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Sheriff

# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

## Property/Evidence Management

<b>Distribution:</b>	<b>All Employees</b>	<b>Policy Number:</b>	<b>OPS 1602</b>		
<b>Responsible Unit:</b>	<b>Criminal Investigations Division</b>	<b>Rescinds:</b>	<b>MAN3600 dated 7/10/2012</b>		
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### 1. Purpose

To provide members of the Harford County Sheriff's Office (HCSO) with guidelines regarding seizure, packaging methods, submission, storage, and disposition of physical evidence and recovered property.

### 2. Policy

The HCSO will securely store all evidence, contraband, and other property coming into its custody, maintain the chain of custody, and promptly dispose of items in accordance with established procedures.

### 3. Definitions

**ABANDON:** to voluntarily relinquish all rights, title or claim to property that rightfully belongs to the owner of the property.

**CONTROLLED DANGEROUS SUBSTANCE (CDS):** in this policy, CDS refers to known or suspected CDS, including paraphernalia containing known or suspected CDS.

**CHAIN OF CUSTODY:** the continuity of the custody of physical evidence from time of original collection to final disposal; may be introduced in a judicial proceeding.

**DIGITAL EVIDENCE:** any probative information stored or transmitted in a digital form.

**DOCUMENT:** to complete the necessary paperwork for the Property Management Unit (PMU). This paperwork will include the Property Evidence Record ([SO-258](#)) and the Request for Laboratory Examination - Chain of Custody Log ([MSP-67](#)).

**FINANCIAL INVESTIGATOR (FI):** an Agency member designated by the Sheriff who manages seized assets and handles the seized property as a result of CDS, gambling, and related organized criminal activities per Maryland Code Title 12.

**PROCESS:** the physical act of analyzing, examining, or evaluating property/evidence and conducting the necessary tests needed for court testimony and presentation.

**PROPERTY/EVIDENCE MANUAL:** a descriptive and visual guide to submission of items to the PMU.

**PROPERTY MANAGER:** the civilian manager of the PMU, under the supervision of the supervisor of the Forensic Services Unit (FSU), Criminal Investigations Division (CID).

SUBMISSION: the actual placement of evidence/property into bins or containers to be picked up by the Property Management Unit.

#### 4. References

[Evidence Submission Manual](#)  
[OPS 1611](#), Digital Evidence Submissions

#### 5. Procedures

##### A. Documentation

1. All in-custody and evidentiary property will be stored within designated, secured areas, with access limited to authorized personnel.
2. Items that are too large for lockers and do not require processing (e.g., bicycles, mopeds, lumber, tires, etc.), or combustible containers (e.g., gasoline cans, oil, etc.) will be placed in the outside secure area. The items will be tagged with the Incident Report number, date, identification number, and the owner's last name, if known.
3. All property/evidence coming into the possession of the HCSO will be recorded by providing all required descriptive information on a Property Evidence Record ([SO-258](#)) as listed below:
  - a. All items submitted must be packaged separately and listed on a separate Property/Evidence Record ([SO-258](#)) according to the following categories:
    - i. Firearms ([SO-258F](#));
    - ii. CDS ([SO-258D](#)) Exception: CDS being submitted to the Maryland State Police (MSP) laboratory does not need a completed Property Evidence Record ([SO-258D](#)) as the Request for Laboratory Examination - Chain of Custody Log ([MSP-67](#)) serves as the chain of custody;
    - iii. Money ([SO-258M](#));
    - iv. Jewelry ([SO-258J](#)); and
    - v. General Property ([SO-258](#)) - anything other than above, to include digital evidence.
4. Any property submitted to the PMU must be properly packaged per the [Evidence Submission Manual](#), regardless of the circumstances of recovery, to ensure preservation of vital evidence and chain of custody.
5. To ensure a proper chain of custody, all Property/Evidence Records ([SO-258](#)) and Request for Laboratory Examination - Chain of Custody Logs ([MSP-67](#)) will be completed prior to the end of the deputy's tour of duty, with the following exceptions:
  - a. Due to the complexity of investigations and the potential size of evidence/property seizures, Agency personnel assigned to the Investigative Services Bureau (ISB) and Crime Suppression Unit (CSU) will follow the Standard Operating Procedures established by the division commanders.

