chemicals / Explosives** – Dangerous chemicals / explosives (e.g. gasoline, fireworks) cannot be safely stored in a police facility.
 - 4.3.5.1. The Montgomery County Fire Marshall will be contacted to respond and take custody of any of this type of property.
 - 4.3.5.2. All such evidence will be packaged, labeled, and entered into the P/E System prior to transfer of custody to the Fire Marshal.
 - 4.3.5.3. No evidence/property containing gasoline, etc., will be stored in any Department property room.
- 4.3.6. **Firearm Packaging** – Firearms must be unloaded and a Nylon wire tie must be used to secure the firearm to the box. When securing the firearm, the tie should be placed through the ejection port and/or around

the frame in a manner that renders the gun visibly safe. **Do not** place the tie through the cylinder or barrel as this can compromise the evidence.

4.3.6.1. Under no circumstances shall any firearm be submitted into evidence loaded.

4.3.6.2. Firearms will then be packaged separately in cardboard gun boxes. If no boxes are available, a hang tag can be used and the Property Custodian must be notified.

4.3.6.3. If a firearm has a magazine, it should be included with the firearm for subsequent examination and analysis.

4.3.6.3.1. The magazine (unloaded) will be secured in the same packaging as the firearm.

4.3.6.3.2. If the firearm has multiple magazines, **only one (1) will be included with the firearm**, any additional magazines are submitted separately as an entry in the P/E System.

4.3.6.3.3. If DNA or fingerprint analysis is needed on the loaded ammunition, leave it in the magazine and submit it in a separate package from the firearm.

4.3.6.4. Ammunition must be packaged separately and given its own barcode.

4.3.7. **Latents** – Will be submitted in the appropriate size Latent Print Envelope via the P/E System; if one of these envelopes is not available place the print card(s) in the appropriate sized packaging with a completed MCP Form 41.

4.3.8. **Sharps** – Place all sharps (needles, syringes, razor blades, fixed blade knives, etc.) in a biohazard safety tube prior to packaging for submission. If the item will not fit in a safety tube, either place it in a knife box or place it in between two pieces of hard cardboard and tape the edges of the cardboard prior to packaging.

4.3.8.1. The safety tube should then be placed in the appropriate sized plastic evidence bag with all pertinent information completed on the packaging.

4.3.9. **Biohazard** – Evidence suspected of containing blood, semen, or other bodily fluids will be packaged in a brown paper bag (or cardboard box) to prevent condensation that may cause evidence to decompose

or deteriorate, with all pertinent information completed on the packaging. A “biohazard” sticker will be attached and this will be noted in the P/E System as such.

4.3.9.1. Known Buccal swabs and DNA swabs will be submitted in their appropriate envelope, that which was supplied with the swabs.

4.3.10. **Currency** – All money coming into the department’s possession will be carefully safeguarded by all who come into contact with it, and accounted for in department records and documentation.

4.3.10.1. The money will be carefully counted using a counting officer and **at least one witnessing person** and placed into the currency bag. The department member who seals the bag will legibly hand-write his/her initials and the date across the bag’s seal. The person who witnessed the currency count will be listed in the block on the currency bag, as well as the Event Report.

4.3.10.2. The serial number of each seized currency bill is always documented. Officers should use the currency counter in the evidence processing room to document each bill’s denomination, serial number and total amount seized. The Property Custodian will create a PDF record from the currency counters report for entry into the P/E System and forward a copy to the investigating officer.

4.3.10.3. Only currency that is dry should be packaged in a sealable plastic bag. Nothing else is packaged with money.

4.3.11 **Controlled Dangerous Substances (CDS)** – All CDS or CDS paraphernal items being submitted for analysis or destruction will be submitted into the P/E System in accordance this directive.

4.3.11.1 All CDS or CDS paraphernalia items being submitted for analysis or destruction must be submitted in a security bags with ActiSeal. Do not use the security bag as the primary storage for the CDS. Use another bag or container as the primary container for the CDS.

