



**OFFICE OF THE COUNTY SHERIFF**  
Montgomery County, Maryland  
*Darren M. Popkin, Sheriff*



**GENERAL OPERATIONAL PROCEDURES**

<b><u>Subject:</u></b> Property and Evidence Management	<b><u>Number:</u></b> 3.25	<b><u>Effective Date:</u></b> 08/01/2012
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Policy: It is the policy of the Sheriff's Office that all property and evidence *that is stored in the Sheriff's Office Property Room* be secured and protected in a diligent manner and disposed of according to law.

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**I. Property Classifications**

Property held by the Sheriff's Office is classified in the following manner:

- **Sheriff's Office Property:** property purchased, leased, donated or loaned for the operation and administration of the Sheriff's Office or property acquired through conversion of evidence or abandoned property in accordance with State and Federal laws.
- **Evidence:** property held as pending court action, appeals or other stipulations.
- **Abandoned Property:** property held pending the identification of the legal owner or disposal by the Sheriff's Office.
- **Civil Process Property:** property received, seized, held for safekeeping or otherwise acquired by the Sheriff's Office through the civil process. (74.4.1)

## II. Managerial Responsibilities

- A. The Chief Deputy has oversight responsibility for the management and control of all evidence and property coming into the custody or control of the Sheriff's Office. The Assistant Sheriff is responsible for the daily supervision of the Property and Evidence Management function.
- B. The Property & Evidence Custodian is responsible for the security, protection and accountability of abandoned, seized and evidentiary property, and certain designated equipment and supplies purchased for Sheriff's Office use. The Property & Evidence Custodian must maintain the property and evidence rooms in a clean and orderly manner and must take reasonable steps to ensure that all property or evidence is secure, protected from damage, deterioration, or theft.

## III. Submission of Evidence, Seized, or Abandoned Property (83.2.1)

- A. All evidence or property obtained by employees must be *inventoried and* turned in to the Property & Evidence Custodian *prior to the end of the deputy's tour of duty* with the following exceptions: **(84.1.1.a)**
- Property seized to satisfy court ordered judgments.
  - Perishable items of evidence requiring refrigeration must be submitted to the Montgomery County Police Forensic Science Division for preservation. **(84.1.2)**
  - Controlled dangerous substances and controlled drug paraphernalia requiring either analysis or destruction must be submitted to the Montgomery County Police Forensic Science Division in accordance with General Operational Procedure 3.26, Packaging & Submission of Evidence.
- B. Deputies encountering citizens desiring to report abandoned property, other than property abandoned in the Judicial Center, must direct the citizen to contact the Montgomery County Department of Police.
- C. Under no circumstances may a Sheriff's Office employee keep evidence or property that has been seized, abandoned, turned in or confiscated. The deputy recovering the evidence or property must complete and submit an Incident Report (MCSO9), and a Seized Property/Evidence Log (MCSO10) prior to the end of the deputy's tour of duty. **(84.1.1.b, 84.1.1.c, 84.1.5)**

The Seized Property/Evidence Log, (MCSO10), documents the seizure, transfer of evidence and property and consists of three copies to be distributed as follows: (83.3.1)

1. **White copy (original)**: maintained by the Property & Evidence Custodian.
2. **Yellow copy**: attached to the Incident Report and forwarded to the Chief Deputy by the Property & Evidence Custodian.
3. **Pink copy**: receipt for submitting deputy.

- Employees must note on the Seized Property/Evidence Log any damage to property or evidence.
  - The chain of custody is documented on the bottom portion of the Seized Property/Evidence Log. All copies of the Seized Property/Evidence Log must contain the signature of the Property & Evidence Custodian to properly document the chain of custody.
- D. An inventory search must be conducted on all impounded vehicles in accordance with General Operational Procedure 3.04.B, Search Policy.
- E. Deputies must check all evidence and property against the NCIC/MILES records prior to submitting the evidence or property to the Property & Evidence Custodian. A copy of the NCIC/MILES response must be attached to the Seized Property/Evidence Log. Deputies not holding NCIC/MILES access must request such records check from appropriate personnel. This requirement does not apply to types of evidence or property that are not contained in the NCIC/MILES database.
- F. The recovering deputy is responsible for properly packaging and labeling items collected or recovered to prevent tampering, contamination or destruction. **(84.1.1.d)**