- b. If, due to unforeseen circumstances the times noted above are not sufficient, the respective division commander will notify the PMU, in writing via a Memorandum ([SO-212](#)), that more time will be needed.
  - i. The Memorandum ([SO-212](#)) will explain in detail why the extra time is needed.
  - ii. The Memorandum ([SO-212](#)) will be attached to the Property Evidence Record ([SO-258](#)) by the PMU when the property/evidence is finally submitted and will be retained with the Property Evidence Record [SO-258](#).
- 6. A HCSO Incident Report will be required each time a Property Evidence Record ([SO-258](#)) is completed.
  - a. For Part 1 Crimes, a HCSO Incident Report will be completed by the end of the employee's tour of duty.
  - b. For non-Part 1 Crimes, the employee will submit the property prior to the end of the tour of duty, complete the proper Property Evidence Record ([SO-258](#)) and will complete a HCSO Incident Report prior to the conclusion of the next day.
- 7. Thoroughly inspect and record all items. Example: "Black duffle bag with miscellaneous clothing" is not acceptable.
  - a. This instruction imposes some discretion since many items have little monetary value or no evidentiary value and a detailed, individual description is not necessary. The intent is to ensure that no important items are missed by not searching thoroughly, and that all valuable and evidentiary items are recorded separately and in detail.
- 8. Property Evidence Record ([SO-258](#)) Completion and Property Packaging
  - a. Refer to the [Evidence Submission Manual](#) for further details on proper collection, packaging, and submission.
  - b. A known or approximate value must be entered for each submitted item.
    - i. "N/A," "0," or "Unknown" will not be accepted.
  - c. The chain of custody portion of the Property Evidence Record ([SO-258](#)) will be completed, with the date and time of the recovery, and each time an item is transferred from one person to another.
  - d. The member receiving the property will ensure that the description listed on the Property Evidence Record ([SO-258](#)) matches the inventory or description on the sealed package.
  - e. Any visible damage to property should be noted on the Property Evidence Record ([SO-258](#)).
  - f. The original Property Evidence Record ([SO-258](#)) will be forwarded along with the property to the PMU.

- g. The second copy of the Property Evidence Record ([SO-258](#)) must be scanned, front and back, and attached to the related Incident Report or supplement.
- h. The PMU will reject any documentation and/or evidence which is incomplete, incorrect, improperly packaged, or mutilated to the respective location's rejection bin and will notify the respective [deputy, the deputy's Corporal, Sergeant, and Lieutenant](#) with an email containing an Evidence Submission Rejection ([SO-191](#)).
  - i. PMU personnel do not conduct an inventory of the contents of sealed evidence packages during the intake process.
    - a) All sealed evidence packages received by PMU personnel are assumed to contain what they are "said to contain" according to submission paperwork.
    - b) The responsibility for the contents of a sealed package accepted by the PMU rests solely with the employee who sealed the packaging, not the PMU.
  - ii. The submitting member must correct the deficiencies noted on the Evidence Submission Rejection ([SO-191](#)) form within 72 hours of receiving notification.
  - iii. Upon correcting the deficiencies, the [supervisor](#) and submitting member will sign off on the Evidence Submission Rejection ([SO-191](#)) and re-submit the documentation and evidence to the PMU pickup area along with the form.

9. Photograph all items prior to submission.

- a. If the item(s) is described on the property sheet then a photograph should be taken of it.
  - i. It is not necessary to take an individual photograph of each item.
  - ii. The use of collective photos and close-up photos are at the discretion of the submitting deputy based on the crime type, evidence type, notable damage, number of items, or other pertinent factors.

B. Item Submission

- 1. During hours when the PMU is attended, deputies may submit property/evidence items directly to a member of the PMU or place the items in the temporary storage evidence lockers located at the Northern Precinct (NP), Southern Precinct (SP), Special Investigations Division (SID), Child Advocacy Center (CAC), or Criminal Investigations Division (CID).
- 2. During hours when the PMU is not attended, deputies will place all property/evidence items in the temporary storage evidence lockers located at the NP, SP, SID, CAC, or CID, if CID personnel are present at the facility.
- 3. All property/evidence will be turned over to the PMU or placed in the temporary storage evidence lockers prior to the end of the member's tour of duty, except for those noted in 5.A.2.