4.3.11.2 CDS Containers that need processing for fingerprints should be separated from the CDS. The CDS will be placed in a security bag with ActiSeal. The CDS Container must be placed in a brown paper bag and sealed. The

container must be listed as a separate item in the P/E System.

4.3.11.3 Syringes and Sharps should be placed into a “sharps container” tube. Place tape over each end to prevent it from opening. Place the tube into an envelope or security bag with ActiSeal. Boldly write on the outside of the envelope “Sharps” and place a biohazard sticker if necessary.

4.3.11.4 An MCP Form 139 will be completed and attached when submitted. Do not comingle items that require analysis with those turned in for destruction on the same MCP Form 139.

4.3.11.4.1 Prescription drugs turned into the Prescription Drug drop box, by a citizen, do not require the MCP Form 139 to be filled out.

4.3.11.4.2 No illegal drugs or evidence may be placed into the Prescription Drug drop box.

4.4. Submitting Property and Evidence

4.4.1. Property shall be submitted and stored in accordance with Department directives. Storing property in personal desks, lockers, vehicles, homes, or other places that are not secure or would interrupt chain of custody is strictly prohibited.

4.4.2. Officers submitting property will ensure that it is suitably packaged and labeled, as described in Section 4.3. so that its integrity can be protected during any storage or transmittal for analysis.

4.4.3. The officer taking control of property/evidence will enter the item(s) into the evidence tracking system and place the item(s) into the appropriate size temporary locker as soon as possible, but no later than the end of the officer’s tour of duty.

4.4.3.1. The Property Custodian will be contacted immediately in the event that all temporary storage lockers are already being used or if the property being submitted will not fit into a secure temporary storage.

4.4.3.1.1. The Property Custodian will either provide guidance reference temporarily securing items

for which there is insufficient storage or respond to take direct custody of the property.

- 4.4.4. Officers will only utilize their own identification information when logging in to the P/E System. Officers shall not use another officer's information for this purpose, as the logged in user is recorded as making any notes or changes to the evidence/property record for that session.
- 4.4.5. If the P/E System is not working, an MCP 526 "Evidence Property Transfer Report" must be completed for all evidence/recovered property being submitted.
 - 4.4.5.1. The required forms must be filled out completely, including the signature block.
 - 4.4.5.2. The chain of custody cannot be tracked without a signature on the MCP 526.
 - 4.4.5.3. Once the computer is operational, the Property Custodian will enter the information into the P/E System, based upon the details provided on the MCP 526.
 - 4.4.5.4. All other procedures, including any additional forms that are required will be followed.
- 4.4.6. All non CDS evidence being submitted for laboratory analysis will be submitted and entered into the P/E System according to this directive. The related laboratory request form, excluding MCP 139, will be emailed to the appropriate MCP Analysis Email address.
 - 4.4.6.1. Once the appropriate lab has requested the item(s) for analysis, the Property Custodian will transfer the item(s) to the Montgomery County Police Headquarters Evidence Unit (MCP HQ EU)
- 4.4.7. Firearms will be submitted into the P/E System at GPD, unless instructed otherwise by a firearms detective (see Section 4.5.2.), and subsequently transferred, by the Property Custodian, to the MCP HQ EU for Firearm Tracing or Investigation (criminal activity or ownership).
 - 4.4.7.1. All firearms will be packaged and labeled in accordance with MCP procedures as outlined in MCP Function Codes 721 and 731;

