

2.512 PROPERTY & EVIDENCE INSPECTIONS

2.512.02 New Property Custodian Audit

(84.1.6.b)

- A. An audit of property and evidence occurs whenever a new property custodian is designated. These audits will be conducted at least by the new property custodian and an employee designated by the Chief.
- B. A sampling of the total amount of high risk (e.g., money, precious metals, jewelry, firearms, and drugs) property records consistent with the following table must be reviewed with respect to documentation and accountability. An error rate over four percent requires a full inventory of high risk items.

| Total High Risk Items | Required Sample Size |
|--------------------------|----------------------|
| 100 | 92 |
| 250 | 203 |
| 500 | 341 |
| Source: CALEA Appendix I | |

- C. For general property the audit will be of a sufficient number to ensure the integrity of the system and accountability of property.
- B. All discrepancies will be recorded in audit reports prior to the assumption of property and evidence accountability by the newly assigned property custodian.

2.512.04 Yearly Audits (84.1.6.c)

- A. Documented audits of property and evidence under control of the property custodian will be conducted yearly to ensure the integrity of the system and accountability of property.
- B. Audits will examine a significant representative sampling of property and high risk items to ensure system integrity.

| Number of Items | Required Sample Size |
|--------------------------|--|
| ≥100 All Items | All Items |
| ≤ 101 All Items | See Below |
| > 100 High Risk | All High Risk + Representative Sample of Regular ≥ 100 Total Items |
| ≤ 100 High Risk | Representative Sample of High Risk & Regular |
| Source: CALEA Appendix K | |

- C. Audits will be conducted by employees who are not routinely or directly connected with the property and evidence function.

2.512.06 Semi-Annual Inspections (84.1.6.a)

- A. The commander responsible for the property and evidence function will ensure a documented inspection is conducted semi-annually by a designee to determine adherence to property and evidence related procedures.
- B. These inspections are conducted to determine that:
 1. The property and evidence room, submission room, and storage room is clean and orderly;
 2. Property integrity is being maintained;
 3. Related directives are being followed;
 4. Property is being protected from damage or deterioration
 5. Proper accountability procedures are being maintained; and
 6. Property and evidence is being disposed of promptly consistent with 2.514.

2.512.08 Unannounced Inspections (84.1.6.d)

- A. At least one unannounced inspection of property and evidence storage and processing areas will be conducted yearly as directed by the Chief.
- B. Unannounced inspections will be simple in scope, inspecting for cleanliness, orderliness, and tracing a few pieces of property and evidence to assure they are accounted for and in their proper locations as described by related records.

2.512.10 Reports

Audit, inspection, and inventory reports will be submitted directly to the Chief with courtesy copies submitted to the commander responsible for the property and evidence function.

2.514 PROPERTY & EVIDENCE DISPOSAL (55.2.4.d, 84.1.1.g, 84.1.7)

2.514.02 Disposing of Property & Evidence – Generally

- A. These property and evidence directives do not supersede seizure and forfeiture statutes contained in **Criminal Procedures (CP) Titles 12 and 13** or other statutes listed in the following Manual sections.
- B. Employees will not convert to their own use or have any claim to property or evidence, unless the items belong to them and the law permits their claims.
- C. Officers who originally take custody of items will promptly complete and submit **P&E Disposal Records (UPO.049.D)** to inform the property custodian of changes in the retention or disposal status of the items.
- D. The agency will:
1. Dispose of property and evidence within six months after all legal or administrative processes and appeal time frames have been met;
 2. As feasible, promptly return the property taken as evidence from victims and witnesses where allowed by law and rules of evidence.
- E. Once the agency has determined that items can be released, the property custodian will:
1. Promptly attempt to notify persons about being able to obtain the items; and
 2. Release the items to the person who satisfactorily establishes the right to possession of the property; or
 3. If responsible parties cannot be contacted or the items are unclaimed 30 days after responsible parties have been notified, dispose of the items:
 - a. By sale;
 - b. By auction;
 - c. With proper documentation, by transfer, including by donation, to other institutions or major components within the University System, nonprofit organizations, the State, or local governments;
 - d. By dismantling for recovery of parts; or
 - e. By destruction if the item has no other value or is otherwise precluded by law from being transferred; and
4. After deducting any costs incurred for disposing of the items, deposit the proceeds from the sale or disposal of the items into the university's general fund.
- F. If notifications are conducted by mail:
1. Copies of notification letters and return-receipts will be maintained with corresponding **P&E Records**; and
 2. Notification letters must include:
 - a. Date recovered;
 - b. Case number;
 - c. The last date that the property may be claimed;
 - d. The location and times where the property may be claimed; and
 - e. What forms of identification are acceptable to prove ownership.
- G. The agency accepts written or faxed and notarized authorizations from rightful owners to permit the release of articles to other parties, i.e., when owners specifically identify parties to accept articles. Individuals who attempt to pick up articles must positively identify themselves and provide documentation that includes, but is not limited to:
1. Notarized letters from owners;
 2. Court orders in instances such as divorces, judgments, and incarcerated individuals;
 3. Legal documents in instances such as wills, powers of attorney, and writs of replevin; and
 4. The ability to specifically identify property through methods such as engravings, identification markings, serial numbers and photographs.
- H. THE PROPERTY CUSTODIAN AND SECONDARY PROPERTY CUSTODIANS ARE THE ONLY EMPLOYEES WHO MAY RELEASE PROPERTY TO PERSONS OUTSIDE THE AGENCY.
1. CITIZENS WILL BE TOLD TO CALL THE AGENCY'S NON-EMERGENCY NUMBER AND ASK TO SPEAK WITH THE PROPERTY CUSTODIAN TO MAKE ARRANGEMENTS FOR RELEASING PROPERTY.

