



# POLICIES AND PROCEDURES

## MONTGOMERY COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

NO. 1108

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DATE  
May 17, 1993

TITLE EVIDENCE HANDLING


DIRECTOR APPROVAL

### PURPOSE

- 1.0 To establish policy and procedures for the timely and legal handling (collection, storage and release) of all evidence and contraband obtained by the Bureau of Fire Prevention.

### APPLICABILITY

- 2.0 All personnel of the Bureau of Fire Prevention.

- 2.1  This policy was developed in cooperation with the International Association of Fire Fighters, Local 1664.

### DEFINITIONS

- 3.0 Contraband - Any item, material or document that is not identified as evidence which is unlawful for a citizen to possess.
- 3.1 Designated Primary Investigator - The Bureau of Fire Prevention investigator responsible for the investigation of an incident.
- 3.2 Disposable Property - Any property which is no longer required to be stored or maintained by any department or required to be maintained by a specific legal procedure.
- 3.3 Evidence - Any item, material or document which will be of use in a court proceeding to prove or disprove an alleged fact in that court proceeding.
- 3.4 Laboratory - A place equipped for testing and analysis of evidence to be used in future legal proceedings. The following laboratories are used: BATF (Bureau of Alcohol, Tobacco and Firearms), FBI (Federal Bureau of Investigation), and NIST (National Institute of Standards and Technology). Laboratory use is not limited to the above-noted laboratories.
- 3.5 Master Storage Log - A document kept at the Public Service Training Academy Evidence Storage Shed which records the evidence within the storage facility by incident number, date of incident, number of samples, laboratory control number and chain of custody.
- 3.6 Property Storage Shed - Storage building located at Public Service Training Academy used as the primary holding facility for evidence obtained by the Bureau of Fire Prevention.
- 3.7 Vapor Testing - A laboratory procedure used to detect and identify the presence of flammable liquid or explosive vapor.



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**RESPONSIBILITY**

4.0 It is the responsibility of all Bureau of Fire Prevention personnel to be familiar with this Policy and Procedure and assure that it is followed.

**POLICY**

5.0 It is the policy of the Bureau of Fire Prevention to collect, analyze and secure all criminal and pertinent civil evidence obtained in lawful investigations conducted by the Bureau and to seize, secure and dispose of contraband material. A complete chain of custody must be maintained at all times. Upon investigation of an incident, evidence which is thought to be necessary in the prosecution of a case, both civil and criminal, must be photographed in place, retrieved, packaged, labeled and transported in accordance with this procedure by the primary investigator or his designee. Furthermore, the Bureau may destroy and dispose of evidence which has been shown inconclusive or kept beyond final disposition of court proceedings.

**PROCEDURE**

6.0 The following functions must be performed by the primary investigator or his designee when evidence is to be collected:

- a. Photographs - Evidence must be photographed with Bureau-issued cameras or 35mm cameras. All photographs are to be identified by incident number, date and address of incident, name of photographer, and must be treated as evidence. Negatives and developed photographs must be documented with chain of custody and filed together in the photograph file. Commercial film laboratories may be used to develop film however, receipts and negatives must be kept. Either black and white or color film may be used.
- b. Packaging - Department issued containers such as plastic bags, paper bags and metal cans must be used in securing evidence. Clean uncoated cans must be used for samples which will require flammable liquid vapor testing.
- c. Labeling - All evidence must either bear a completed Bureau issued label, or in the case of evidence bags, be directly written on. The labels must contain the following information:

Name of Subject  
Offense  
Date and Time of Incident



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Search Officer  
Evidence Description  
Location  
Chain of Possession

- 6.1 Only Bureau of Fire Prevention personnel or other law enforcement officials may transport evidence either from the scene, to or from a laboratory, to or from court, or to or from a storage facility. All evidence must remain secured in the possession of the transporting officer until released to an authorized agency or individual. All moving of evidence must be documented on the Evidence Tag and Master Evidence Log so as to preserve the chain of custody.
- 6.2 The designated primary investigator must ensure that routing of evidence after retrieval, photographing, packaging, labeling and transporting from the scene shall be as follows:
- a. Evidence must be logged in the Master Evidence Log at the Property Storage Shed, then locked in the Property Storage Shed awaiting transport to a laboratory or case disposition.
  - b. A letter of transmittal must be composed for the laboratory with information in the laboratory's format.
  - c. Evidence which is to be forwarded to the laboratory for processing will be transported at the earliest convenience with appropriate entries in the master log.
  - d. Evidence which is not to go to the laboratory must remain at the Property Storage Shed with entries in the Master Evidence Log until court or other proceedings.
  - e. Each time the evidence is moved the Master Evidence Log must reflect the move and the chain of custody.
  - f. When evidence is returned from the laboratory to the property shed, the Master Evidence Log must reflect the transmittal and the evidence must be logged into the storage building awaiting case disposition or destroyed.
  - g. Periodically, each Fire Investigator shall review the evidence logs to insure their completeness and the necessity for destroying evidence.
  - h. After final disposition of legal proceedings and upon receipt of written request, property shall be released to owners or their authorized agents.



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TITLE EVIDENCE HANDLING

i. When evidence has been destroyed or property returned to its owner, an entry in the Evidence Log must be made to reflect this action. In the case of evidence destruction, documentation must include who destroyed it, when and where it was destroyed, and for what reason. When property is returned to owner, a document must reflect who received it, when and where, and the final disposition of any legal proceeding.

6.3 All evidence and/or contraband must be secured while in the possession of Bureau of Fire Prevention personnel or other law enforcement officials.

**CANCELLATION**

7.0 DFRS Policy #1108 entitled "Evidence Handling" issued April 12, 1989, is hereby rescinded.

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