- 4.4.7.2. If DNA and/or Latents are required, in addition to test fire (which is required of all crime firearms), the investigating officer will complete the MCP Form 41 and email it to #POL.MCP41@montgomerycountymd.gov and cc the Property Custodian (via the special email) in the email.
- 4.4.8. Property that does not require any examination, or is being held for safekeeping, will be submitted at GPD using the P/E System.
- 4.4.9. All property and evidence submissions, including lab analyses, will be documented in the associated event report.
- 4.4.10. All externally obtained digital evidence will be imported and stored in Evidence.com.
 - 4.4.10.1. Once the digital evidence is imported the physical device containing the digital evidence will be packaged and entered into the P/E System according to this directive.
 - 4.4.10.2. There is no need to make copies of any digital evidence, as the SAO can access the digital evidence through Evidence.com.
- 4.4.11. **Prescription Drugs Drop Box** – The Police Department has a Prescription Drug drop box, located in the lobby of the Police Station. The purpose of the drop box is to allow citizens to turn in expired or unused prescriptions for disposal. The only items that are to be submitted are: pills, capsules, and patches. No liquids, creams, sharps or other medical devices will be permitted.
 - 4.4.11.1. The Community Services Officer (CSO) or designee will remove these items and package them in a commercial grade trash bag, while wearing protective gloves, and enter into the P/E System for destruction.
 - 4.4.11.2. The entire process will be witnessed by another GPD employee, up to and including the placing in the temporary locker in the Evidence Processing area.

4.5. Special Handling Procedures

4.5.1. Bicycles

- 4.5.1.1. If a citizen contacts the Department to report a found or abandoned bicycle, the caller will be referred to the MCP Abandoned Vehicle Unit (AVU).

4.5.1.2. If an officer finds a bicycle, the officer shall run the serial number through NCIC for a stolen check and attempt to identify the owner.

4.5.1.2.1. If the owner cannot be located and the bicycle is not listed as stolen, the officer will ensure that it is transported to the AVU lot.

4.5.1.2.2. If it is determined to be stolen, it will be transported to the station and the officer will attempt to arrange for its return.

4.5.1.3. Bicycles taken into custody for safekeeping will be transported to the station and secured.

4.5.2. **Firearms**

4.5.2.1. When an officer seizes a firearm as evidence or resulting from an arrest, the MCP FIU will be notified either directly or through the Emergency Communications Center (ECC). Direction from the firearms detective will be followed regarding processing and submission.

4.5.2.2. Unless directed otherwise by a firearms detective, the firearms will be submitted at GPD using the P/E System as instructed in this directive pending further transmittal.

4.5.2.3. All handguns, and any long gun used in the commission of a crime, will require, **at a minimum**, that the following MCP Forms to be completed at the time of submission and entry into the P/E System at GPD:

4.5.2.3.1. MCP Form 41 for test fire (Firearm/Toolmark), and

4.5.2.3.2. MCP 723, which is accomplished by checking the "Firearm" related box when entering into the P/E System.

4.5.2.3.3. Additional requests, such as Latents Only or DNA/Latent can also be requested on the MCP Form 41, in addition to test fire.

4.5.2.4. The Property Custodian will transfer the firearm to MCP HQ EU for the requested analysis/investigation on the firearm.

4.5.2.5. Packaging of firearms is covered in Section 4.3.6. of this directive.

4.5.2.6. If a weapon is in such condition that it cannot be determined if it is unloaded or safe, it will be presumed to be loaded.

4.5.2.6.1. The Property Custodian will be made aware of this situation immediately; and

4.5.2.6.2. The Property Custodian will consult with subject matter experts to ensure that the weapon is made safe before it is stored in the Property Room.

4.5.2.7. The submitting officer will notify MCP Records to have the firearm entered into NCIC as a "Recovered Gun" if the firearm's owner information is unknown.

4.5.3. DNA/Blood Evidence

4.5.3.1. GPD investigators will periodically conduct roll call training on the types of DNA evidence to be collected by patrol officers and the use of DNA collection kits.

4.5.3.2. Officers will contact Montgomery County Police Forensic Services Section (MCP FSS) personnel for assistance with DNA evidence collection at complex scenes. FSS personnel have advanced training and expertise in the area of DNA evidence collection.

