

19.1 RESPONSIBILITIES FOR SECURING AND PROTECTING AN INCIDENT SCENE

It is the responsibility of the first officer present at the scene of a crime to secure that scene from all nonessential personnel. The scene of a crime must be secured as soon as possible to prevent contamination and/or loss of evidence. The officer securing the scene should initiate a log or a Supplement Report listing the time, name, and reason for all personnel who enter the crime scene. All personnel at the scene will not disturb, touch, or handle physical evidence prior to processing.

19.2 RESPONSIBILITIES FOR PROCESSING CRIME SCENES/COLLECTING EVIDENCE

- .1 Depending on the type of crime, crime scenes may be processed by Patrol Officers, Criminal Investigators (Detectives) or personnel from the Western Maryland Regional Crime Lab (WMRCL). Upon request of the Criminal Investigation Division Supervisor, or his/her designee, the department's crime laboratory personnel (Forensic Scientists or Forensic Technician) may be requested to assist in processing crime scenes. The following guidelines will determine crime scene processing responsibilities:
 - .1 PROCESSING TO BE CONDUCTED BY CID OR UNIFORM PATROL
 - Malicious destruction of property (including motor vehicles).
 - Theft from motor vehicles.
 - Misdemeanor theft (persons, vehicles, businesses)
 - Burglaries (except those that are part of a more serious crime requiring processing by CID or lab personnel).
 - All items which can be processed for latent prints by using the standard fingerprinting kits.
 - .2 PROCESSING TO BE CONDUCTED BY CID AND/OR THE WMRCL
 - Homicides.
 - Rapes and/or serious sex assault cases.
 - Serious assaults (first degree, shootings, stabbings, etc.).
 - Crime scenes which require an expertise in collection of the evidence.
- .2 If a patrol supervisor is not sure who should be responsible for processing a specific crime scene, he/she is to consult with the CID supervisor, who will make the determination.
- .3 The personnel processing the scene (Patrol Officer(s), Detective(s) or Crime Lab Personnel) have the responsibility to direct and supervise the processing of the scene.
- .4 Sworn personnel processing a crime scene or incident will be responsible for photographing, collecting, preserving, packaging, transporting, and submitting all evidence they collect to the evidence control function.
- .5 WMRCL personnel processing a crime scene will be responsible for photographing, collecting, preserving, and packaging all evidence they collect, They will then transfer custody of the evidence to the primary case officer or the officer's designee. That officer will be responsible for submitting the evidence to the evidence control function.
- .6 On any other occasion when evidence is collected (arrests, stop and frisk, etc.), the evidence will be packaged, labeled, and submitted to the evidence control function by the collecting officer.
- .7 Any sworn member who processes a crime scene or otherwise collects evidence, whether alone or in conjunction with other personnel in an investigation, shall submit a Supplement Report detailing his/her action at the scene. If the person processing the scene is conducting the preliminary investigation and prepares the initial Investigative Report, his/her actions regarding crime scene processing may be included in that report instead of a Supplement Report. WMRCL personnel who process crime scenes or collect evidence shall also prepare a report, which will follow the reporting procedures and format developed by that unit.

- .8 Accident scenes requiring the services of an accident reconstructionist will be processed, and the evidence will be collected by the reconstructionist. Other accidents shall be processed, and the evidence will be collected by the investigating officer. Assistance from CID or lab personnel may be requested.
- .9 The use of personally owned electronic devices for crime scene photography or videography is permitted only if the device has the Axon Capture app and only when that app is utilized.
- .10 Due caution and appropriate safety measures should be taken whenever collecting evidence which could pose a risk of danger to the officer or others.
- .11 Personnel may only collect those types of evidence they have been trained to collect. Training may be received from a variety of sources, including, but not limited to:
 - entry level (e.g. academy)
 - in-service (internal or external)
 - pre-service (technical, college, etc.).

19.3 REQUIREMENT FOR CRIME/ACCIDENT SCENE PROCESSING AVAILABILITY

- .1 Response to calls for service where a crime has been committed that may involve physical evidence requires that such evidence be collected and promptly submitted to the Evidence Control Function without delay. When Criminal Investigation Division personnel are responsible for crime scene processing and none are on duty, the on-call policy described in Rules and Regulations Chapter 42 will be followed.
- .2 In cases requiring accident reconstruction, the accident reconstructionist will be called to the scene if one is not already on duty. If an accident reconstructionist cannot be contacted, the Maryland State Police or Washington County Sheriff's Department will be contacted to provide this service.
- .3 In many cases, the implementation or continuation of the investigative process must await the completion of certain aspects of crime scene processing. Therefore, in cases requiring the immediate services of a Detective, Crime Lab Personnel, or Accident Reconstructionist to process a scene, notification shall be made as soon as possible. The initial responding officers shall secure and protect the scene until the arrival of a scene processor.

19.4 SEALING, MARKING, AND LABELING PHYSICAL EVIDENCE

- .1 Physical evidence collected by investigating officers or laboratory personnel shall not be marked as doing so risks contamination of evidence that may need forensic processing/analysis.. In lieu of marking, the evidence is to be photographed prior to packaging or labeling, and the photos uploaded to Evidence.com. If the recovered item displays a serial number, that number may be recorded and used for purposes of identification as well.
- .2 Certain types of evidence need to be collected in some type of container or packaging to protect it. Evidence which is susceptible to change, contamination, or tampering (CDS, documents, items which need to be processed or analyzed, small items, etc.) or items which would be hazardous (razors, knives with exposed blades, etc.) will need to be packaged for protection. The person recovering the evidence will place such evidence in a proper container; seal the container in a tamper-proof manner and place his/her mark on the seal. Approved methods of tamper-proof sealing include:
 - .1 Evidence integrity tape.
 - .2 Self-sealing tamper-proof evidence bags.
 - .3 Heat sealing of plastic bags.