4. No evidence will be stored in desks, offices, vehicles, personal lockers, case files, or other unauthorized places.
  5. Storage of property/evidence at any other location will require approval from the Property Manager.
  6. Evidence seized by ISB detectives may be temporarily stored in the temporary evidence lockers.
    - a. ISB detectives will have 45 business days to process all property and evidence except for cell phones.
    - b. ISB detectives will provide a minimum 24-hour notification to the HCSO PMU notifying them when there is an unusually large amount of property and/or evidence ready for submission.
    - c. Any seized cell phones may be stored up to 60 days for processing.
      - i. If an investigator needs more than 60 days to process a cell phone, he must obtain written authorization from the division commander.
      - ii. The SID or CID division commander will notify the PMU in writing, via email, of any approved time extensions.
      - iii. Once a detective completes his processing of the cell phone, he must either return it to the owner or the PMU within three business days from the date of completion of the processing.
  7. The chain of custody will be signed by the receiving member.
  8. Notification of late submissions of property/evidence will be forwarded to the member's division commander by the PMU.
  9. All property/evidence will be packaged or tagged in accordance with guidelines provided by the [Evidence Submission Manual](#) and accompanied by the Property/Evidence Record ([SO-258](#)).
  10. Proper submission, documentation, labeling, and packaging are the responsibilities of the submitting member.
  11. Property/evidence will be collected from the temporary storage evidence lockers by the PMU on Monday, Wednesday, and Friday of each week, excluding holidays or more frequently, if necessary and coordinated with the division commander.
    - a. Temporary storage evidence lockers are located at the NP, SP, CAC, CID, and SID.
    - b. Temporary storage evidence lockers are also located in the Inter-Agency Processing Center (IPC) Booking area at the Detention Center; however, these lockers will be used exclusively by Detention Center personnel for storage of items as outlined in HCDC policy.
  12. All submissions for firearms, CDS, money, and jewelry will be checked by a supervisor for accuracy prior to being submitted.
    - a. The reviewing supervisor will note his approval of the accuracy and completeness of the submission by placing his initials and identification number in the supervisor initial column on
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the Property/Evidence Record ([SO-258](#)) or the lower left corner of the Request for Laboratory Examination - Chain of Custody Log ([MSP-67](#)).

#### C. Temporary Storage Evidence Lockers

1. CDS submissions, whether packaged in a sealed Kapak bag or an HCSO evidence envelope, will be placed in the evidence locker labeled "CDS Submissions" through the locker's mail slot, providing the item(s) will fit through the slot.
2. Property/evidence submissions (non-CDS) that are placed in a HCSO evidence envelope will be placed in the locker labeled "P/E Submissions" through the locker's mail slot, provided the item(s) fit through the slot.
3. All other submissions and submissions that are too large to be passed through the evidence locker mail slots will be placed in one of the evidence lockers.
4. Evidence lockers of various sizes are provided to accommodate most submission items.
5. The submitting member should utilize the most appropriate evidence locker based on the size of the item being stored.
6. Large bulky items, such as bicycles, will be placed in the designated areas at each precinct.
  - a. The designated area at the SP is the storage room located behind the evidence lockers, referred to as "Evidence Locker 299".
  - b. Items containing flammable or hazardous substances (e.g., lawn mowers, scooters, etc.) will be stored at the SP in the fenced area near the dumpster on the rear parking lot and will be referred to as "Evidence Locker 299A".
  - c. The designated area at the NP is the lockable fenced enclosure in the sally port, referred to as "Evidence Locker 399".
  - d. Alternative storage areas will remain secured, and access gained with a key obtained from the KeyWatcher system.
  - e. PMU will be notified via email when items are stored in alternate designated areas.
7. The original Property/Evidence Record ([SO-258](#)) will remain with the property.
8. The appropriate evidence locker location (e.g., NP, SP, CID, etc.) will be included in the chain of custody section of the Property/Evidence Record ([SO-258](#)).

#### D. Unacceptable Items

1. Hazardous Substances: poisons, fuels, volatile substances, chemicals used in the manufacture of CDS, fireworks, artillery shells, pipe bombs or components of such devices will be photographed where they are found, if this can be done safely.
  - a. Control of the item(s) will be given to the State Fire Marshal's Office, Military Explosive Ordnance Disposal, Haz-Mat Team, or another appropriate agency.

