


<p>Department of Public Safety and Correctional Services</p>  <p>Internal Investigative Unit Procedures</p>	Procedure Number: A01.A.09.006.001/IIU.220.0002	
	Title: Evidence and Personal Property Collection, Storage, and Disposition	
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.01 Purpose.

This document establishes procedures for collection, storage, and disposition of evidence and other property seized or otherwise under the control of the Department of Public Safety and Correctional Services (Department) Internal Investigative Unit (IIU).

.02 Scope.

This directive applies to an investigator.

.03 Policy.

- A. An investigator shall take possession of evidence or other personal property according to federal and state statutory and regulatory requirements and Department or agency policy and procedures.
- B. An investigator shall safeguard all evidence to prevent tampering or contamination thereby preserving the evidentiary value of the items for use in court or other administrative proceedings.
- C. An investigator shall safeguard other personal property under the control of the IIU to preserve the items in the condition received until return to the owner or disposed of according to established procedures.

.04 Authority/Reference.

- A. Correctional Services Article, §10-701, Annotated Code of Maryland.
- B. Secretary's Department Directive 04-2005 dated March 10, 2005.

.05 Definitions.

- A. In this document, the following terms have the meanings indicated.
- B. Terms Defined.

- (1) “Abandoned currency” means money that an investigator has seized or has otherwise taken possession of as part of official duties and the owner of the money cannot be identified.
- (2) Chain of Custody.
 - (a) “Chain of custody” means actions taken from the time of receipt until final disposition of items seized as evidence as part of an investigation to ensure the evidentiary value and admissibility at the time of court or other administrative proceeding.
 - (b) “Chain of custody” includes:
 - (i) Documents used to record and track receipt, custody, storage, and disposition of evidence; and
 - (ii) Secured storage; and
 - (iii) Preservation techniques.
- (3) “Controlled dangerous substance (CDS)” has the meaning stated in Criminal Law Article, §5-101, Annotated Code of Maryland.
- (4) “Custodial investigator” means the IIU investigator assigned the responsibility for processing, storing, controlling access to, and final disposition of evidence and personal property in possession of the IIU.
- (5) “Evidence room” means the facility used to store and maintain items subject to chain of custody.
- (6) “Investigator” means a Department employee permanently assigned to, or on special assignment to assist, the IIU with the responsibilities specified under Correctional Services Article, §10-701(a)(3), Annotated Code of Maryland.

.06 Responsibility/Procedure.

A. Evidence and Property — General.

- (1) An investigator shall process and secure evidence or personal property that the investigator receives or takes possession of as part of assigned duties and responsibilities according to established procedures and statutory or regulatory requirements.
- (2) An investigator taking possession of evidence or other personal property considered offensive, for example sexually explicit or derogatory, shall:
 - (a) Handle this type of evidence or personal property professionally;
 - (b) Ensure the personal property is not reproduced, displayed, or disseminated except for reasons directly related to the investigation or for court; and

- (c) Place the evidence or personal property in an opaque container or envelope for storage.
- (3) The custodial investigator shall maintain a single Property Control Book as the primary record for evidence or personal property in possession of the IIU ensuring that.
 - (a) Entries are chronological;
 - (b) Entries are complete and accurate; and
 - (c) If an error occurs, the error is lined through with a single line and initialed by the individual making the entry and correction.
- (4) An investigator shall:
 - (a) Remove evidence or personal property from storage for official purposes;
 - (b) Keep evidence or personal property out of storage for the period that the official need exists; and
 - (c) Return the evidence or personal property to storage as soon as possible after the official purpose to have the evidence or personal property out of storage ends.
- (5) An investigator receiving or seizing evidence or personal property shall immediately inventory the property and record on the appropriate form, at a minimum:
 - (a) A description of the item that, if available, includes:
 - (i) Make;
 - (ii) Model;
 - (iii) Model or serial numbers, or both; and
 - (iv) Other information useful to identifying the item;
 - (b) The source or location the item was received or taken from; and
 - (c) The name of the investigator taking possession of the evidence or personal property.
- (6) The investigator taking possession of the evidence or personal property shall complete a property held record for evidence or other personal property that has a legal resale value.
- (7) Except for currency, CDS, hazardous materials, and firearms provided for elsewhere in this document, the custodial investigator shall:

- (a) Other than contraband, return evidence no longer needed for investigation, prosecution, or appeal and personal property to the correct owner; or
- (b) Destroy property that has no resale value. (Note: What happens to property with a resale values and the owner cannot be found or determined?)