- .3 All evidence packages must be labeled or tagged. The label or tag must contain the following information:
 - .1 Complaint number.
 - .2 Date.
 - .3 Recovering/packaging individual's name.
 - .4 Description of exhibits including make, model, and serial number, if any.
- .4 In the event that a sealed evidence container has to be opened prior to presentation at trial (e.g. for lab analysis, examination by attorneys, etc.), the person breaking the seal will indicate possession of the evidence on the chain of custody log(s). When the evidence is replaced in the container, the same person will reseal it and place his/her mark and date on the seal. If the evidence is opened at trial or by the prosecutor just before the trial, the officer who signed it out will reseal it after it is returned to him/her.
- .5 Each person who takes custody of evidence sealed in a container or package will inspect the container or package to ensure that it is secured and properly sealed. If it is not, the person will return the evidence to the last person who had custody. That person will inspect the package and evidence to ensure that it is in the same condition as when he/she last had possession of it. Once this is confirmed, that person will properly seal the container or package before it is received by anyone else. Any discrepancies discovered through this inspection process will be reported to the Support Services Administrator. By taking custody of evidence sealed in a container (and signing to chain of custody log), each individual is certifying that the package or container is secured and properly sealed.

19.5 COLLECTION OF BLOOD AND/OR OTHER BODY FLUIDS

- .1 Appropriate safety measures as set forth in the Rules and Regulations of this Department and City of Hagerstown Safety Manual will be followed when collecting, handling and transporting evidence containing (or possibly containing) human body fluids. Protective gloves will be worn and depending on the nature of the evidence and the collection scene, protective clothing, face masks, eyewear, etc. will be worn.
- .2 Fresh (wet) blood will be collected on sterile swabs. The swabs will be placed in a swab box which will then be placed in a paper container. The paper container is to be sealed and labeled.
- .3 After thoroughly drying, collected evidence that is contaminated with blood and/or other body fluids will be packaged in brown wrapping paper, paper bags, or similar packaging. Packaging will be marked, sealed, and labeled. Multiple items must be packaged individually to avoid contamination.
- .4 When a blood stain is located on a wall, floor, or other object that cannot be submitted, samples of the stain may be collected on 2-4 sterile cotton tip swabs. Moisten the swabs with sterile distilled water then swab the blood stains. The swabs will be placed in a swab box which will then be placed in a paper container. The paper container is to be sealed and labeled. Blood stains collected in this manner do not require refrigeration.
- .5 Other types of stains can be collected using the same procedures as previously described for wet and dry blood.
- .6 Body tissue must be collected and placed in a sterile vial in sterile distilled water. The vial must be stoppered, sealed, marked, labeled and placed in one of the temporary evidence refrigerators or given to the Evidence Custodian to be placed in the bio-hazard evidence room refrigerator.
- .7 Any biohazardous material (e.g., blood soaked clothing) that needs to be dried will be placed in a biohazard drying chamber. The biohazard drying chamber door must be secured. It is the responsibility of the officer placing evidence in the biohazard chamber to remove and package the evidence after drying. The biohazard chamber must be cleaned before AND after each use. Evidence must be taken directly to the Evidence Custodian or placed in a temporary evidence locker once removed from the biohazard drying chamber.

19.6 COLLECTION OF LATENT PRINTS

- .1 Latent impressions developed with fingerprint powder may be photographed on the original object. After being photographed, they should be lifted in a manner consistent with Departmental training.
- .2 The lifted print is to be placed on a Latent Fingerprint Investigation card and the following information listed:
 - .1 Complaint number
 - .2 Date and time processed
 - .3 Processed by (print name) and initial
 - .4 Location processed
- .3 Visible prints subject to destruction during the course of processing should be photographed before extraordinary measures are taken to further develop and collect them.
- .4 If an item contains latent fingerprints of potential evidentiary value but the processing employee does not believe he/she will be able to lift the print successfully, the item may be removed from the scene and submitted to the Western Maryland Regional Crime Laboratory for processing.
- .5 When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting officer will include inked finger and palm prints and/or provide the appropriate local, SID, or FBI identification number (if available) of the suspect.
- .6 When possible, collect exemplar samples from victims or other persons who had access to the relevant item or area, and submit the samples with the latent print evidence.

19.7 COLLECTION OF CONTROLLED DANGEROUS SUBSTANCES

- .1 All CDS evidence will be sealed in tamper proof evidence packaging.
- .2 The evidence package or property tag/label will list all exhibits contained within.
- .3 When hypodermic syringes are submitted as evidence, the submitting officer will package the needle/syringe in a specialized syringe safety container. These containers are located in the evidence packaging locker in the Uniform Patrol office, or they can be obtained from the Records Division.
- .4 Items which can be counted (pills, capsules, individual baggies, marijuana cigarettes, etc.) will be counted before packaging, and the exact number will be recorded on the Property Record and laboratory analysis request. The quantity will also be noted in the Investigative Report.
- .5 MedReturn Drug Collection Unit: This is a locked, labeled box located in the HPD lobby to provide citizens a safe and secure method of disposing of unwanted prescription drugs without the need for police intervention or a police report. Keys to the lock are kept by the Evidence Custodian and Support Services Administrator. Periodically, evidence personnel will empty the box in the presence of another evidence personnel. The evidence custodian will ensure that a sworn supervisor documents the transfer of items on an investigative report and property record. Monthly, the evidence custodian will submit a report to the Health Department with the weight of meds that are collected, along with any issues or comments on the system.

19.8 COLLECTION OF CLOTHING

- .1 Wet clothing collected as evidence should be dried in a biohazard drying chamber as described in section 19.6.
- .2 If more than one piece of clothing is collected in conjunction with an incident, each piece of clothing will be marked, packaged, and tagged individually to prevent contamination.
- .3 Wet clothing collected from different sources shall be dried separately to prevent cross contamination.

19.9 COLLECTION OF MONEY AND DOCUMENTS

- .1 Documents that are wet will be handled in the same manner as wet clothing.
- .2 An accurate count of money is the responsibility of the submitting officer.
- .3 Before being placed into evidence, currency will be counted and packaged as follows:
 - .1 The submitting officer will create a photocopy or printed photograph of every bill in a manner that displays the denomination and serial number of each. The recommended method is to overlap the bills.
 - .2 The submitting officer and a sworn supervisor will count the currency to verify the amount, and that each bill has been included in the photocopy or photograph. Both will place their signatures on the photocopy or photograph.
 - .3 Immediately after the above verification and while still in the presence of the sworn supervisor, the submitting officer will package the currency, and seal and mark the packaging. The sworn supervisor will also place his/her mark on the seal.
- .4 Coins will be counted and packaged in the same manner as paper currency, with the following exceptions/variations:
 - .1 Large amounts of coins may be packaged in bulk without a count.
 - .2 Photocopying or photographing coins will be at the discretion of the submitting officer or the sworn supervisor.
- .5 The submitting officer will include in the investigative or supplement report the following information:
 - .1 The amount submitted, or for coins submitted in bulk, a detailed description.
 - .2 The name of the sworn supervisor verifying the count or description.
- .6 If the verifying supervisor is not the one who approves the officer's report, the verifying supervisor will prepare a supplement report with the above information. If the verifying supervisor is the one who approves the report, the supervisor will not need to prepare a supplement.
- .7 Anytime a sealed package containing currency is opened, the person opening it will do so in the presence of a sworn supervisor. Both will verify that the contents match the amount and/or description on the packaging and reports. Discrepancies are to be reported to the Chief of Police through official channels. Re-sealing will be done according to the same procedures described above.