**Packaging Guidelines**

- *If numerous items are seized inside a bag or case, the items are to be listed separately, however the items are to be submitted inside the bag or case, i.e., if item #1 is (2) T-shirts, item #2 is (3) pairs of socks, and item #3 is a backpack they would be listed on the Seized Property/Evidence Log as follows:*
  - #1 (2) T-shirts (inside Item # 3)
  - #2 (3) pairs of socks (inside Item #3)
  - #3 backpack (contains Items #1 & #2)
- *Like items can be listed as one item number with a quantity in parentheses, i.e., item #1 (2) T-shirts.*
- *All currency, jewelry, and medications are to be listed as separate item numbers and packaged in the 10" x 17" clear plastic bag and kept separate from any other items seized.*
- All weapons coming into custody of the Sheriff's Office must be inspected immediately by the submitting deputy. It is imperative that firearms be unloaded before being submitted and that all packages containing weapons be clearly marked as such.
- *All bags or boxes containing seized items are to be sealed shut utilizing tape and the deputy must write their initials and ID # across the tape.*
- *No Staples are to be used on the bags that secure items seized.*

- *Deputies must complete a MCSO Property/Evidence Sticker*
    - *If multiple items are combined in a single container each item packaged in the container must be listed on the sticker*
    - *Include the sticker with the paperwork to be submitted.*
  - *Items seized are to be packaged in the smallest sized container possible.*
- G. All property, evidence and related reports and forms must be submitted to the Property & Evidence Custodian before the end of the deputy's tour of duty. If the Property & Evidence Custodian is not on duty, the recovering deputy must place the property or evidence along with the completed reports and forms *listed below*, in a secured locker located in the Gun Cleaning Room. (84.1.1.b, 84.1.3)
1. *A copy of the MCSO9, Incident Report*
  2. *All three (3) pages of the MCSO10, Seized Property/Evidence Log*
  3. *All MCSO Property/Evidence Stickers*
  4. *A copy of the Meters/NCIC return, if applicable*
  5. *All seized items properly packaged*
- The deputy then must place the locker key in the key drop box located in the Gun Cleaning Room. The Property & Evidence Custodian is responsible for checking the key drop box daily and obtaining the property or evidence.
  - In the event that the property or evidence is too large to fit into a single locker, the property or evidence may be secured in several lockers. The seizing deputy must note on the Property/Evidence Log Book if multiple lockers are used. Deputies may also utilize the oversized locker located in the Gun Cleaning Room. The large locker must be secured using the attached chains and padlock. The Property & Evidence Custodian is responsible for checking the key drop box and obtaining the property or evidence.
- H. The Property & Evidence Custodian must log in the items on the Property/Evidence Index Log (MCSO10B).
- A separate log must be maintained using sequential numbers for property or evidence, i.e., 00-P-0001, 00-E-0001 the "00" representing the year, the "P" representing property and the "E" representing evidence.
  - The information on the Property/Evidence Index Log must include the file index number, description, Incident Report number, whether the property or evidence is being logged in or out and the Property & Evidence Custodian's initials. **(84.1.5)**

- I. The Property & Evidence Custodian must sign and maintain the original Seized Property/Evidence Log, (MCSO10), as receiving the property or evidence, noting the file index number. A file folder must be maintained by file index number for each file index number issued. **(84.1.5)**
  - The Property & Evidence Custodian must forward to the Chief Deputy, via the submitting deputy's Division Captain, the yellow copy of the Seized Property/Evidence Log to be attached to the original completed Incident Report.
- J. The Property & Evidence Custodian must attach a property/evidence tag to each item. The tag must indicate the assigned file index number.

**IV. Submission of Property Acquired Through the Civil Process (74.4.1)**

- A. All property acquired through the civil process, with the exception of property seized to satisfy court ordered judgements, must be submitted to the Property & Evidence Custodian utilizing the procedures outlined for the submission of evidence or abandoned property.
- B. Property seized to satisfy court ordered judgements must be placed under the control of the Sheriff's Office utilizing one of the following methods:
  1. Funds collected must be submitted to the Management and Budget Specialist or the Sheriff's Executive Administrative Aide for placement in an escrow account in accordance with Special Operational Procedure, Administration SOP 06, Fiscal Management.
  2. Property other than funds collected may be placed under the control of the Property & Evidence Custodian utilizing the procedures outlined for the submission of evidence or abandoned property, with the exception that a copy of the Attachment Schedule must be used in lieu of an Incident Report.
  3. Property other than funds collected may be stored at the expense of the plaintiff at a private storage facility, provided the storage facility is a secure facility and permits the Sheriff's Office to conduct a public auction at the facility.
- C. Deputies assigned to the Attachments Section must maintain in each judgement file the following information regarding the seizure of funds or property:
  - The date and time of seizure.
  - A description of the property or funds seized.
  - The location where the property or funds are stored.
  - The date, time and final disposition of the property or funds.