B. Custodial Investigator.

- (1) The custodial investigator, designated by the Director, is responsible for:
 - (a) Establishing and maintaining secure storage for evidence and personal property seized or under the control of the IIU;
 - (b) Recording, on the appropriate log, evidence and property placed in or removed from an evidence or property storage area;
 - (c) Controlling access to evidence and personal property storage areas;
 - (d) Conducting quarterly inventories of evidence in the possession of the IIU; and
 - (e) Conducting inventories and inspections of personal property storage areas.
- (2) The custodial investigator shall:
 - (a) Maintain a file for completed forms requesting laboratory and chain of custody that tracks evidence sent to and returned from the laboratory;
 - (b) Maintain a log for recording the identity of and reason for individuals entering an area used to store evidence; and
 - (c) Maintenance and filing of the IIU Property Control Book.
- (3) The custodial investigator shall ensure that the:
 - (a) Evidence and property storage areas are locked at all times; and
 - (b) Intrusion alarm activated.

C. Temporally Securing Evidence and Property.

- (1) The Director shall designate locations and provide secure containers (drop boxes) at the designated location for temporally securing evidence and personal property under the control of the IIU.
- (2) An investigator may use a drop box to temporarily secure evidence or personal property when conditions exist that make placing items in the IIU evidence or property storage area unreasonable, such as:
 - (a) When the custodial investigator is not available to place the evidence or personal property items in the IIU evidence or property storage area; or

- (b) When it is not practical to transport the evidence or personal property to the custodial investigator for placement in the evidence or personal property storage area.
- (3) An investigator placing evidence or personal property in a drop box shall:
 - (a) As soon as the custodial investigator is available, notify the custodial investigator of placement of evidence or personal property in a drop box and location of the drop box; and
 - (b) Coordinate, with the custodial investigator, transfer of the evidence or personal property from the drop box to the custodial investigator for placement in the appropriate storage area.
- (4) When an investigator places evidence or personal property in a drop box, the investigator shall:
 - (a) Lock the box and remove the key;
 - (b) Maintain possession of the key until the investigator removes the item for transport of the evidence or personal property to the custodial officer; and
 - (c) Maintain the chain of custody by recording on the chain of custody the date and time of placement in and removal from the drop box.

D. IIU Evidence Room.

- (1) The IIU evidence room is at IIU headquarters.
- (2) The evidence room is secured by a keyed lock.
- (3) The evidence room contains a locking safe suitable for storing CDS, money, and firearms; and
- (4) The custodial officer is responsible for security of the evidence room key and combination to the evidence room safe.

E. Evidence — Collection and Control.

- (1) An investigator seizing items for use as evidence shall:
 - (a) Safely handle and package the item to:
 - (i) Preserve evidentiary value;
 - (ii) Prevent damage or deterioration; and
 - (iii) Protect an individual from contact with a hazardous material;

- (b) Document, on the proper forms, seizing the item to preserve the chain of custody; and
 - (c) Ensure the item is turned over to the custodial investigator for proper storage and control.
- (2) Evidence — Hazardous Materials.
- (a) An investigator seizing a hazardous material shall comply with federal and State requirements for the safe handling and storage of the hazardous material that may be available through the:
 - (i) Maryland Occupational Safety and Health Administration (MOSH);
 - (ii) Occupational Safety and Health Administration (OSHA);
 - (iii) National Center for Disease Control and Prevention; and
 - (iv) The State Fire Marshall; and
 - (b) After a hazardous material has been properly packaged, the investigator shall process the item as required under §.06E(3) of this document.
- (3) Other than CDS or hazardous materials, an investigator seizing items as evidence shall:
- (a) When appropriate, place the item in a completed evidence envelop;
 - (b) Seal the envelop;
 - (c) Complete and attach to the evidence envelop a chain of custody form; and
 - (d) Turn the item over to the custodial investigator for recording in the IIU Property Control Book, placement in storage and recording in the evidence room log book.