19.10 COLLECTION OF FIREARMS

- .1 All firearms submitted to the property room must be unloaded.
- .2 All handguns submitted as evidence must be packaged in a protective gun box.
- .3 Long arms submitted as evidence must be appropriately marked and/or tagged. Long arms must be packaged in a protective gun box in cases where a laboratory examination is requested.
- .4 Ammunition, magazines and/or accessories present with firearm evidence should be packaged inside the gun box with the firearm.
- .5 Officers seizing firearms shall complete a Firearms Return Receipt Policy Form and leave it with the person, or at the place where the firearms were seized. The form will include information describing the firearm, the identity of the officer and person from whom it was received from and the HPD Complaint/Incident Number. Completion of this form is not required in the service of a search warrant intended to recover the firearms as evidence which already involves or requires the provision of a search inventory, in cases where the firearm is simply found by an officer or person who is not the owner, or in the event that a firearm is seized as evidence relative to an individual who is carrying or possessing it in violation of the law.

19.11 COLLECTION OF VOLATILE/HAZARDOUS MATERIALS

- .1 Volatile fluid of evidentiary value will be stored in the evidence room in metal containers. A maximum of one pint will be stored. Excess volatile fluid will be disposed of in accordance with EPA and Fire Department procedures for hazardous waste materials.
- .2 Fireworks, road flares, fuses, or ammunition less than .50 caliber may be submitted. All other explosives will be considered unsafe. Such material will be photographed and safely disposed of according to applicable local, state, and federal law.
- .3 Other hazardous materials such as chemicals, nuclear material or other unsafe matter will be photographed and disposed of according to applicable local, state, and federal law.
- .4 No explosives, dangerous chemicals, nuclear material or ammunition greater than .50 caliber will be submitted to the evidence room. The on duty shift supervisor will contact the Fire Department, Hazardous Materials Team, Fire Marshall's Office or other specialized agency when such material is recovered. All such items are to be photographed and disposed of according to procedures in the codified ordinance. Handling of the items will be accomplished by requesting the specialized agency at the scene.

19.12 PROCEDURES FOR PROCESSING VEHICLES

- .1 Vehicles that are reported stolen from this City will generally be examined by the investigating officer upon recovery. This examination may be conducted by the jurisdiction where the vehicle is recovered if it is outside the City limits. This department may process another jurisdiction's stolen vehicle(s), if requested, and time and manpower are available.
- .2 Vehicles with evidentiary value should be processed for evidence at the recovery scene. If this is not practical, the vehicle may be towed to Department headquarters for processing. If adverse weather exists or environmental conditions are not suitable for vehicle processing, the vehicle may be towed to an enclosed area for processing provided approval is received from the CIU or on-duty shift supervisor.
- .3 The assigned case officer or Detective will complete an Investigative Report for recovered stolen property on any vehicle recovered in this city that was reported stolen by another jurisdiction. The vehicle will be held as long as needed by this Department for evidence. It will then be released to the reporting agency if that agency needs it for evidence. If the vehicle is not needed for evidence, it will be released to the owner after the tow fee is satisfied. If the owner does not respond for the vehicle within a reasonable period of time, a storage fee may be assessed, and/or the vehicle may be towed from the Department property.
- .4 Recovered vehicles reported stolen within the City require only a supplemental report to be added to the original report.
- .5 It shall be the responsibility of the assigned Case Officer or Detective recovering the stolen vehicle to notify the Dispatcher operating the teletype with the following information:
 - Time and date of recovery.
 - Name and I.D. number of recovering officer.
 - Vehicle location, condition, and name of towing company.
 - Vehicle VIN number and registration.
 - Time and date owner was notified, or notification was attempted.

19.13 DNA EVIDENCE

- .1 Biological evidence, which contains DNA, is not always visible to the naked eye. DNA testing has expanded the types of useful biological evidence. All biological evidence found at crime scenes can be subjected to DNA testing.

- .2 Since only a few cells can be sufficient to obtain useful DNA information to help your case, the list below identifies some common items of evidence that you may need to collect, the possible location of the DNA on the evidence, and the biological source containing the cells. Remember that just because you cannot see a stain does not mean there are not enough cells for DNA testing. Further, DNA does more than just identify the source of the sample; it can place a known individual at a crime scene, in a home, or in a room where the suspect claimed not to have been. It can refute a claim of self-defense and put a weapon in the suspect's hand. It can change a story from an alibi to one of consent. The more officers know how to use DNA, the more powerful a tool it becomes.
- .3 Contamination: The risk of contamination of any crime scene can be reduced by limiting incidental activity. In addition to the collection procedures described in this chapter, it is important for all law enforcement personnel at the crime scene to make a conscious effort to refrain from smoking, eating, drinking, littering or any other actions which could compromise the crime scene. Because DNA evidence is more sensitive than other types of evidence, law enforcement personnel should be especially aware of their actions at the scene to prevent inadvertent contamination of evidence.
- .4 The following are some examples of physical evidence and their potential as sources of DNA.