- b. Ordinary firearms and ammunition may be submitted to the PMU if the items are submitted in a safe manner.
    2. Under no circumstance will any biohazard or chemical item be placed in any evidence locker.
      - a. Evidence such as knives or clothing that contain small amounts of blood or body fluids will be accepted provided the package is clearly labeled with a biohazard warning label and the items are safely packaged to prevent seepage (see [Evidence Submission Manual](#), Biological Evidence section for further information).
    3. Perishables: foods, snacks, and other perishable items.
      - a. Seized food will be photographed and immediately returned to the owner, if known; if the owner is not known, the items will be photographed and properly disposed of.
      - b. If perishable items must be maintained for evidence purposes, the deputy desiring to submit the item(s) must coordinate the effort with a member of the PMU for storage in the refrigerator or freezer.
    4. Vehicles: automobiles, motorcycles, mopeds, motorbikes, mini-bikes, go-carts, and other fuel powered vehicles (with or without motors) will be stored at an approved vehicle storage facility.
      - a. Approval for storage of the items must be obtained from the CID division commander.
    5. Incendiary Devices: devices used to create heat or fire such as, but not limited to lighters, butane torches, vape devices, etc. will not be submitted to PMU.
      - a. These devices should be photographed pursuant to the investigation and returned to the owner or parental guardian.
      - b. If the device is deemed to contain physical evidence (e.g., blood, fingerprints, etc.) then contact the FSU for collection.
      - c. **Vape devices that contain CDS (which cannot be removed) may be submitted.**
        - i. **Upon submission, email notification to PMU must be made to include disposition so the item can be safely handled.**
    6. It will be the Property Manager's responsibility to plan for alternate storage or proper disposal of property which is considered by the Property Manager to be unsafe for storage.
      - a. Members should consult with a supervisor or PMU staff to determine alternate storage solutions until the item(s) can be stored or disposed of.
  - E. Controlled Dangerous Substances (CDS)
    1. **CDS definition - only drugs assigned to Schedule I-IV**
      - a. **Schedule I Controlled Substances**
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- i. Some examples of substances listed in Schedule I include heroin, lysergic acid diethylamide (LSD), peyote, methaqualone, and 3,4-hylenedioxyamphetamine ("Ecstasy").
  - b. **Schedule II/IIN Controlled Substances**
    - i. Examples of Schedule II narcotics include hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®, Percocet®), and fentanyl (Sublimaze®, Duragesic®). Other Schedule II narcotics include morphine, opium, codeine, and hydrocodone.
    - ii. Examples of Schedule IIN stimulants include amphetamine (Dexedrine®, Adderall®), methamphetamine (Desoxyn®), and methylphenidate (Ritalin®).
  - c. **Schedule III/IIIN Controlled Substances**
    - i. Examples of Schedule III narcotics include products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with Codeine®), cannabis, and buprenorphine (Suboxone®).
    - ii. Examples of Schedule IIIN non-narcotics include: benzphetamine (Didrex®), phendimetrazine, ketamine, and anabolic steroids such as Depo®-Testosterone.
  - d. **Schedule IV Controlled Substances**
    - i. Examples of Schedule IV substances include alprazolam (Xanax®), carisoprodol (Soma®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).
2. Submissions will be placed in the designated receptacle.
  3. All CDS must be weighed prior to submission (see [Evidence Submission Manual](#) for details).
  4. Large quantities of CDS will be coordinated with the PMU.
  5. CDS items which may be destroyed instead of being held for evidence will be packaged in such a way as to protect the integrity of other items in the collection receptacle.
    - a. Such submissions will be accompanied by a properly completed Property Evidence Record ([SO-258D](#)), which clearly states that item(s) are to be destroyed.
  6. Incidents involving found CDS paraphernalia where there is no suspect will require completion of an Incident Report and the deputy will indicate in the narrative that the item(s) are to be destroyed.
  7. Submissions of cannabis that accompany a civil citation or juvenile citation must be marked for destruction on a case by case basis unless needed for a criminal investigation.
    - a. CDS (e.g., cannabis, suboxone, prescription medications) that the primary investigator has deemed legal to possess may be marked for release to the owner.
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8. Cannabis submitted for laboratory testing must be accompanied by a Request for Laboratory Examination - Chain of Custody Log ([MSP-67](#)) and subsequently a cannabis testing approval letter from the State's Attorney's Office.
  - a. Cannabis will only be taken to the laboratory after the approval letter is received by the submitting deputy who will forward a copy of the letter to PMU.
9. All CDS will be placed into a CDS locker prior to the end of the member's tour of duty, with the proper documentation.
10. CDS submitted for analysis will be transported to the appropriate laboratory by PMU personnel no later than 14 days from the date of submission to the PMU or from the date the testing approval letter was received.
11. Upon completion of analysis by the MSP lab, PMU will retrieve the suspected CDS submission and will obtain the completed MSP Laboratory Report (MSP 21-8A) detailing the results of the laboratory analysis.
  - a. The completed MSP Laboratory Report (MSP 21-8A) will be forwarded by the PMU to Central Records for scanning into the Records Management System (RMS) under the incident number for the case.
12. PMU personnel will disseminate an Intent to Prosecute memo to the submitting deputy.
  - a. Upon receipt of the Intent to Prosecute memo, the primary deputy will review the MSP Laboratory Report (MSP 21-8A) in the RMS under the appropriate complaint number.
  - b. Upon reviewing the lab analysis, and deciding to charge for the CDS, the submitting deputy will forward the completed Intent to Prosecute memo to the PMU.
13. Contraband items will be destroyed; however, small amounts of CDS, when authorized by the Bureau Chief of the ISB, may be converted for educational, canine training, or investigative purposes.
14. All CDS submitted to the PMU will be audited quarterly for quality assurance purposes, and records of said audits will be maintained by members of the PMU and the immediate supervisor and kept on the Law Enforcement shared drive (S:\CID\FSU\Property Unit\CDS Quarterly Inventory logs).