4.5.3.3. The MCP Crime Lab will accept evidence for analysis when accompanied by samples from a known source. All evidence submitted for trace examination or DNA comparison will be packaged and marked in accordance with procedures outlined in MCP Function Code 731 and submitted at the GPD station.

4.5.3.3.1. Submitting officers shall ensure that chain of custody is documented and all items submitted for examination and analysis are itemized and accounted for in the P/E System;

4.5.3.3.2. Once the item(s) has been approved by the Property Custodian, a system generated barcode number/label will be produced and placed on the item(s).

4.5.3.3.3. The Investigating Officer will complete the MCP Form 239 listing what is to be tested **and** on a separate sheet of paper (i.e. Event Report or P/E System Report) list all other items that were collected related to the case.

4.5.3.3.4. Upon completion of the MCP 239 the Investigating Officer will email it to the Crime Lab and cc the Property Custodian (via special email) at POL239@montgomerycountymd.gov.

4.5.3.3.5. Upon the Crime Lab's approval, via email, for analysis the item (s) will be transferred by the Property Custodian to the Crime Lab via MCP HQ EU for testing.

4.5.3.4. If it is determined that pools of blood are of evidentiary value (DNA analysis), photographs should be taken of the pools and swabs taken of the blood. In addition to DNA swabs, if there is the potential for evidence from the pool FSS should be contacted as GPD does NOT have an air drying chamber.

4.5.3.5. When a large section of carpeting is involved (i.e. containing blood-stains, fluids, etc.), and would be impractical to remove, a piece of carpeting containing the evidence may be cut, removed and submitted to the lab as described.

4.5.3.6. Evidence submitted will be screened by the lab using accepted testing procedures to determine if blood, semen or other fluids are actually present.

4.5.3.7. In the event evidence submission to the lab will be or has been delayed for any reason, a supplement report should be prepared and submitted indicating why.

4.5.4. Submitting Evidence to State and Federal Labs

4.5.4.1. The MCP FSS is a full service accredited laboratory facility with the capability to conduct examination and/or comparison services required by GPD.

4.5.4.2. All items will be submitted to MCP for initial examination.

4.5.4.2.1. If evidence requires submission to another laboratory, MCP FSS will forward the material for examination to the appropriate state or federal laboratory.

4.5.5. Prescription Drugs turned in for destruction to Drop Box

- 4.5.5.1. Prescription drugs that are turned in by citizens to the Prescription Drug drop box will be accepted at the Police Station and submitted for destruction (see Section 4.4.12.).
- 4.5.5.2. The Community Services Officer (CSO) will complete the entry in the P/E System by requesting a Non-Dispatched # (event only) from the ECC Supervisor.
- 4.5.5.3. Submitted prescription drugs will be held in property until proper disposal is accomplished through either the DEA Drug Retake Program, or incineration.

4.6. Evidence Retrieval

- 4.6.1. If evidence must be retrieved for court or any other official purpose, the officer will notify the GPD Property Custodian, via email at Property.Custodian@gaitthersbrugmd.gov.
 - 4.6.1.1 The email request should state the CR # along with the particular barcode or item # as displayed in the P/E System. The email will also state why the item is needed (e.g. for court, investigation) and the date needed.
- 4.6.2. Evidence submitted to MCP will be retrieved in accordance with their procedures.
- 4.6.3. The Property Custodian will make arrangements with the requesting officer to transfer custody of the evidence and the transfer will be documented in the P/E System. The requested evidence will be placed into a temporary locker, with a combination lock, and the requestor will be sent an e-mail with the combination to the lock.
- 4.6.4. When evidence is returned or retained by the court (or State's Attorney's Office (ASO)), the officer will notify the Property Custodian, via special email, with the disposition to ensure it is documented for chain of custody.
 - 4.6.4.1. If the evidence is returned to GPD, the email will state location returned to, date of return and the disposition of the evidence (e.g. case closed, return to owner/destroy, or case continued, hold).

