

	<b>DELMAR POLICE DEPARTMENT</b>	
	<b>Policy 12.2 Procedures for Handling Property/Evidence</b>	
	<b>Effective Date: 07/27/14</b>	<b>Replaces: 2-15-2</b>
	<b>Approved: <u>Ivan Barkley</u> Chief of Police</b>	
<b>Reference: DPAC: 4.4.1</b>		

## I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. It is imperative, therefore, that each officer carefully process a crime scene in order not to overlook or contaminate or destroy evidence. Physical evidence appears in many shapes, sizes and forms, thereby necessitating various recovery, preservation, and submission techniques. The officer or investigator shall be prepared to collect, identify, and package the evidence so that it will not be changed in form and value when it reaches the laboratory. The officer collecting the evidence shall maintain a chain of custody of that evidence in order to ensure that it is presented to the court professionally and in compliance with the law.

## II. PURPOSE

To establish responsibilities for officers/investigators in processing crime scenes and to establish guidelines for the proper documentation, packaging, and submission of physical evidence to the Delaware and/or Maryland Crime Laboratories.

## III. DEFINITIONS

### A. Chain of Custody

The chain of custody is the series of documented links between the time the evidence was obtained until presented in court. The links are officers who handled the evidence, and where and when and how they did so.

### B. Evidence

Property which may be related to crime or which may implicate or clear a person of criminal charges.

### C. Found Property

Non-evidentiary property which after coming into the custody of the Delmar Police Department, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.

### D. Property Held for Safekeeping

Non-evidentiary property which is in the custody of the Delmar Police Department for temporary protection on behalf of the owner.

### E. Property Custodian

The property custodian is the employee designated by the Chief of Police to have administrative oversight over all found, recovered or seized property which comes into departmental possession.

## IV. PROCEDURES FOR DEPOSITING PROPERTY/EVIDENCE

### A. Duties of employees who take Property/Evidence into custody

1. The employee shall, in every instance, place all property/evidence obtained in the course of his or her employment in the Delmar Police Department's Tracker Products software system prior **to going off duty**. In no instance shall an employee store property/evidence in a personal locker or other unauthorized location.
2. The employee shall prepare, e.g. follow-up report, crime report, incident report, etc. (Describing how, what, when, where, he or she came into possession of the property/evidence) as well as a property/evidence label.
  - a. Except as provided in Part IV, A, 4 of this order, the employee shall submit the property/evidence label with the property item.
  - b. Except for items that are placed in a marked evidence container, upon which a property/evidence label has been attached, the employee shall prepare a property/evidence tag affixing the property/evidence label to the tag for items too large to package.
3. The employee shall make appropriate inquiries to NCIC, METERS and DELJIS regarding serialized items of property to determine if the property is stolen.
4. Handling Procedures
  - a. The employee shall place property/evidence items, together with the property/evidence label in a temporary storage property locker.

- b. When practical, the employee shall arrange for another officer of the department to verify the identity and amounts of the money, valuables and narcotics received, and to witness the placement of such items in a proper evidence container and the sealing and depositing of the container in a temporary storage property locker.
- c. The employee shall deposit large items (such as bicycles, tires, etc.) in (the designated area). On occasion, valuables or large items of property, e.g., valuable property or property items that should not be tampered with or that need further processing, may be placed in the property storage area. See Policy 12.1 for circumstances and procedures governing entry into the property storage areas.
- d. The employee shall notify the property custodian via a Tracker Products “ticket” if any item or items need further processing.
- e. Items requiring special handling

- i. Firearms

An employee delivering a firearm to a property storage area shall unload the firearm and magazines (if any) before entering the Delmar Police Department. If the firearm cannot be unloaded because of a malfunction or the employee’s unfamiliarity with the firearm, the employee shall, attach a note to the firearm describing the malfunction and/or a warning that the firearm has not been unloaded, before depositing the firearm in a temporary storage area. Firearms are to be packaged in a firearms storage box, separately from any other items that may be associated with a case under investigation or concluded.

- ii. Explosives/Military Ordinance

Whenever military ordinance, dangerous materials or explosives are encountered, they should not be handled. The proper procedure is to contact the Duty Officers at the Maryland State Police/Delaware State Police Headquarters, (whichever state applies) advise them what has been recovered and they will dispatch personnel to take control of the device.