#### F. Latent Prints

1. Latent print cards will be placed into latent print submission envelopes which are located at the HCSO facilities. Additional quantities are available through the HCSO Quartermaster or the FSU.
2. The submitting member will complete all required information on the submission envelope and can either place same in a temporary storage evidence locker for pick-up by the PMU or deliver the envelope directly to the FSU.
3. Envelopes removed from the Temporary Storage Evidence Lockers by PMU personnel will be delivered to the Forensic Services Latent Print Office.

4. The chain of custody record is completed on the submission envelope so no Property/Evidence Record ([SO-258](#)) or Request for Evidence Processing ([SO-043](#)) is required.

#### G. Money

1. Whenever possible, the inventory of monies will be witnessed by the individual from whom the monies are received.
2. All money will be sealed per policy and placed in the precinct safe with the Money Property Evidence Record ([SO-258M](#)) attached.
  - a. Include the signed Notice to Owner of Seized Property ([SO-172](#)) if the seizure results from a CDS arrest.
  - b. Specialized units not assigned to a Precinct may secure money in an authorized temporary storage locker and make email notification to the FI for pickup.
3. Monies obtained from separate individuals will be packaged separately.
4. A supervisor will witness the count and sign block 21 of the Money Property Evidence Record ([SO-258M](#)) to verify the following:
  - a. Quantity;
  - b. Type;
  - c. Proper packaging;
  - d. Proper seal; and
  - e. Accurate total value.
5. Any money submitted will be packaged separately from other submitted items and will be documented on the Money Property Evidence Record ([SO-258M](#)).
6. When seized or collected money is ready for deposit into the County treasury, the FI will prepare for deposit.
  - a. Money for deposit will be transported to the financial institution designated by the Budget Director.
  - b. Contaminated money for deposit which has been deemed biohazard money will be inserted into a Kapak bag for safety reasons and will be sent by the County to the Federal Reserve Bank for replacement credit.
  - c. Money deemed unique due to a variation from normal currency and considered different in face value due to its collectable or valued nature will be disposed of via a Sheriff's Sale.