4.6.4.2. If the evidence is retained, either by the court or ASO, the email should state the date and whom the evidence was turned over to (e.g. Circuit Court or specific state's attorney in the ASO).

4.7. Releasing and Disposing of Property/Evidence

4.7.1. Property taken into custody for safekeeping, or after being found abandoned (except for firearms and contraband), will be returned to the property owner when possible, pursuant to the provisions of this directive.

4.7.2. Depending upon the nature of the evidence, severity of the crime committed and whether the evidence seized is an item of personal necessity for the victim (i.e. Money); officers may take photographs of evidence at the scene and release the property, if photos accurately depict the evidence.

4.7.2.1. Whenever possible, officers should contact the State's Attorney's Office before photographing and releasing evidence to ensure that the taking of photographs will be acceptable for the particular case.

4.7.3. Officers requesting the release of money, in other than Currency Seizure cases (1106.1), will make a request for funds to be returned to owner via the special Property Custodian email. Upon notification via email by an officer, or if a citizen is requesting a return of money held for safekeeping, the Property Custodian will send an email to the Police Administrative Services Supervisor (PASS) requesting the release of funds in the form of a check. The PASS will prepare a memorandum via the Chief of Police to the Director of Finance. The memorandum will advise of the case status and the reason for release (i.e. Return of found property to citizen, criminal case concluded and no longer needed for prosecution).

4.7.4. The Property Custodian will attempt notification of the owner by mail, phone, or other expedient means of communication after determining that the property is no longer needed in connection with a prosecution or retention of the property is no longer relevant to the Department. Notification should include the following:

4.7.4.1. Description of the property;

4.7.4.2. Statement that same is being held by the Department;

4.7.4.3. Location of the property; and

- 4.7.4.4. Stipulation that unless the property is claimed within prescribed time constraints, it may be scheduled for disposal.
- 4.7.5. After notification, the owner of the property shall have 30 days to secure the release of the property. If no one responds to the notification within 30 days, or ownership cannot be determined, the Property Custodian will undertake efforts to dispose of the property.
 - 4.7.5.1. If the property is to be converted to City use, the Property Custodian will utilize the following procedure:
 - 4.7.5.1.1. The Property Custodian will submit a memo, via chain of command, that requests that the asset(s) be converted to city use and a brief description as to why;
 - 4.7.5.1.2. If approved in writing by the Chief of Police and City Manager, the Quartermaster will enter the item(s) into the Quartermaster system. If the item is currency, the Property Custodian will have the currency transferred into the appropriate City bank account via a memo from the PASS; and
 - 4.7.5.1.3. Notations of the request for conversion of assets, and subsequent response, will be documented by adding the approval in the P/E System as an attachment noting barcode/item #'s effected.
- 4.7.6. If the submitting officer has not identified or located the property owner to inform of the status of the property, the Property Custodian will attempt to ascertain ownership before final disposition.
- 4.7.7. Submitted property not needed for court as evidence, is not contraband, and the ownership of which is not in dispute, will be released to the owner:
 - 4.7.7.1. When determined that there will be no further court proceedings for which the property is needed;
 - 4.7.7.2. If the investigating officer approves;
 - 4.7.7.3. Only by the Property Custodian;
 - 4.7.7.4. After being determined that the owner may legally possess the property; and

