

9.2 Recovered Property and Evidence

Any property coming into the custody of Office personnel will be handled in compliance with the standards delineated in this directive.

9.2.1 Firearms, Controlled Dangerous Substances, and Evidence

Whether recovered or seized for any reason, firearms and controlled dangerous substances (CDS), and any other criminal evidence which comes into the custodial possession of the Sheriff's Office will be handled through the property management system of the Anne Arundel County Police Department (AACOPD). The property management system utilized by the AACOPD is designed to treat deputy sheriffs in the same manner as their own police officers.

Deputies coming into control of firearms, CDS, or criminal evidence will transport the property to the nearest AACOPD District Station and process it according to AACOPD policies and procedures. These include packaging, forms completion and chain-of-custody, laboratory examination requests, property storage, and disposal. Prior to actually submitting any firearm into the property management system, an inquiry will be made into the Maryland Automated Firearms Service System (MAFSS) to determine the last known registered owner and to determine if the weapon is stolen or otherwise "wanted" in conjunction with any criminal activity.

A photocopy of any AACOPD document regarding the submitted property should be returned to the Sheriff's Office for attachment to an *Incident Report*.

9.2.2 Monies

Unclaimed or seized currency or coin coming into the possession of an Office member will be counted, documented, and turned over to the Anne Arundel County *Office of Finance*. This includes money suspected of having an actual value greater than face value (e.g., a rare coin). The exception to this procedure is money that is seized as evidence (see *Section 9.2.1* above).

9.2.3 Public Sector Property

Any recovered or seized property belonging to or otherwise issued by a governmental entity will be returned to that agency (e.g., vehicle license plates and driver's licenses).

9.2.4 Writs of Execution

Property seized in accordance with an order of the court will be handled and stored as instructed on the authorizing document, or as otherwise directed by the plaintiff. In no situation will the Sheriff's Office be responsible for physically storing and safeguarding said property within the confines of the facilities of the Sheriff's Office.

9.2.5 Animals

Deputies coming into possession of animals will coordinate with Anne Arundel County *Animal Control* to arrange housing and care.

9.2.6 Evicted or Ejected Property

Excepting specific categories of property as specified elsewhere in this directive, property emanating from an eviction or ejection will be placed adjacent to the nearest public roadway. This property is considered abandoned once removed from the residence. Illegal items, property that may pose a public safety hazard, or those that are particularly unmanageable in size will be dealt with according to local custom and unit-specific directives (e.g., mobile homes).

9.2.7 Crime Scenes

The Sheriff's Office is not a primary law enforcement agency responsible for the investigation of criminal activity. Evidence collection at crime scenes is an inherent aspect of criminal investigations, and as such, collection activities will be undertaken by the appropriate primary law enforcement agency. Deputies coming upon a crime scene prior to the arrival of the primary law enforcement agency will secure the scene until relieved. Refer to *Chapter 1.3, Inter-Agency Memoranda of Agreements*, in this General Orders Manual for further guidance.

9.2.8 Prisoner Property

An arrestee or prisoner should only be permitted to retain in his/her immediate possession their basic clothing articles, small paper documents, wedding bands and religious pendants, paper money, and prescription eyeglasses. Individuals in custody should specifically not be permitted to retain belts, shoe laces, overcoats, jewelry, headgear, over-the-counter or prescription pharmaceuticals, writing implements, books, or sharp or metal items. Exceptions may be made on a case-by-case basis with supervisory approval. Property taken from a prisoner should be inventoried, documented, and stored in a secure, individual container separating it from the property of others. When a prisoner is transferred to another organization or otherwise released, his/her property should go as well.

9.2.9 Recovered Property

Personal property recovered from the Anne Arundel County Circuit Court judicial center or any other facility policed by the Sheriff's Office may be secured by the Sheriff's Office for safekeeping. Property found in the Courthouse of nominal value may be transferred to the Court Administrator's *Lost & Found*. Personal property recovered elsewhere throughout Anne Arundel County will be turned over to the appropriate primary law enforcement agency for handling.

9.2.10 Property Custodian

The Sheriff shall appoint one (1) employee as the *property custodian* for recovered and seized property being physically stored in a controlled area of the Office. This property custodian is responsible for the maintenance of the storage area and property records.