#### H. Sharp Objects

1. Prior to submission, sharp objects will be packaged in such a manner as to minimize the likelihood of an injury occurring (see [Evidence Submission Manual](#) for details).
- I. Firearms
1. Treat all firearms as loaded and use extreme caution when handling any firearm.
  2. No firearm will be submitted to the PMU unless it has been unloaded or rendered incapable of firing.
  3. Loaded firearms will not be placed into any temporary or permanent property/evidence storage facility.
  4. A member of the Agency firearms range staff or the FSU will be consulted whenever the submitting member is not familiar with the procedure to make the submitted firearm safe.
  5. Firearms which must be protected for forensic purposes will be packaged in such a way that the safety of the firearm can be visually determined and will be personally delivered to the PMU whenever possible (see [Evidence Submission Manual](#) for further instructions).
  6. If requested by the owner, the deputy will provide a copy of the Firearms Property Evidence Record ([SO-258F](#)) via a scanned document, photocopy, photograph, or other appropriate means. **No carbon copy forms will be provided.**
  7. Deputies will exercise due care to prevent any damage to seized firearms and all seized firearms will be photographed.
  8. Any visible damage should be noted on the Firearms Property Evidence Record ([SO-258F](#)), either in the description field (block 21) or in the notations field (block 27).
  9. Agency members submitting ammunition to the PMU will ensure all items are packaged in a safe manner.
  10. The Property Manager will coordinate with the Rangemaster for the orderly and safe destruction of the ammunition.
  11. All firearms submitted to the PMU will be audited quarterly for quality assurance purposes, and records of said audits will be maintained by members of the PMU and the immediate supervisor and kept on the Law Enforcement shared drive (S:\CID\FSU\Property Unit).
- J. Digital Evidence
1. See [OPS 1611](#), Digital Evidence Submission policy.
- K. **Conducted Energy Weapon (CEW) fired cartridges will be:**
1. **Collected according to policy on Conducted Energy Weapons - OPS 0506;**
  2. **Packaged in a cardboard knife box and submitted to PMU according to the [Evidence Submission Manual](#); and**
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3. **Disposed of 3 years after the submission date.**

#### L. Documents

1. Agency paperwork (e.g., witness statements, Miranda forms, lab submission forms, consent forms, etc.) will not be submitted to the PMU as evidence. These types of forms must be scanned and attached to the Incident Report and the original submitted to Law Enforcement Records.
2. Documents with physical evidentiary value (e.g., photo arrays, letters, checks, envelopes, suicide notes, financial statements, etc.), and those that contain possible physical evidence may be submitted to the PMU.
  - a. All photo arrays that have been presented to a witness, regardless of whether an identification was made, will be submitted as evidence.
    - i. The chain of custody begins with the deputy showing the array at the date/time of presentation to the witness.
    - ii. Photo arrays that have not been presented and are deemed unnecessary for the investigation may be discarded without being submitted to PMU.

#### M. Follow-Up

1. Whenever property of a known owner is retrieved, members will make reasonable efforts to return the property to the owner instead of submitting it to the PMU.
  - a. The submitting member will continue the follow-up effort until the owner is notified of the recovery.
  - b. Whenever the property has already been submitted to the PMU, the member will provide the owner with the incident number and instruct the owner to call the PMU to schedule return of the property at a mutually agreeable time.
2. Whenever the property of an unknown owner is retrieved, the member assigned to the follow-up investigation will make reasonable attempts to identify the owner by checking resources which might provide information concerning ownership.
3. Supervisors will ensure that reasonable efforts to identify the owner have been pursued.

#### N. Release

1. If the Property/Evidence Record ([SO-258](#)) indicates that the property is to be held for court or is otherwise not to be released, the property will not be released until the submitting member or follow-up investigator approves the release in writing.
2. If evidence or the chain of custody for evidence is retained by the Court during a trial, the deputy responsible for that evidence or chain of custody will obtain a receipt from the Court or the State's Attorney to record the whereabouts of the item(s) and forward it to the PMU through inter-office mail along with an email to the PMU explaining the receipt.

- a. The PMU will follow-up with the deputy providing the receipt within 90 days, and each 90 days after, to determine the status of the items held by court.
  - b. The deputy last noted on the chain of custody (i.e., the deputy who signed out the items for court) will be responsible for contacting the court and keeping the PMU apprised of the disposition of the property every 90 days.
3. When property may be returned to the owner after trial, the seizing deputy will make the arrangements to return the property to the owner through the PMU.
  4. For any property/evidence recovered/seized from any domestic related case or any case involving a protective order, the final disposition of the property/evidence will be handled by the Domestic Violence Unit (DVU). PMU will forward all disposition memos for any of these cases to the DVU.
  5. When property is marked for release, the primary investigator will notify the owner that they have 30 days to obtain their property from the PMU and failure to do so will result in their property being considered abandoned and subject to disposal.
    - a. The deputy will provide the owner with the PMU telephone number.
    - b. Documentation of all notifications, to include the date, time, and method of notification, will be done in a supplement.
      - i. Regarding items submitted that are marked for immediate release, the above will be noted in the comments section (block 26/27) of the respective property record form.