F. Special Conditions — Firearms.

- (1) When an investigator seizes or otherwise receives a firearm, the investigator shall make the firearm safe by, if the investigator knows how to safely unload the firearm, moving to a safe location away from other individuals and removing all ammunition from the firearm.
 - (a) If the investigator is unfamiliar with the firearm and thereby cannot safely remove ammunition from the firearm, the investigator shall:
 - (i) Block the trigger by placing the strap of a handcuff through the trigger guard behind the trigger and locking the handcuff; and
 - (ii) Attach a warning that the investigator was not able to unload the firearm.

- (b) An investigator shall transport a firearm in the locked trunk of the investigator's vehicle.
- (2) If the custodial investigator has to place a loaded firearm in a storage area, the custodial officer shall arrange to have the firearm inspected and made safe by a Department or IIU firearms instructor or armorer.
- (3) If an investigator, firearms instructor, or armorer attempts to unload a firearm and an unloading box is not available, the individual unloading the firearm shall perform the unloading:
 - (a) Outside of a building on grass or dirt;
 - (b) Away from other individuals; and
 - (b) While pointing the barrel of the firearm at the ground.
- (4) Other than an issued firearm, an investigator seizing or otherwise taking possession of a firearm shall:
 - (a) Complete the applicable paperwork to initiate a trace to identify the owner of the firearm through:
 - (i) The Maryland State Police; and
 - (ii) The Baltimore Police Department; and
 - (b) Based on the circumstances involving the seizure or IIU possession of a firearm, assign a priority for the trace.
- (5) If the firearm, seized or otherwise in possession of the IIU, is a handgun, the investigator seizing or otherwise in possession of the handgun shall:
 - (a) Complete an Maryland State Police form 97 indicating the report is a:
 - (i) "Stop and frisk" report;
 - (ii) Firearm incident to arrest report;
 - (iii) Trace report; or
 - (iv) Combination of the circumstances under §§.06F(5)(a) of this document; and
 - (b) Forward the completed form to the Maryland State Police Handgun Permit Unit.
 - (i) A handgun search request under §.06F(5)(a) of this document may be requested by telephone or Maryland Interagency Law Enforcement System (MILES) based on the urgency of the investigation.

- (ii) An investigator requesting a handgun search under §.06F(5)(a) of this document by telephone or MILES shall complete and forward the Maryland State Police form 97 substantiating the request.
- (6) The custodial investigator shall dispose of a handgun according to requirements under **Criminal Law Article, §?-???**, Annotated Code of Maryland.
- (7) Except for a handgun, the custodial investigator shall destroy firearms that:
 - (a) Have been in IIU possession for more than 6 months;
 - (b) No longer have evidentiary value; and
 - (c) The rightful owner can not:
 - (i) Legally own or possess the firearm; or
 - (ii) Be located or identified.

G. Special Conditions — Currency.

- (1) If the custodial investigator receives currency that is not evidence in an investigation and the currency is considered abandoned, the custodial investigator shall forward the currency to the Department's Division of Financial Services for deposit in the State's General Fund.
- (2) If the custodial investigator receives currency that is not evidence in an investigation and the currency came into possession of the IIU in the U. S. Mail or other public or private conveyance, the custodial investigator shall:
 - (a) If the sender can be identified, return the currency to the individual sending the currency; or
 - (b) If the sender cannot be identified, forward the currency to the Department Division of Finance for deposit in the State's General Fund.
- (3) If the custodial investigator receives currency that was taken from an inmate and is not used as evidence or connected to a criminal violation or prosecution, the custodial investigator shall deposit the currency in the inmate's Department account.
- (4) Except under §.06G(5) of this document, if the custodial investigator receives currency used as evidence or related to criminal activity or prosecution, the custodial investigator shall:
 - (a) Forward the currency to the Department Division of Finance for placement in the Department working fund until disposition of the investigation and related prosecution;
 - (b) If the court does not make a disposition as to currency associated with the prosecution and the owner cannot otherwise be determined, track the property

record for one year from the time the currency was no longer needed in the investigation, prosecution or appeal; and