The custodian will conduct a routine inventory every six (6) months. An annual audit of property records will be conducted by a supervisory or managerial employee whose duties are not routinely or directly connected with the control of property. Whenever the custodial responsibility is transferred to another employee, the former and new custodians will conduct a joint inventory. All inventory and audit reports will be forwarded in summary to the Chief Deputy for review. The Chief Deputy may also authorize unannounced property inspections and audits.

9.2.11 Property Packaging

Smaller property should be secured in an envelope or similar container. Those items too large for an envelope should be labeled or tagged. Location and

identification information will be affixed to each piece of property/property container. Information should include: where, when, and by whom the property was found, name of the suspected property owner, locating deputy's name, reason the property is being retained, and a description of the item(s). The property custodian should be consulted directly for guidance on packaging and securing particularly exceptional, valuable, or sensitive items of property.

9.2.12 Property Forms

A *Recovered Property Form*, AACOSO Form #62, or an equivalent, will be completed for all custodial property (e.g., "equivalent" being an AACOPD *Recovered Property Form*). The form is self-explanatory and must be filled out in its entirety. The *white* copy of the completed *Recovered Property Form* will be attached to the property or property container, and the yellow copy retained by the property custodian. An *Incident Report*, AACOSO Form 09-40-7-1, will also be completed to address the totality of circumstances regarding Office possession. The *pink* copy of the *Recovered Property Form* is to be attached to the *Incident Report*. Property that may be released requires the mailing of an *Owner Notification of Property in Custody*, AACOSO Form #062B, or similar notification, to the last known address of the believed owner.

The deputy who initiated the property recovery or seizure is responsible for all forms completions. Forms must be completed and submitted to the property custodian prior to the deputy's end of shift. The recovering/seizing deputy will also initiate a query of criminal justice information databases to ensure that the property is not stolen or otherwise "wanted" when serial numbers or other unique identifiers are available.

The *Recovered Property Form* will be updated during any property change of status (e.g., property checked out for laboratory examination or court presentation, or release or disposal). The property custodian will ensure that property records are retained by the Office for a period consistent with those specified in *Chapter 7.6, Records Retention*, in this General Orders Manual.

9.2.13 Property Storage

The Office will maintain a secure area where seized and recovered property may be physically stored. The property custodian will manage access to the property room and identify specific Office personnel who are authorized unfettered access. A temporary, secure holding area will be accessible to Office personnel 24 hours a day to accept recovered and seized property from deputies.

9.2.14 Release of Property

Except illegal items, or property being held pending a court proceeding or per a court order, property being held physically by the Office may be released to its owner at any time. Release is appropriate when proof of ownership is produced, and the owner can present picture identification. Only the property custodian or a designated representative may release property from the Office secure storage area.

The Office property custodian will authorize the AACOPD to release a firearm or evidence to the property owner when that item is no longer needed for a court proceeding or regulated by a court order.

Once property is released or otherwise removed from the Office property system, the white copy of the Recovered Property Form is forwarded to the Administrative Bureau for attachment to the applicable Incident Report. The yellow copy of the Recovered Property Form in the possession of the property custodian may be retained for statistical purposes, or summarily destroyed.

9.2.15 Conversion or Disposal of Property

Illegal items will be disposed of when no longer required for criminal proceedings. Disposal will be in a manner consistent with professional and accepted standards.

Recovered property may remain in the custody of the Sheriff's Office for a period of six (6) months. At the conclusion of the property retention period, the property custodian will make one final attempt to notify the suspected owner of such property that he/she may take possession. Notification attempts will be documented. Property still not claimed will be offered to the person who initially delivered said property to the Office. Office employee's are not permitted this privilege (i.e., an employee cannot claim property for personal use). Unredeemed personal property which has remained in the possession of the Sheriff's Office for a period exceeding an additional month shall be deemed abandoned and immediately convertible to Office use. In the event property is undesirable, said property may be summarily disposed of. Upon the recommendation of the property custodian, the Chief Deputy will authorize an appropriate disposal method. Disposal methods include, but are not limited to, sale, auction, donation, and destruction.