**V. Property and Evidence Storage Rooms**

- A. All property and evidence, with the exception of controlled dangerous substances and controlled drug paraphernalia, must be stored in an authorized Sheriff's Office property or evidence storage facility. (84.1.2)
- B. The Sheriff's Office utilizes the following property and evidence rooms: (84.1.2)
- Evidence Room: Property that is obtained as evidence in conjunction with an arrest or criminal investigation.
  - Property Room: Property that is abandoned or seized. Property would include, but is not limited to weapons, silverware, jewelry, gemstones, money, coins, antiques, bonds, stocks, securities, or medicines.
  - Office Property Rooms: Property that is owned or leased by the Sheriff's Office. Such property would include, but is not limited to uniforms, firearms, radios, chargers, batteries, leather gear, shoes, flashlights, and handcuffs.
- C. Money, firearms, jewelry, precious metals and gemstones must be stored in a locked cabinet located in the appropriate property *or* evidence room. **(84.1.1.e)**
- D. Access to the property and evidence rooms is restricted to persons authorized by the Sheriff or Chief Deputy. (84.1.4)

**VI. Final Disposition of Property and Evidence (84.1.1.g)**

- A. Abandoned or lawfully confiscated property that is in the possession of the Sheriff's Office, with the exception of prescription drugs seized during evictions, that has not been claimed within one year may be disposed of pursuant to applicable laws and regulations. Prescription drugs seized during evictions may be stored in the property room for thirty (30) days. If the drugs are not claimed during the allotted time the Property Custodian must notify the submitting deputy who must dispose of the drugs in accordance with General Operational Procedure 3.26, Packaging and Submission of Evidence. (84.1.7)
- B. Deputies must inform citizens who report abandoned property in the Judicial Center that the property will be held by the Sheriff's Office for one (1) year. At the end of the year the property must be legally disposed of pursuant to Maryland Code, Courts Article, Section 2-311. (84.1.7)
- C. Property or evidence that has not been claimed within sixty (60) days of the final appeal date of a criminal or civil case may be disposed of pursuant to applicable law and regulation. (84.1.7)
- D. The Sheriff's Office must make a reasonable effort to contact the owner of the property and any identifiable lien holders by one of the following means: (84.1.1.f)
1. Personal notification.
  2. Certified mail to the last known address.
  3. Notification of a relative or friend.
  4. Newspaper advertisement.

Final disposition of the property must take place within six (6) months of the legal requirements being met and after a reasonable period has expired for the owner to contact the Sheriff's Office. (84.1.7)

- E. The Sheriff's Office may dispose of the property by any of the following methods:
1. Total destruction; i.e., burning, breakage, etc.
  2. Convert the property for Sheriff's Office use.
  3. Trade the property to an authorized agency for needed Sheriff's Office equipment by bid procedure.
  4. Sell the property at a public auction pursuant to Maryland Code, Courts Article, Section 2-311. The net proceeds of the auction must be turned over to the County Government and deposited in the general fund.
  5. Pursuant to Maryland Code, Courts Article, Section 2-311 at any time within three (3) years from the date of sale of abandoned or lawfully confiscated property, any person submitting satisfactory proof of the person's right to the possession of the property shall be paid, without interest, the amount distributed to the general fund. After the expiration of three (3) years from the date of the sale, any claims shall be absolutely barred.
  6. All seized money, except money subject to forfeiture, must be turned over to the County Government and deposited in an escrow account. The County Government maintains all funds for a period of seven (7) years at which time the funds are turned over to the State of Maryland. Money subject to forfeiture must be processed in accordance with the applicable forfeiture law.
  7. Stocks, bonds, collectable currency, and securities may be sold at public auction, when authorized by the Sheriff. The proceeds must be turned over to the County Government and deposited in the general fund.
- F. The Property & Evidence Custodian must notify the submitting deputy prior to releasing or disposing of any property.
- Prior to releasing to the owner or disposing of any property, the Property & Evidence Custodian must check the property through NCIC/MILES. A copy of the NCIC/MILES response must be attached to the Seized Property/Evidence Log. This requirement does not apply to types of evidence or property that are not contained in the NCIC/MILES database.
  - Any concerns the Property & Evidence Custodian may have regarding the appropriateness of either releasing or disposing of any property must be brought to the attention of the Assistant Sheriff prior to the release or disposal of the property.
  - The Property & Evidence Custodian must complete the disposition section of the Seized Property/Evidence Log, noting all property that is released or disposed of and the date, time, and means of disposition. The Property & Evidence Custodian must sign the Seized Property/Evidence Log and have it witnessed. **(84.1.5)**