O. Disposition

1. All Agency members are prohibited from assuming ownership or giving away any discarded or destroyed property.
2. Prompt notification of the changing status of property being held in the PMU is essential to the efficient operation of the property management system.
3. Found property, with the exception of money, for which the owner has not been identified, will be held at the PMU for a minimum of 90 days.
  - a. If the owner does not come forward, and at least 90 days have passed, the property will be disposed of or placed for sale.
  - b. A deputy may request an extension by notifying the PMU by email.
4. Found money, for which the owner has not been identified.
  - a. If the owner has not been identified and there are no viable leads after 120 days, the found property may be released to the finder.
  - b. The Sheriff may extend the mandatory holding period when extenuating circumstances exist.

- c. The release to the finder will be documented on the Property/Evidence Record ([SO-258](#)) and is subject to any legal responsibilities which might apply if the owner is subsequently identified.
  - d. If the finder does not desire to claim the found property, it will be disposed of by the FI in accordance with applicable laws.
  - e. Employees of the Sheriff's Office who find unclaimed property in the course of their duties are not permitted to claim the property.
5. In order to determine the status of a stored item(s), the PMU will forward to the submitting member or the follow-up investigator a property disposition request memorandum.
- a. The recipient of the disposition memo will have a maximum of 15 calendar days to complete, sign, date and return the memo to the PMU.
    - i. The memorandum must provide proper justification and details if the item(s) are to be held or destroyed.
    - ii. A supervisor must sign and approve the justification and the disposition of the memorandum.

P. Sheriff's Sale

- 1. The HCSO, except for items seized by SID, recognizes Propertyroom.com as the authorized liquidation agent for disposal of unclaimed and surplus property of value.
- 2. Items seized by SID will utilize an approved agent as the authorized liquidation agent for disposal of unclaimed and surplus property of value.
  - a. The agent will be approved by the division commander of SID after recommendation from the SID Asset Forfeiture Unit.

Q. Retrieving Items from PMU

- 1. In order to obtain stored property, members will submit a request to the PMU so that it is received at least 48 hours in advance of the need by either:
  - a. Submitting a completed Property/Evidence Request ([SO-041](#)); or
  - b. Forwarding the request via email to the PMU, by directing it to the "PROPERTY" group listed in the email directory (do not direct the email to individual PMU personnel).
- 2. Weekends, holidays, and other times when the PMU is not attended will require that the request be submitted further in advance to allow for the retrieval of the item(s).
- 3. Any employee of the Agency who assumes custody of evidence/property from the PMU will bear full responsibility for ensuring its security, proper storage, and maintenance, and for the ready retrieval of such items upon demand by the Property Manager.

4. Whenever evidence/property is either permanently or temporarily removed or released, the PMU supervisor will ensure that all records, documents, property, or evidence control records and files reflect the release or removal.

R. Access to the Property/Evidence Storage Facility

1. Access to the evidence/property storage areas will be limited to PMU personnel.
2. Other persons will not be permitted access to the evidence/property storage areas unless accompanied by PMU personnel and then only for official reasons.
3. A log will be kept by PMU personnel that identify the date, time, reason, name, and signature of authorized members entering the PMU.
  - a. This log will be checked weekly, and copies will be maintained on the Agency shared drive.

S. Conversion to Charitable Use

1. All requests for conversion of unclaimed property will be received by the Property Manager.
2. The Property Manager will ensure the disposition status of each item.
3. The Property Manager will prepare and submit a Memorandum ([SO-212](#)) to the Sheriff stipulating the following:
  - a. Date of request;
  - b. Name of organization making the request;
  - c. Description of the item(s);
  - d. Date item(s) were recovered;
  - e. Intended use;
  - f. Incident number(s); and
  - g. Court order or other waiver allowing the conversion.
4. The memorandum will be subject to approval of the Sheriff.
5. If approval is granted, the property may be released to the appropriate representative once the Memorandum ([SO-212](#)) is completed with the following:
  - a. Date of release;
  - b. Signature of recipient; and
  - c. If approval is denied, the property will be disposed of by other means (e.g., auctions, sales, destruction, etc.).