Evidence	Possible Location of DNA on the Evidence	Source of DNA
Baseball bat or similar weapon	handle, end	sweat, skin, blood, tissue
Hat, bandanna, or mask	Inside	sweat, hair, dandruff
Eyeglasses	nose or earpieces, lens	sweat, skin
Facial tissue, cotton swab	surface area	mucus, blood, sweat, semen, ear wax
Dirty laundry	surface area	blood, sweat, semen
Toothpick	tips	saliva
Used cigarette	cigarette butt	saliva
Stamp or envelope	licked area	saliva
Tape or ligature	inside/outside surface	skin, sweat
Bottle, can, or glass	sides, mouthpiece	saliva, sweat
Used condom	inside/outside surface	semen, vaginal or rectal cells
Blanket, pillow, sheet	surface area	sweat, hair, semen, urine, saliva
"Through and through" bullet	outside surface	blood, tissue
Bite mark	person's skin or clothing	saliva
Fingernail, partial fingernail	scrapings	blood, sweat, tissue

19.14 CRIME SCENE SKETCHES

- .1 When crime scene sketches are drawn pursuant to the collection and preservation of evidence, they will contain the following information:
- .1 Dimensions.
 - .2 Relation of the crime scene to other buildings, geographical features, or roads.
 - .3 Address, floor or room number as appropriate.
 - .4 Location of significant features of the scene, including bodies.
 - .5 Date and time of preparation.

- .6 Name(s) of person(s) preparing the sketch.
 - .7 Compass direction.
 - .8 Location of items of physical evidence recovered.
- .2 Generally, the processor of the scene will make rough sketches and measurements, including sufficient additional information so a final representative drawing to scale can be made at a later time. These rough sketches may be considered evidence and should be kept with the original report or documents.
- .3 In addition to crime scene sketches, crime scenes may also be depicted via digital rendering of the scene with appropriate instruments/devices.

19.15 CRIME SCENE/EVIDENCE PHOTOGRAPHY

- .1 While photographs are not evidence in and of themselves, they provide visual documentation of incident scenes, the location and condition of evidence within the scene, victims, suspects, etc. Photographs allow investigators to recreate that scene for later analysis or for use in the courtroom. The following are examples of situations that may require photography:
- .1 Homicide.
 - .2 Suicide.
 - .3 Accidental death.
 - .4 Rape, abduction or kidnapping.
 - .5 Burglary.
 - .6 Aggravated or felonious assaults.
 - .7 Any crime scene upon request of the reporting or investigating officer.
 - .8 Fatal or serious injury traffic accidents.
 - .9 Accidents, damage or injury involving City property.
 - .10 Any injury to a Department employee sustained on duty.
 - .11 Injuries to a police officer or citizen during an arrest.
 - .12 Investigation of excessive force.
 - .13 Serious property damage accidents.
- .2 The method of crime scene/evidence photography for HPD personnel shall be digital.
- .3 Digital photographs taken by sworn personnel are to be uploaded to Evidence.com according to the procedures described in section 19.26.
- .4 Digital photographs taken by WMRCL personnel will be processed and stored according to laboratory protocols developed in accordance with accreditation and regulatory requirements.
- .5 When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in development for life-size prints. A second photograph of the item will be taken using the same camera settings, position and lighting in the event the court desires photographs of evidence in which nothing has been introduced into the field of view.
- .6 If the evidence to be photographed includes a fixed object, the dimensions of that object can be used to provide a scale reference within the photograph(s).
- .7 Videography and imaging (i.e., still images captured from video files) may supplement, but should not replace, still photography. If recorded/captured, they are to be stored in the same manner as digital photographs.
- .8 The photographer shall document the collection of photographic, video, and imaging evidence in the initial Investigative Report or Supplement Report. When describing the photographic or videographic evidence, officers preparing reports shall include the date, time, and location of the evidence when it was photographed or recorded.

- .9 Evidence belonging to crime victims which is considered to be a personal or business necessity may be photographed and returned to victims without being submitted to the evidence room. Other evidence belonging to crime victims must be submitted to the evidence room per standard procedures and may only be photographed and released before trial with the consent of the Washington County State's Attorney. NOTE: SAO consent is not required in each case if the officer or a supervisor determines the release is reasonable based on his/her experience in other similar cases. The photographs will be included in the electronic case file as described in this section.

19.16 SUBMISSION OF EVIDENCE TO THE EVIDENCE CONTROL FUNCTION

- .1 Each department member responsible for submitting evidence shall do so with the required property reports before the end of the member's tour of duty.
- .2 When sworn HPD personnel are submitting evidence to HPD evidence control, Police Mobile's report writing program shall be used to log the evidence into the Department's evidence and property management and control program, TraQ. In the event evidence is to be held by the HPD evidence control function on behalf of another law enforcement agency, that evidence will be logged directly into TraQ, and the other agency's case number will be utilized. If the other law enforcement agency member is not an authorized TraQ user, an HPD member may be assigned to assist other agency member. In such cases, an investigative report or supplement report is not required.
- .3 With the exception of blood, urine, semen and other body fluids or tissue (see next section), all evidence will be placed in the temporary evidence storage lockers located in the basement detainee processing area or may be given directly to the Evidence Custodian. If additional space is needed, the evidence will be secured in a manner that reasonably protects it from tampering or contamination, such as securing it in one of the holding cells, a locked patrol supervisor's office, or other locked room, cabinet, or drawer with limited access. Additionally, the evidence custodian or approved designee may be called in to secure items in the evidence room or custodian's office if the nature of the evidence, case, or particular situation would suggest that would be appropriate.
- .4 Blood, urine, semen and other body fluids or tissue collected in liquid form should be placed in the refrigerator or freezer, depending on the sample, in the Departments bio-hazard evidence room. If the Evidence Custodian is not available at the time the specimen is collected, the specimen is to be placed in one of the temporary evidence refrigerators. The Evidence Custodian shall remove the evidence to the bio-hazard evidence room as soon as possible.

19.17 REQUESTS FOR LABORATORY EXAMINATION

- .1 The Western Maryland Regional Crime Laboratory provides, but is not necessarily limited to the following laboratory testing:
 - .1 Analysis of Controlled Dangerous Substances.
 - .2 Processing items for latent fingerprints.
 - .3 Physical evidence examinations.
 - .4 Specialized photographic requests.
 - .5 Firearms test firing.
 - .6 Serial number restorations.
- .2 For each of the following types of evidence needing laboratory examination, a separate Laboratory Request Report is to be completed by the requesting person:
 - .1 Firearms and ammunition
 - .2 CDS and CDS Paraphernalia.
 - .3 All other evidence.
- .3 For analyses not performed by the Western Maryland Regional Crime Laboratory, the evidence will be submitted to an accredited forensic laboratory whose protocols require a written report of the laboratory results. Requests for analysis and arrangements for transportation of evidence will be made by the Criminal Investigation Unit or WMRCL personnel.
 - .1 Property to be submitted to the MSP Laboratory must have the MSP laboratory request form completed.