2. Releasing officers will:
 - a. Verify the identity of the person receiving the items and that they are the person authorized to receive the items;
 - b. Not release items to unauthorized persons;
 - c. Inventory the items in the presence of the person;
 - d. COMPLETE P&E RECORDS OR P&E DISPOSAL RECORDS AS APPROPRIATE:
AND
 - e. Release the items.
- I. The property custodian's commander may authorize items be mailed or shipped to rightful parties if this is in the best service interests of the agency.

2.514.03 P&E Disposition Process (84.1.7)

- A. The Logistics Officer is responsible for:
 1. Entering P&E information into the agency's P&E data base and assigning initial review dates based on **SOP P&E 02.22** and direction from the Logistics Officer's commander;
 2. Submitting a list through the chain of command to the Deputy Chief of items that:
 - a. May be eligible for disposal in the current month;
 - b. Are verified from the previous month as being eligible for disposal; and
 - c. That officers have not responded to from previous lists; and
 3. Proceeding on a monthly basis to appropriately act on verified disposition reviews.
- B. Commanders are responsible for ensuring disposition verification requests are:
 1. Distributed to their respective subordinates; and
 2. Completed, and returned to the Logistics officer by established suspense dates.
- C. Officers are responsible for:
 1. Researching cases to determine disposition recommendations by using sources that include, but are not limited to the;
 - a. Agency's records management system (RMS); and
 - b. Maryland Judiciary Case Search;

2. Comparing findings with criteria established in **SOP P&E 02.05 Evidence Disposition** and as synopsised in **.10 Disposition Criteria** of this directive;
3. Completing **Property & Evidence Disposition (UPO.049.D)** records consistent the findings and disposition criteria; and
4. Writing RMS case updates that clearly describe authoritative reasons for their disposition recommendations; and
5. Submitting approved disposition records and corresponding supplements to the Logistics Officer before the suspense date.

2.514.04 Substituting Photos for Evidence

- A. The agency will use photographs as permitted by rules of evidence and the Office of the State's Attorney (OSA) to replace certain items of physical evidence for court and record keeping purposes. This will allow the return of critical personal or commercial property to victims or the prompt disposal of items, such as alcoholic beverages, that are not required to be forensically analyzed or introduced as evidence in most related proceedings.
- B. For items of personal or commercial property, officers will:
 1. Ensure the items are properly documented in related reports and **P&E Records**;
 2. Establish the item's ownership with a high degree of certainty;
 3. Photograph the items to be returned;
 4. Document the release on **P&E Disposal Records** and supplemental reports; and
 5. Submit the photographs as evidence.
- C. For alcoholic beverages:
 1. Ensure the items are properly documented in related reports, but **NOT** on **P&E Records**;
 2. Photograph the alcoholic beverages that will be disposed;
 3. Document the photographs on **P&E Records** and in related reports and submit the photos as evidence;
 4. Drain the beverages into appropriate sewage receptacles;
 5. Discard bottles and cans in trash or recycling receptacles;

6. Document kegs or other returnable containers or related equipment, such as keg taps, on **P&E Records** and submit the property to Logistics for disposal by:
 - a. Returning the items to alcohol beverage distributors or retailers; or
 - b. Destruction if owners cannot be determined; and
7. Clearly articulate in related reports the manner of disposal and the basis for officers' belief that the containers did, in fact, contain alcoholic beverages.