- In the event property is released to the owner, the owner or the owner's authorized designee must sign for the property on the Seized Property/Evidence Log.

## VII. Office-Owned Property and Inventory

- A. The Management & Budget Specialist is responsible for the procurement and requisition of agency owned property by the Sheriff's Office. The Management & Budget Specialist must maintain and annually update a master inventory of all property owned or leased by the Sheriff's Office. **(17.5.1, 84.1.5)**
- B. The responsibility for issuance of agency owned or leased property to authorized users is divided among several employees. These employees are accountable for the property for which they are in charge and must maintain stored items of property in a state of operational readiness. **(17.5.1, 17.5.2, 17.5.3, 84.1.5)**
- C.

Employee	Responsibility
Automated Systems Manager	Computers and Computer Equipment
Court & Transportation Section Lieutenants	Preliminary Breath Test Equipment;
Management & Budget Specialist	Office Furniture
Property & Evidence Custodian	Uniforms; Leather Gear; Radios and Radio Equipment; Maps; Weapons; Telephones Miscellaneous Office Supplies
Tactical Team Leader	Specialized Tactical Equipment
Vehicle Maintenance Officer	Vehicles

- D. Each employee is accountable for property issued to them, and property or equipment assigned for a given task, shift or project. Personal belongings are stored at the employee's own risk. The Sheriff's Office is not responsible for loss of employees' personal property.
- E. Periodically, supervisors must inspect the condition of Sheriff's Office property and equipment issued to employees of their section as a part of routine inspections.

## VIII. Inspections and Audits

- A. The Property & Evidence Custodian must conduct a quarterly inspection of all stored agency owned property under their control to ensure that the property is maintained in a state of operational readiness. The results of this inspection must be documented in a memorandum and a copy provided to the Accreditation Manager. **(17.5.3)**
- B. The Assistant Sheriff must conduct and document a semi-annual inspection of the property and evidence rooms to ensure compliance with Sheriff's Office regulations. **(84.1.6.a)**

- C. At least annually, an unannounced and documented spot inspection must be conducted at the direction of the Chief Deputy. Property and evidence accountability, security procedures and accuracy of records must be checked and verified. **(84.1.6.d)**
- D. The Property & Evidence Custodian must conduct a semi-annual audit of all property and evidence held. Items that are no longer required, as evidence must be disposed of after obtaining a release by the submitting deputy.
- E. Annually, the Chief Deputy must designate a deputy, the rank of Sergeant or above and not directly involved with the control of property or evidence, to conduct an audit and submit a written report. **(84.1.6.c)**
- F. When a new Property & Evidence Custodian is designated, an inventory of all property and evidence must be conducted to ensure that records are current and properly annotated. This inventory must be conducted jointly by the newly designated and the outgoing custodian. **(84.1.6.b)**

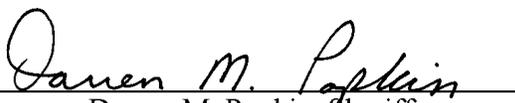
**IX. CALEA Standards**

**17.5.1, 17.5.2, 17.5.3, 74.4.1, 83.2.1, 83.3.1, 84.1.1.a, 84.1.1.b, 84.1.1.c, 84.1.1.d, 84.1.1.e, 84.1.1.f, 84.1.1.g, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6.a, 84.1.6.b, 84.1.6.c, 84.1.6.d, 84.1.7**

**X. Cancellation**

This directive cancels and replaces General Operational Procedures 3.25, Effective Date: 01/28/2000.

AUTHORITY:

  
Darren M. Popkin, Sheriff  
08/01/2012