- .2 A record of all evidence sent to the MSP Laboratory or other designated facility shall be maintained in the department's evidence room and with the original WMRCL case file, if applicable.
 - .3 Property submitted to the MSP Laboratory must be delivered by departmental personnel, or other authorized personnel.
 - .4 Evidence submitted to other designated facilities may be delivered by department personnel or other authorized persons, or sent via a trackable shipping service. Copies of shipping service delivery receipts shall be retained in the original case file or WMRCL file (depending on which HPD personnel coordinated the shipping) and with the Evidence Custodian.
 - .5 The HPD member coordinating the submission of evidence for laboratory analysis is responsible for ensuring compliance with that facility's submission procedures. Contact with laboratory staff or other designated personnel may be required prior to submission.
- .3 The responsibility for requesting laboratory examinations lies primarily with the assigned Case Officer or Detective. This does not, however, preclude WMRCL personnel or the assigned case officer's supervisor from initiating a lab examination request when they recognize the investigative or probative value of the examination.
 - .4 Any evidence requiring laboratory analysis will be accompanied by a Laboratory Examination-Chain of Custody form (see Rules and Regulations Chapter 28 for instructions on completing the form). All evidence requiring analysis will be listed on this form, and all pertinent information completed. The Evidence Custodian will retain the form until the evidence is removed for examination by the WMRCL or preparation for delivery to another laboratory. The Evidence Custodian will log the request into the designated tracking system, which will be accessible by the WMRCL.
 - .5 It is the responsibility of the submitting case officer to review laboratory reports after lab processing. If additional laboratory services are necessary, or new or additional evidence becomes available, the assigned case officer must submit a new laboratory analysis request.
 - .6 As workload permits, the WMRCL will review the lab examination request tracking system for current examination requests and retrieve the relevant evidence from the Evidence Custodian. The WMRCL personnel retrieving the evidence shall retain the Request for Laboratory Examination and document on the form all custody transfers occurring up to and including the return to the evidence control function. After WMRCL has concluded its analysis, received the analyzed evidence back from another laboratory, or has completed preparing the evidence for submission to another laboratory, a WMRCL member will return the evidence and examination request form to the HPD evidence control function.
 - .7 Upon receipt of evidence for analysis, a Forensic Scientist will follow established laboratory protocols for processing/analyzing the evidence. The results of the analysis will be reported according to laboratory protocols. Copies will be forwarded to the Records Unit for inclusion in the electronic case file. The original laboratory report will be maintained in the Lab. Any discrepancies found in numbers, amount, or type of CDS submitted will be brought to the attention of the submitting officer and, as appropriate, officer's supervisor by the person finding the discrepancy. If the discrepancy cannot be satisfactorily explained, the Support Services Administrator will be notified and will initiate an investigation if warranted.
 - .8 For cases in which potential DNA evidence is to be analyzed and/or entered into a DNA database, the evidence may only be submitted to an accredited law enforcement laboratory or other accredited facility approved by the Maryland Department of Health (MDH).
 - .9 Nonperishable evidence will be secured in the evidence room until it is transferred to the Crime Laboratory.
 - .10 Perishable evidence such as blood, urine, and semen collected in liquid form will be maintained in the bio-hazard evidence room refrigerator or freezer, depending on the sample. Perishable evidence that needs to be transferred to another lab for analysis may only be transferred to labs capable of refrigerated storage.

- .11 The Western Maryland Regional Crime Laboratory and the MSP Laboratory, or other designated facility, will provide a written report of laboratory analysis results as standard procedure for requests for laboratory analysis.
- .12 Written reports of laboratory findings received from the Western Maryland Regional Crime Laboratory or other designated facility are to be added to the investigative file (scanned into Laserfiche) by the Records Unit.

19.18 COLLECTION OF KNOWN STANDARDS FOR COMPARISON

- .1 When physical evidence/trace evidence is collected from a crime scene, a known standard sample must be collected for comparison whenever possible. This includes, but is not limited to:
 - .1 Blood.
 - .2 Hair.
 - .3 Fibers.
 - .4 Paint.
 - .5 Glass.
 - .6 Wood.
 - .7 Metal.
 - .8 Soil
 - .9 Tools (for tool mark comparison).
 - .10 Footwear.
 - .11 Tire tread.
- .2 The location from which the samples are taken is critical for the Crime Laboratory and should be documented on the laboratory request form. Some examples of sources of known standard samples include the victim, the suspect, vehicles, and the crime scene and surrounding area.
- .3 In minor or non-serious cases where a known standard for comparison is not immediately recovered, the collected evidence will remain stored in the department evidence room until such a standard is received or for at least one year. After one year, the Evidence Custodian shall request that the submitting officer make a recommendation for disposition of the evidence. The submitting officer shall decide whether or not the evidence needs to be retained.
- .4 In major or serious cases where a known standard for comparison is not recovered, the collected evidence shall remain in the department evidence room permanently, or until such a time when the lead investigator and CID Supervisor determine the evidence is no longer of value.

19.19 INVENTORY PROCEDURES FOR COLLECTED EVIDENCE

- .1 Evidence submitted to the evidence control function will be assigned a property number and location by the Evidence Custodian or approved designee.
- .2 Only the Evidence Custodian or approved designee is authorized to transfer evidence to the Evidence Room(s). When this is done, the Evidence Custodian or approved designee will sign the chain of custody log(s), update the chain of custody information in TraQ, and place it in an appropriate location. Evidence in the temporary evidence storage lockers shall be transferred to the Evidence Room(s) at least once a week by the Evidence Custodian or approved designee.
- .3 Designated back-up personnel may release evidence from the Evidence Room(s) or the temporary evidence storage lockers for court, investigative purposes, or laboratory analysis. Back-up personnel shall consist of two designated CIU personnel.
- .4 The Evidence Custodian shall be responsible for ensuring that all evidentiary and in-custody property is properly logged and tracked within the TraQ evidence management and inventory control program.

19.20 MAINTAINING THE CHAIN OF CUSTODY

- .1 The chain of custody begins when possession of an item of evidence by HPD personnel first occurs.
- .2 No item is to be released from the evidence property room other than for court, lab processing, investigative purposes, or training purposes without the notification and approval of the Support Services Administrator, Special Services Captain, or Chief of Police.