2.514.06 Disposing of Firearms

- A. Statutes that affect a person's ability to legally possess firearms include, but are not limited to:
 1. **Criminal Law (CR) § 4-203 Wearing, Carrying, or Transporting Handguns;**
 2. **CR § 4-204 Use of Handgun or Antique Firearm in Commission of Crime;**
 3. **CR § 4-304 Assault Pistol - Seizure and Disposition;**
 4. **CR § 5-622 Firearm Crimes;**
 5. **Family Law (FL) 4-506.1 Surrender of Firearm; Retake of Possession; Transport;**
 6. **FL 4-511 Removing Firearm from Scene;**
 7. **Public Safety (PS) § 5-133 Restrictions on Possession of Regulated Firearms;**
 8. **Public Safety (PS) § 5-135 Regulated Firearms Subject to Seizure;**
 9. **18 USC 922 Crimes and Criminal Procedures – Firearms;**
- B. Generally, firearms will not be released if:
 1. Firearms are illegal or contraband; or
 2. Claimants:
 - a. Do not own the firearms;
 - b. Have been convicted of any felony;
 - c. Have been convicted of any crime punishable by more than two years of incarceration;
 - d. Are fugitives from justice;
 - e. Are unlawful users of or addicted to alcohol, marijuana, depressants, stimulants, or narcotics;
 - f. Have been committed to mental institutions for more than 30 consecutive days, or diagnosed with mental disorders with a history of violence;

- g. Are under the age of 21 for handguns or 18 for long guns;
- h. Are respondents in temporary or final protective orders that mandate the surrender of firearms in respondents' possession for the duration of the protective orders;
- i. Are unlawfully in the United States; or
- j. Have been dishonorably discharged from the Armed Forces.

- C. The Chief or a designee will ensure that determinations are made consistent with **Criminal Procedures (CP) § 13, Subtitle 2 Violations of Gun Laws** for the retention or return of contraband or evidentiary firearms. Investigating officers will:
 1. Report their findings in supplements to related police reports;
 2. Complete corresponding **UPO.049.D Property & Evidence Disposition** records; and
 3. Ensure claimants or their attorneys are notified in writing of their right to petition the District Court within 30 days after receiving notices.
- D. Logistics will ensure that firearm dispositions consistent with C. are conducted by:
 1. Returning firearms as ordered; or
 2. Destroying, disposing, selling, or converting to the agency's use consistent with controlling laws and related directives.

2.514.08 Disposing of Weapons

Weapons that are not firearms:

- A. Will be returned to their owners or custodians, when legally permissible; and
- B. That are not returned to owners or custodians will be converted to agency use, destroyed, or disposed of consistent with controlling laws and related directives.

2.514.10 Disposing of CDS (84.1.4)

- A. CDS articles that are not converted to agency use for educational or training purposes will be disposed of by incineration. Paraphernalia will be disposed of by crushing or incineration.
 1. The Chief may authorize that small amounts of CDS or items of paraphernalia be converted to agency use for educational, training, or investigative purposes.

2. The process described in this directive is separate from the K9 training aid process.
- B. Any CDS training and education aids must be stored and used under permits issued by the Drug Enforcement Administration and the Maryland State Department of Health and Mental Hygiene, Division of Drug Control consistent with **COMAR 10.19.03**.
 1. CDS training and education aids will be obtained from closed or suspended cases and are awaiting destruction.
 2. In order to obtain a CDS training and education aid, an officer will send a memorandum through the chain of command to the Chief requesting items be converted to training and education purposes.
 3. When CDS items have been approved for conversion by the Chief, the commander responsible for the property and evidence function will ensure the following information is recorded in the CDS training aid registry maintained by the property and evidence custodian:
 - a. An assigned training aid number that is also written on the training aid;
 - b. Original case number for the adjudicated CDS;
 - c. Type of CDS;
 - d. Total weight in grams of the CDS and its packaging; and
 - e. Description of the training aid's packaging or container.
 4. The property and evidence custodian will store CDS training and education aids in a safe within the property and evidence storage area.
 - a. These aids will be:
 - (1) Stored in sealed, tamper evident packaging;
 - (2) Stored in containers separate from K9 training aids;
 - (3) Labeled with training aid numbers; and
 - (4) Inventoried every time they are checked in or out.
 - b. The property and evidence custodian will maintain related records that include, but are not limited to:
 - (1) Training aid numbers, descriptions, and dates the items became training aids or stopped being used as training aids;
 - (2) Date and time removed for use;
 - (3) Type of training aid removed for training;
 - (4) Location used for training;
 - (5) Officer removing training aid and witnessing officer;
 - (6) Date and time returned; and
 - (7) Officer returning training aid and witnessing officer.
 5. Documented inspections and audits of CDS training and education aids include, but are not limited to:
 - a. Semiannual inspections by the property and evidence custodian;
 - b. Annual audits by the officer responsible for professional standards; and
 - c. Random audits at the direction of the Chief or commander responsible for the property and evidence function.
 6. An officer checking out a CDS training and education aid will inspect it before using it for training. If the training aid is no longer usable because it's damaged, contaminated, or other reason, the officer will:
 - a. Promptly notify their respective commander by memo through the chain of command;
 - b. Immediately remove the aid from training use, place it in another evidence bag, and seal it for repackaging or destruction.
 7. When a CDS training and education aid is lost or damaged:
 - a. The officer discovering the deficiency will promptly notify their respective commander and document the circumstances by a memo through the chain of command; and
 - b. The reporting officer's commander will ensure an investigation is initiated into the circumstances and that findings are documented and submitted to the Chief.