T. Conversion of Property to HCSO Use

3. Items which were obtained by a deputy in the course of his official duties, which are unclaimed, released to the HCSO voluntarily by the owner, or by court order, may be converted to HCSO use.
4. The deputy requesting the transfer will complete a Memorandum ([SO-212](#)) which will be forwarded through official channels to the Sheriff.
5. The Memorandum ([SO-212](#)) will state the need for the item, what the item will be used for, where it will be assigned, and will be accompanied by:
  - a. Cost of the item, if purchased new;
  - b. Photographs of the property;
  - c. Court orders transferring ownership and/or documents from an owner in the event of a voluntary release;
  - d. In the case of firearms, the memorandum must detail Maryland and Federal law pertaining to possession of the firearm requested to be transferred; and
  - e. Items with serial numbers must have a wanted/stolen check conducted with the results mentioned in the Memorandum ([SO-212](#)) and a copy attached.
6. If approved by the Sheriff, a copy of the approval will be forwarded to the affected commander and to the Inventory Specialist. The original will be forwarded to the PMU.
7. Audit/Tracking of Firearms
  - a. Firearms which are converted to HCSO use must be tracked and annually audited.
  - b. Those firearms which are converted for HCSO FSU use will be tracked two-fold via the RMS Asset Management and by way of an Excel spreadsheet by the Forensic Lab Director.
  - c. Excel records for tracking firearms will include, at minimum:
    - i. The associated incident number the firearm was recovered under;
    - ii. A detailed description of the firearm to include type, make, model, caliber, and serial number;
    - iii. The location at which the firearm is stored; and
    - iv. Maintenance records indicating any and all use of the firearm and/or its individual components.
  - d. The records tracking FSU converted firearms as well as the records of annual audits will be maintained and held by the FSU Supervisor and Forensic Lab Director and made available on the Law Enforcement share drive (S:\CID\FSU\FSU Firearms Databases\FSU Firearms).



U. Inspections of Property/Evidence Facility

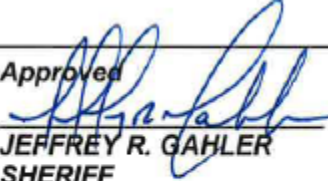
1. In order to maintain a high degree of evidentiary integrity over Agency-controlled property and evidence, the documented inspections and audits will be completed.
2. Quarterly audits will be conducted for high-risk items to include CDS, money, firearms, and jewelry.
3. Inspection to determine adherence to procedures used for the control of property is conducted semi-annually by the commander of the CID to include:
  - a. Property room is maintained in a clean and orderly fashion;
  - b. Integrity of property room is being maintained and Agency policies are being followed;
  - c. Property is being protected from damage or deterioration;
  - d. Proper accountability procedures are being followed; and
  - e. Property having no further evidentiary value is being disposed of promptly.
4. An audit of property will occur whenever a person responsible for the property and evidence control function is replaced, reassigned, or transferred.
  - a. When this occurs, an audit will be conducted jointly by the newly designated property custodian and a designee of the Sheriff.
  - b. A 10% sampling of the total amount (100%) of general property records will be reviewed with respect to documentation and accountability. A 100% audit will be conducted of CDS, money, firearms, and jewelry.
  - c. An error rate that exceeds 4% will require a full inventory of all items.
5. An annual audit of property held is conducted by a lieutenant outside of the ISB.
  - a. The annual audit is to ensure the integrity of the system and does not require the accounting of every item.
  - b. A 10% sampling of the total amount of general property records will be reviewed with respect to documentation and accountability. A 100% audit will be conducted of CDS, money, firearms, and jewelry.
  - c. An error rate that exceeds 4% will require a full inventory of all items.
  - d. The assigned lieutenant will produce a Memorandum ([SO-212](#)) with a summary of the findings.
8. Unannounced inspections of property storage areas are conducted as directed by the Sheriff. The extent of the audit will be determined by the Sheriff based upon immediate circumstances.

9. All inspections, inventories and audits will be documented in memorandum format and filed in accordance with the Agency filing and retention schedule.

## 6. Summary of Changes

A. On 06/12/24 the following changes were made:

1. Added : Section 5.D.5.c. Collection of vape devices;
2. Added : Section 5.E.1. Descriptions of Controlled Substances, Schedule I-IV; and
3. Added: Section 5.K. Processing Conducted Energy Weapon fired cartridges.

Approved  
  
JEFFREY R. GAHLER  
SHERIFF  
DATE 6.12.24