- .3 Evidence released from the evidence room to the owner will be made only after release documentation has been completed by the Evidence Custodian or designated back-up personnel.
- .4 From the time evidence comes into the custody of department personnel, and at every point where custody changes, the person receiving custody and the person transferring custody will either start or update the chain of custody section in TraQ.
- .5 The chain of custody section on the Property Record will be used to record the transfer of custody of physical evidence from the time it is first collected until final disposition. It will include the following information:
 - .1 Date, time, and from whom the evidence was received.
 - .2 Receiving person's name.
 - .3 Date, time, and to whom the evidence was released.
- .6 Chain of custody logs are created, updated, and maintained in the TraQ evidence management and inventory control program. Anytime evidence is removed from the custody of the Evidence control function, the Evidence Custodian or designee will ensure the chain of custody sections of the Property Record are signed indicating that the property was removed and by whom. The Evidence Custodian or designee will sign the chain of custody sections when the evidence is returned to the evidence room.
- .7 Evidence transferred to the WMRCL, MSP Laboratory, or other designated facility, for analysis/processing shall be signed out of the Evidence Room by the transporting personnel. The Evidence Custodian (or other approved person) will ensure the chain of custody sections of the Property Record are signed indicating that the property was removed and by whom. The chain of custody will continue to be recorded on the laboratory's forms.
- .8 If evidence is mailed via Certified or Registered mail to the FBI Laboratory or other facility deemed qualified by the WMRCL, the postal receipt is to be kept with the WMRCL case record. The postal receipt for evidence transferred to the MSP Laboratory or other designated facility via courier shall be added to the case file by Records Unit personnel. Only sworn personnel, WMRCL Forensic Scientists, the Evidence Custodian, or other person(s) authorized by the Evidence Custodian, may transport evidence to the MSP Laboratory or other designated facility. When the evidence is received back from the MSP, or other designated facility, it shall be returned to the Evidence Room, and the chain of custody shall be updated in TraQ..
- .9 Any time evidence is taken to court, the transporting personnel will take a printed copy of the property record and chain-of-custody. If the court retains any item, the transporting personnel will ensure the court clerk signs the chain of custody or provides a separate receipt. If the evidence is not retained by the court, the transporting personnel will notify the Evidence Custodian of the case disposition and return the evidence to a temporary evidence locker or directly to the Evidence Custodian. The Evidence Custodian will record the case disposition in TraQ,
- .10 Other than lab analysis, any changes in an item from the time it is released from the evidence room to the time it is returned will be documented on the property record or in a supplemental report by the person with custody of the item. Some examples include, but are not limited to:
 - .1 Items opened and/or altered in court during trial.
 - .2 Items accidentally damaged or altered.
 - .3 Items altered while being handled in the course of an investigation.
- .11 Until it is returned to the evidence room or temporary evidence storage locker, the security and control of evidence released from the evidence room is the responsibility of the last person assuming custody of it.

19.21 SECURITY OF EVIDENCE ROOM

- .1 Unless occupied by authorized personnel, the Evidence Room and bio-hazard evidence room doors shall be kept closed and locked.
- .2 Access to the Evidence Room and bio-hazard evidence room is limited to the following personnel:
 - .1 Evidence Custodian.
 - .2 Designated back-up personnel.
 - .3 Person(s) designated to conduct audits and/or inspections in the presence of the Evidence Custodian.
 - .4 Other persons who have legitimate business there, but only while conducting said business.
- .3 Keys to the evidence room and bio-hazard evidence room are assigned to the Evidence Custodian. That person maintains one set, and another is stored in a safe in the patrol division supervisors' office. Only the Evidence Custodian and designated back-up personnel acting in the absence of the Evidence Custodian will have the combination to that safe. Whenever a key is removed or replaced, the person will complete the required information on the Evidence Room Key Log. The log will include the name of the person removing / replacing the key, the date and time removed / replaced, and the signed initials of the patrol supervisor witnessing the key removal / replacement.
- .4 Persons having business with the Evidence Custodian are not to enter the Evidence Room. They are to advise the Evidence Custodian of what they need, and it will be handed out to them. Persons may enter the Evidence Room and bio-hazard evidence room as needed to work with or assist the Evidence Custodian.
- .5 Items of property requiring added protection, to include money, precious metals, jewelry, gemstones, weapons, narcotics, and dangerous drugs are to be stored in the secured area located within the evidence room. This includes evidentiary and non-evidentiary property.

19.22 EVIDENCE DISPOSAL

- .1 Evidence (except Controlled Dangerous Substances, weapons and money) no longer needed in connection with a prosecution or no longer relevant to the Department, and with a known owner, will be disposed of according to procedures that are consistent with PS §3-505.
- .2 If the owner of evidence described above is unknown, the item will be appraised for value and disposed of in a manner consistent with Chapter 39 of the City Code.
- .3 **CONTROLLED DANGEROUS SUBSTANCES**
 - .1 The amount of the CDS will be verified by actual counting and comparing the count as recorded on the property record. The count will be conducted by the Evidence Custodian, and the Internal Affairs Administrator or other person assigned by the Special Services Captain.
 - .2 If verification of count of the CDS is established, the Chief and/or his designee will authorize the destruction of same. The authorization and signature will be noted on the chain of custody. If there is a variance in count, the CDS will not be destroyed until the difference is accounted for to the satisfaction of the Chief of Police
 - .3 All CDS (except liquid) will be placed in an incinerator and burned under the supervision of the Evidence Custodian and the Internal Affairs Administrator, or other person assigned by the Support Services Administrator.
 - .4 Any liquid CDS will be flushed through the Water Pollution Control System under the supervision of the Evidence Custodian, and the Internal Affairs Administrator or other person assigned by the Support Services Administrator.
 - .5 After destruction of the CDS is completed, the disposition will be recorded on the chain of custody.

- .6 Found/Confiscated CDS:
 - .1 Those officers finding or confiscating CDS materials, when there are no arrests made for the possession or alleged use of same, will be responsible for documenting same on an incident or supplement report. The type and a count of each item will be included in the report.
 - .2 Upon receipt of the material by the Evidence Custodian, the amount will be verified.
 - .3 Found or confiscated CDS will be stored for a period of 30 days. If, after 30 days, there are no legal reasons to keep same, the Chief of Police or designee shall sign the CDS Disposition form authorizing destruction.