- iii. Perishable Items

All perishables, livestock, etc., may be released to their lawful owner by the seizing/recovering officer as soon as practical. The officer will take a photograph of the perishable item(s)

prior to releasing said item(s), and make a notation in the appropriate report noting the disposition of the items.

iv. Money

Currency is to be packaged separately from any other items that may be associated with a case under investigation or concluded. All money shall be deposited into the Delmar Police Departments Asset Forfeiture Account by the Property Custodian.

v. Controlled Dangerous Substances (CDS)

CDS and CDS paraphernalia are to be packaged separately from any other items that may be associated with a case under investigation or concluded.

B. Duties of the Property Custodian

1. The property custodian shall have administrative control over all found, recovered or seized property that enters the property storage areas and shall ensure that all stored, found, recovered, or seized property has been documented appropriately.
2. The property custodian shall ensure that the property storage rooms are clean, orderly, and secure, and shall take necessary steps to ensure that all found, recovered or seized property is protected from damage, deterioration, or theft.
3. The property custodian shall restrict access to the property storage areas to the Chief of Police or his designee. Access by other persons is prohibited as a general rule. See Policy 12.1 for circumstances and procedures governing entry into the property storage areas. The property custodian shall maintain a log of all persons who enter the property storage areas.
4. The property custodian shall maintain records on found, recovered or seized property which document chain of custody. The property custodian shall maintain a master inventory of all found, recovered or seized property stored in authorized storage areas.
5. The property custodian shall release property only to authorized persons and may demand proof of legal necessity to take property. The property custodian shall demand proof of identification when releasing personal property to any individual. The property custodian shall have the individual sign the chain of custody and or a transfer receipt prior to releasing property.

6. An annual inventory of evidence and property shall be conducted by an individual appointed to do so by the Chief of Police who should be a person not routinely connected with the evidence/property control. The property custodian shall facilitate the inspection.
7. The property custodian shall facilitate an audit of the property room.

## **V. PROCEDURES FOR HANDLING EVIDENCE REQUIRING LABORATORY EXAMINATION**

### **A. Submitting Evidence: Maryland State Police Crime Lab**

Employees will refer to the “**Guidelines for Submitting Physical Evidence**” booklet issued by the Maryland State Police Crime Lab when packaging/submitting evidence for forensic analysis. The booklet outlines the proper methods for collection and suitable packaging methods of the physical evidence, and will also insure that the proper procedure for submission of the evidence is followed.

### **B. Submitting Evidence: Delaware Forensic Sciences Lab**

Employees submitting evidence to the Delaware Forensic Science Laboratory will adhere to the following procedures.

1. When submitting controlled dangerous substances, only send those items which the employee desires to have analyzed. (Do not package rolling papers, containers, pill bottles, etc. with the item to be analyzed).
2. Do not send marijuana seeds. (They will not be analyzed).
3. When submitting evidence in which the suspect/defendant is a juvenile, the employee must write “Juvenile” in black magic marker on the property/evidence label that is attached to the evidence.
4. When submitting DNA evidence, the employee will refer to the DNA Evidence Submission Protocol issued by the State of Delaware Forensic Sciences Laboratory located in the MD/DE Evidence Packaging Guide.
5. When packaging evidence, the employee shall place a strip of red evidence packaging tape over the seal of the package and write his or her initials on the seal of the package.

## **VI. TRAKER PRODUCTS PROCEDURES**

#### A. Receiving Property/Evidence

Upon receiving property/evidence from a temporary storage location the property custodian shall scan the property/evidence label that has been placed onto or attached to said item(s) and place such item(s) into the property room. The Property custodian will then download the scanned information into the Tracker system updating the case information with the item(s) current disposition.

#### B. Releasing Property/Evidence

When property/evidence is to be released to an officer or other authorized entity the property custodian shall scan each property/evidence label on the property/evidence to be released indicating the correct disposition. The property custodian will then download the scanned information into the Tracker system updating the case information with the item(s) current disposition. When property/evidence is to be released permanently the property custodian will have the individual obtaining the property sign an Item Transfer Receipt. An electronic copy of the Item Transfer Receipt shall be made and attached to the disposed item within the Tracker Products system.

#### C. Return of Property

When property/evidence is returned to the property custodian the property custodian shall scan each property/evidence label on the property/evidence being returned. The property custodian will then download the scanned information into the Tracker system updating the case information with item(s) current disposition.

#### D. Disposal of Property/Evidence

When property/evidence has been tagged to be destroyed, the property custodian, prior to disposing of such property/evidence, shall scan the property/evidence label and include a notation on such label as to the manner of disposal. The property custodian will then download the scan information into the Tracker system updating the case information with item(s) current disposition.