2.514.12 Disposing of Driver's Licenses, Plates, Registrations, etc.

- A. Driver's licenses, license plates, vehicle registration cards, etc., will be promptly returned to appropriate custodians or motor vehicle agencies following fulfillment of all legal or administrative procedures and requirements. See also **2.206.14 Confiscation of MVA Documents**.
- B. The Chief may authorize that fake, fraudulent, fictitious, or altered drivers licenses be converted to agency use for educational, training, or investigative purposes.

2.514.14 Disposing of Commercial or Unusual Vehicles

- A. Commercial owners of vehicles will be contacted and told when their vehicles are recovered or involved in incidents that require processing.
- B. Investigating officers will ensure that animals, animal drawn vehicles, pushcarts, or cumbersome items are brought or otherwise transported to headquarters or other appropriate safe place.
- C. See also **2.632 Special Arrest/Custodial Situations**.

2.514.16 Disposing of Lost or Abandoned Property *(84.1.1.f)*

- A. Consistent with **ED §13-702, USM VIII-1.21, and TU 08-01.21** lost or abandoned property that remains unclaimed must be retained by the agency for one year from date of receipt.
 - 1. Found items may be claimed by finders within 30 days after the one year anniversary of the property being received by the agency, provided that owners or legal custodians have not reclaimed the articles or property.
 - 2. Found items will not be released to finders if:
 - a. Items are subject to forfeiture;
 - b. Items are weapons and the ownership or possession thereof is precluded by law;
 - c. Items are contraband; or
 - d. Items were found by persons acting in the course of their normal duties and responsibilities as Towson University employees, in which cases the items become the property of the university.

- B. Before notifying finders of lost or abandoned property of their claimant rights, the property custodian will ensure that all reasonable, prudent, and necessary steps have been taken to identify the rightful owners and return the articles to them.
- C. The property custodian will not release or otherwise dispose of abandoned or found items without command authority if there are ownership or claimant disputes for the articles.
 - 1. Investigative reports into any ownership or claimant disputes will be prepared by the property custodian and submitted to the property custodian's commander.
 - 2. The property custodian's commander will review the related investigative report and issue a timely finding and disposition order to the property custodian.
 - 3. Articles may be released to a claimant if the other claimants renounce their claims in writing.
- D. The property custodian is responsible for ensuring certified, return-receipt letters are sent to finders of abandoned or lost property within 30 days after the one year holding period expires. These letters are to notify the finders that the holding period has expired and those individuals' claims must be exercised within 30 days.
 - 1. Copies of notification letters and return-receipts will be maintained with corresponding **P&E Records**.
 - 2. Notification letters must include:
 - a. Date recovered;
 - b. Case number;
 - c. The last date that the property may be claimed;
 - d. The location and times where the property may be claimed; and
 - e. What forms of identification are acceptable to prove ownership.
 - 3. Unclaimed lost or abandoned property may be disposed of after one year and 30 days as accommodated into the agency's regular disposal schedule.
- E. Found items not claimed by owners, custodians, or finders will be disposed of consistent with **2.514.02 Disposing of Property & Evidence - Generally**.

**2.514.18 Disposing of Deceased Persons’
Property**

Officers will remove and hold for safekeeping, consistent with **2.506 Property & Evidence Receipt & Storage**, the non-evidentiary, personal property and effects of decedents prior to the removal of the bodies. The property and effects will subsequently be released to properly identified next-of-kin, their agents, or estate representatives.

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