- .7 Found/Non-evidentiary medical paraphernalia
 - .1 Any time an officer finds needles, syringes or any medical items used to puncture or cut skin, either independently or in response to a call for service, and those items have no evidentiary value, the officer will attempt to contact the Washington County Health Department to respond and collect the items. If the Health Department will be delayed in responding and the items pose a health or safety risk to the public, the officer is to collect the items and place them into any approved sharp collection box. The officer will ensure their actions are documented in the notes section of the CAD report. An incident report is not required.

- .4 COINS AND CURRENCY
 - .1 When no longer needed in connection with a prosecution or no longer relevant to the Department, coins and currency will be disposed of according to procedures that are consistent with PS§3-505.
 - .2 Currency/coins WILL NOT be returned when confiscated as a result of illegal gambling or drug violations and forfeiture proceedings are, or will be, initiated by the Department, under the provisions of Title 12 or Title 13 of the Criminal Procedure Article.
 - .3 If the owner is unknown, the currency/coins will be deposited in a City of Hagerstown general fund account established by the City Finance Department.

- .5 FIREARMS
 - .1 Prior to adjudication, all firearms taken into custody by this Department are checked through NCIC to determine whether they are stolen and an ATF trace form is mailed to verify ownership.
 - .2 Once ownership is established, or not established as the case may be, the firearm is placed into evidence for use at subsequent trial unless this Department is otherwise directed by the State's Attorney's Office.
 - .3 Firearms seized by this department for any reason (evidence, confiscation, found property, as a result of Family Law Article §4-506 referencing Ex Parte Orders and Family Law and Article §4-511 regarding Domestic Violence) will not be released to any person until the following conditions are satisfied, or pursuant to a court order or other provision of law.
 - .1 All firearms seized by this department will be held for three months;
 - .2 Owners wishing to have firearms returned must complete the Firearms Return Request form and submit it to the Chief of Police;
 - a. The form shall contain a section capturing the date it was completed and the applicant's full name, address, home phone, work phone, and date of birth.
 - b. The form shall contain an applicant questionnaire. The questions will be designed to determine if the applicant is prohibited from lawfully receiving firearms back from this department pursuant to 18 USC §922 (refer to provisions below). If the applicant's responses indicate that he/she is prohibited by law from receiving firearms, the request shall be denied, and the firearms will be disposed of according to normal department procedure.
 - .3 Absent a court order, firearms will not be returned to any person who this department knows or has reasonable cause to believe;
 - is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
 - is a fugitive from justice;

- is an unlawful user of or addicted to any controlled substance;
 - has been adjudicated as a mental defective or has been committed to any mental institution;
 - is an illegal alien;
 - has been discharged from the Armed Forces under dishonorable conditions;
 - having been a citizen of the United States, has renounced his citizenship; or
 - is subject to a court order that restrains such a person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall apply to a court order that:
 - was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and (1) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (2) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury. (18 USC 922(d)).
 - has stalked, threatened, or menaced another person.
- .4 Before returning a firearm to any person, a background check on the applicant will be conducted by the Criminal Investigation Division. The investigator shall complete the Firearms Return Checklist. The checklist will be designed to uncover information indicative of an applicant's ineligibility to receive a firearm pursuant to 18 USC §922. Although the investigator shall cover all the items on the checklist, he/she is not limited by it. An investigator may utilize any other resources available to determine firearms release eligibility.
- .5 If the background investigation reveals, or creates reasonable cause to believe, that the applicant is prohibited by law from receiving firearms, the request shall be denied, and the firearms will be disposed of according to state and local law.
- .6 If the department receives a court order to return a firearm to a person who is otherwise prohibited by law from receiving it, the Chief of Police may notify the City Attorney for advice on how to proceed and will determine the appropriate disposition.
- .7 If, after the background investigation, a determination is made to return the firearm to the applicant, the Chief of Police shall sign the application indicating approval. The Chief or the Chief's designee shall notify the owner who may then receive the firearm. Normal procedures for release of property shall be followed at that time.
- .8 Nothing in this section shall be construed as permitting the release of any illegal weapon to any person.
- .4 Firearms that are acquired by HPD and are precluded by law from being released to the owner, have been abandoned by the owner, or whose owner is unknown may be disposed of in any manner permitted by state and local law. Procedures for disposition shall be established by the Chief of Police.
- .5 Short barreled rifles or shotguns (as defined in CL §4-201), or unsafe or unserviceable firearms will be cut up as scrap and destroyed or sold to a licensed firearms dealer.
- .6 Final disposition of all evidence will be recorded on the property record. Property owners (or owner's properly identified designee) will sign on the property record for receipt of any property returned.

19.23 CRIME SCENE PROCESSING SUPPLIES

- .1 CRIME LAB VEHICLE: The Department shall maintain a specially equipped vehicle for use by crime laboratory personnel for processing all types of crime scenes in an effective, timely, and safe manner. The Crime Lab Vehicle will be used primarily at scenes requiring more than just basic evidence collection or recovery of latent prints. Specialized equipment is maintained in the Crime Lab Vehicle at least for the following purposes:
 - .1 Photography. (To protect against damage cameras are kept inside headquarters until needed)
 - .2 Crime scenesketches.
 - .3 Collection and preservation of physical evidence.
 - .4 Recovery of latent fingerprints.
 - .5 Protection of scene investigator/processor to biological contaminates.
- .2 A cabinet containing supplies for processing crime scenes shall be maintained in CID. A member of the Criminal Investigation Division shall be assigned by the CID Supervisor to maintain the stock in the cabinet. When supplies need to be replenished, the CID representative shall inform the Forensic Scientist. The Forensic Scientist will be responsible for ordering and maintaining a stock of supplies for crime scene processing.
- .3 Each detective is assigned a crime scene processing kit supplied, at least, with equipment to be used for recovery of latent prints and collection and preservation of evidence. Each detective is responsible for ensuring that his/her kit is replenished as needed using the equipment and supplies from the cabinet in CIU.

19.24 INFORMATION EXCHANGE/UPDATE WITH PROSECUTORS AND JUDGES

- .1 The Criminal Investigation Section Supervisor and the Director of the Western Maryland Regional Crime Laboratory (Department's Supervisory Forensic Scientist), or their designees, shall initiate a meeting with the Washington County States Attorney's Office and the Circuit and District Court Judges for Washington County, as needed. The purpose of these meetings will be:
 - .1 To update the court systems and prosecutors with the latest information on the abilities of the investigators and the laboratory in developing information for prosecution.
 - .2 To update the investigators and the laboratory analyst(s) on investigative and procedural concerns of the court system.
- .2 The Investigation Division Lieutenant will take the initiative to establish the information exchange meeting.