- 4.7.7.5. After the owner signs for receipt of the property.
- 4.7.8. If ownership of the property is in dispute, the recovering officer will not release it, but rather will submit it into the P/E System.
- 4.7.9. It is the investigating officer's responsibility to inform the Property Custodian, thru the P/E System when the property is no longer needed in connection with the prosecution of any case.
- 4.7.10. To ensure that Department records accurately reflect when property that has been held as evidence is returned to the owner, officers will not release property to its purported owner while signed out for court or other lawful purposes.
 - 4.7.10.1. The property will be transported back to the station and returned to the Property and Evidence Function.
 - 4.7.10.2. The owner will be advised to contact the Property Custodian to make arrangement for return of the property and signature of receipt (See General Order 623.1 - Court Appearances).
- 4.7.11. Officers must be cognizant of the fact that some persons are prohibited by statute, court order, or parole and probation conditions from possessing certain items, such as firearms.
- 4.7.12. The person to whom property will be released will be required to sign the Property Custodian's records in acknowledgement of receipt. If the person is a juvenile, a parent must also be present and sign for the property.
 - 4.7.12.1. If a party, representing to be the owner of the property, appears to claim such property, satisfactory identification shall be provided to the Property Custodian prior to release.
 - 4.7.12.2. The claiming party's signature upon the Property Custodian's records includes declaration of the rightful ownership of said property.
- 4.7.13. Property not retrieved within 30 days after owner notification of the retrieval process, and property that has been in the possession of the Department for more than 90 days that is no longer needed in connection with a prosecution or retention of which is no longer relevant to the Department, will be scheduled for disposal accordingly:
 - 4.7.13.1. **Sold at auction**, by a third party,

4.7.13.2. **Converted to City use**, see Section 4.7.5.1., or

4.7.13.3. **Destroyed** after the expiration of the retention period or approved by the investing officer, via notation in the P/E System, if there is no value in the item for either sale at auction or conversion to City use.

4.7.14. The final disposition of found, recovered and evidentiary property will be accomplished within six (6) months after legal requirements have been satisfied.

4.7.15. The Department does not utilize seized or forfeited controlled substances, weapons, or explosives for training purposes or investigative purposes beyond those associated with the initial seizure.

4.8. Finder's Right to Abandoned Possessions

4.8.1. Any person qualified to be designated as a finder as defined in Section 3.5. of this General Order, may state his or her intention to reclaim the property in writing to the Property Custodian after a 90 day waiting period has elapsed.

4.8.1.1. Should no apparent rightful owner be located, or if upon location and required notification, the rightful owner fails to make claim to the personal property within the 90 day period, the claim of the finder may be acted upon and the property released to him or her.

4.8.1.2. Failure of the finder to claim property, within 30 days after being notified of his or her right to do so, will be deemed a waiver of all right and claim to the property, which will then be disposed of accordingly.

4.8.2. The finder will be required to sign the Property Custodian's records, acknowledging receipt of the property.

4.8.3. Employees of the City, either permanent or part time, shall not:

4.8.3.1. Be considered a finder with right to possession, or be permitted to convert property to their own use; or

4.8.3.2. Manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action.

4.9. Releasing and/or Disposal of Firearms – All firearms taken in by GPD officers either as evidence, safekeeping, relinquished or found will ultimately be investigated by MCP FIU who will determine if the firearm can be released, disposed or should be held further.

4.9.1. **Release of Firearms** – Any requests regarding the return of firearms shall be referred to MCP FIU, as they are the only authorized entity to release firearms for GPD.

4.9.2. **Disposal of Firearms** – Once MCP FIU has completed the firearm investigation and it has been determined that the firearm can be destroyed, the following will be completed by the Property Custodian:

4.9.2.1. The documentation authorizing disposal, from the FIU investigator, will be placed in the P/E System as an attachment for the item(s);

4.9.2.2. The Property Custodian will contact the facility currently being used to destroy firearms to seek approval to bring the firearms to the facility;

4.9.2.3. Upon facility approval, a date will be established so that a sworn officer of GPD can participate in the transport and witnessing of the firearms being placed into the incinerator; and

4.9.2.4. The Property Custodian will prepare a memo addressed to Maryland State Police Licensing Division that lists the number of firearms destroyed, date of destruction, signature of witnesses and location of destruction. A print-out of the firearms destroyed showing each of their serial numbers will be attached to the memo and submitted with it.