- (c). If the owner cannot be determined, declare the currency to be abandoned and notify the Department Division of Finance to deposit the currency in the State's General Fund.
- (5) If the custodial investigator receives currency in and amount over \$1,000 that is connected to an arrest of a suspect in an investigation or \$5,000 or more that is not connected to an arrest of a suspect in an investigation, the custodial investigator shall:
- (a) Notify the U. S. Drug Enforcement Administration (DEA) Adoptions Program of the seizure by forwarding to the DEA:
 - (i) A completed DEA form 453;
 - (ii) A completed DEA form DAG-71;
 - (iii) A declination letter;
 - (iv) A copy of the IIU Criminal Investigative Report;
 - (v) A copy of the IIU Ion Scan Result Report;
 - (vi) A copy of the IIU K-9 Report;
 - (vii) A copy of the IIU Property Held Report;
 - (viii) If applicable, a copy of the search and seizure warrant; and
 - (ix) If applicable, a copy of IIU Inventory Return;
 - (b) File the documents under §.06G(5)(a) of this document with the DEA no later than 30 calendar days after seizure of the currency; and
 - (c) Forward the currency to the Department Division of Finance for keeping until the DEA responds to the request filed under §.06G(5) of this document.
- (6) The DEA will notify the Department in writing of a decision to accept the currency in the Adoptions Program.
- (a) If the DEA accepts the currency into the Adoption Program, the custodial investigator shall finalize the DEA form DAG-71 and coordinate with the Department Division of Finance to obtain and forward to the DEA a check in the amount accepted into the Adoption Program.
 - (b) If the DEA declines to accept the currency into the Adoptions Program, the custodial investigator shall notify the Department Division of Finance as to the proper disposition of the currency according to the applicable procedures under §§.06G(1) – (4) of this document.

H. Special Conditions — CDS.

- (1) An investigator seizing a controlled dangerous substance (CDS) shall:
 - (a) Place the CDS in a sealable plastic bag approved by the Director;
 - (b) Heat seal the package;
 - (c) Place an approved evidence label on the package 1" from the top of the sealed end;
 - (d) Complete (typewritten) a chain of custody form;
 - (e) Attach the completed chain of custody form to the package; and
 - (f) Deliver the package and paperwork to the custodial investigator who shall:
 - (i) Verify the paperwork has been properly completed;
 - (ii) Weigh and record the weight of the items on the property form;
 - (iii) Record the item in the IIU Property Control Book
 - (iv) Issue a property held number;
 - (v) Place the package in the appropriate storage area; and
 - (vi) Record placement of the CDS in the evidence room log book.
- (2) Quarterly during January, April, July and October, the custodial investigator shall forward CDS that is no longer needed as evidence to the Maryland State Police Crime Laboratory for destruction.
- (3) In cases where CDS is eligible for destruction, but maintaining the CDS at the IIU facility until the next quarter for disposal results in a storage or security problem, the custodial investigator may coordinate with the Maryland State Police Crime Laboratory for immediate transfer and destruction.
- (4) The custodial investigator shall maintain the completed chain of custody and the property records for destroyed CDS to account for the transfer and disposal of the CDS.

I. Inventory.

- (1) Except for CDS, the custodial investigator and a representative designated by the Director shall:
 - (a) Conduct quarterly inventories of evidence and property storage rooms to reconcile and account for each item listed in the log book; and

- (b) Record the inventory on the next available line in the evidence and property log books including:
 - (i) Date of the inventory;
 - (ii) Time of the inventory;
 - (iii) Signature of the Custodial investigator; and
 - (iv) Signature of the designee assisting with the inventory
- (2) Quarterly during January, April, July and October of each calendar year, the custodial investigator and a representative designated by the Director shall
 - (a) Conduct an inventory of CDS stored by the IIU to account for each CDS item recorded in the log book; and
 - (b) Record the inventory as required under §.06I(1)(b) of this document.
- (3) The custodial investigator shall report a discrepancy discovered during an inventory to the Director for assignment of an investigator to resolve the discrepancy.
- (4) The Director shall periodically conduct random inspections of the evidence and property storage rooms to ensure the integrity and security of the storage facility and the system used to account for stored items.

.07 Attachments.

There are no attachments to this document.

.08 History.

- A. This document replaces IIU Evidence/Property Collection and Storage Procedures dated March 26, 2002.
- B. This document supercedes any current IIU policy or procedure with which it may be in conflict.