19.25 RESERVED**19.26 DIGITAL & ELECTRONIC EVIDENCE RECOVERY**

- .1 The purpose of this policy is to facilitate evidence data recovery from electronic equipment and other devices capable of storing data in an electronic format, and to establish the proper handling, collection, and storage of digital evidence so that essential data is not lost.
- .2 Digital storage media collected as evidence will be properly marked, sealed, tagged and submitted to the evidence control function by the collecting officer with a completed Property Record and chain- of-custody documentation. Digital storage media may contain video recordings; audio recordings; individual images, etc.
- .3 The Hagerstown Department of Police shall, to the extent possible, identify, investigate, and assist in the prosecution of persons who use computers or other electronic devices in the furtherance of criminal activity. During agency investigations, only personnel trained in computer seizure and data recovery shall seize, or direct the seizure of, computers or similar devices for the purpose of collecting data contained therein as evidence.

- .4 Definitions:
 - .1 Digital Forensics Examiner: An investigator specifically trained in electronic device seizures and with forensic software to conduct analysis of electronic devices for the purpose of investigating criminal violations where electronic devices are used as instruments in the commission of crimes, or the subject of a crime.
 - .2 Digital Evidence: Digital evidence, also known as electronic evidence, is any probative information stored, in binary form, or transmitted in digital form that a party to a court case may use at trial.
 - Examples of digital evidence include, but are not limited to, e-mails, digital photographs and still images captured from video files, ATM transaction logs, word processing documents, instant message histories, files saved from accounting programs, spreadsheets, internet browser histories, databases, the contents of computer memory, computer backups, computer printouts, Global Positioning System tracks, logs from a hotel's electronic door locks, and digital video or audio files.
 - Examples of devices where digital evidence is found include, but are not limited to, hard drives, thumb drives, memory cards, or cellular telephones.
- .5 Responsibilities
 - .1 The Criminal Investigation Unit shall have investigators trained to conduct forensic examination and evidence recovery from seized devices and media that contain digital evidence. Only those investigators shall conduct such activity.
 - .2 The investigating detective, officer, or on scene supervisor is responsible for determining probable cause if the item or computer is subject to seizure. All rules of search and seizure apply to seizures of computer and digital evidence. Digital evidence can easily be destroyed so the application of the "exigent circumstances" exception may apply in some cases to secure computers and digital evidence to prevent destruction of said evidence. If there are any questions related to the seizure of computer or other digital evidence, the State's Attorney's Office and/or Criminal Investigations Unit supervisor should be consulted.
 - .3 **IMPORTANT NOTE:** As it is likely to cause damage or modify stored data, under no circumstances shall an officer access or review data on a seized computer system or review data on media to be seized. Only digital forensic examiners shall conduct physical examinations on computer systems and/or storage media.
- .5 Collection Methods for Computers
 - .1 A digital forensics examiner should be consulted prior to the seizure of a computer. It is preferable that a digital forensics examiner be present for the seizure.
 - .2 Officers should not rely on suspects, even when cooperative, for any computer-related assistance. Suspects may have access to technology that could allow the suspect to remotely access the system and delete data.
 - .3 Utilize the On/Off Rule. If the device is 'on' do not turn it off. If the device is 'off' do not turn it on. When in doubt, just pull the plug out. Pull the plug out from the rear of the device – not the wall. Collect the power adapters.
 - .4 Photograph and diagram the computer and associated devices from various angles, including any connections between devices.
 - .5 Place evidence tape over the drive slots of a computer, as well as the power cord connection. Place evidence tape on the computer case where the parts of the case connect together. For laptops, place in a paper bag and seal the bag with evidence tape.
 - .6 An alternative method for securing laptops is to place evidence tape over the power connection and battery compartment (with battery removed).
 - .7 Some types of removable media, such as zip drives and external hard drives, may be rendered useless by exposure to static electricity and physical force. Package smaller media in antistatic packaging or paperbags.
 - .8 Store electronic device evidence in evidence locker to protect from magnetic sources, moisture, dust and other harmful particles and contaminants

- .6 Collection of Cell Phones
 - .1 If the device is turned off, do not turn it on. If the device is powered on, place it in “airplane mode”. If you are unable to locate and safely remove the device from the network, place it in a protective radio interference bag (“Faraday Bag”).
 - .2 Transport the device to the Hagerstown Department of Police and place it in a mobile device evidence lock box outside the Criminal Investigative Unit. Plug the device into a USB cable if the device is not contained inside a Faraday Bag. If the device is inside a Faraday Bag, do not plug it into the USB cable.
 - .3 Regardless of whether the cell phone is contained in a Faraday Bag, it shall be accompanied by a property container (e.g., a plastic evidence bag) with an attached property label when placed in the mobile device evidence lock box.
 - .4 Deposit the key in the mobile device evidence drop box along with a copy of the investigative report and property record.
 - .5 The Digital Forensics Examiner will download (if able) relevant digital files and store them on a portable hard drive, secured in the Digital Forensics Examiner’s office. If copies are needed for court, discovery, investigation, etc., the Digital Forensics Examiner will copy the file onto recordable media and provide it as needed.
- .7 Digital Evidence Collection: Methods of collecting and storing digital evidence are dependent on the type of case and type of evidence. Digital evidence may be collected from a variety of sources, including but not limited to:
 - Body-worn cameras
 - Digital cameras
 - Phone cameras
 - City crime camera system
 - Private security camera systems
 - Computers and Tablets
 - Digital Forensic Laboratories
 - Seized electronic devices and/or media
- .8 For evidence captured by BWC, upload directly to the Evidence.com cloud service according to training and established procedures.
- .9 For evidence captured directly by officers on other digital devices (e.g., cell phone camera, audio recording device, digital camera, etc.):
 - .1 If the device is capable of loading apps, utilize the Axon Capture app to upload the digital file directly to Evidence.com.
 - .2 If the device is not app capable, connect it to an HPD computer and use the Axon Capture app to upload to Evidence.com.
 - .3 Copy the digital file(s) onto digital media, then use the Axon Capture app to upload to Evidence.com.
- .10 For evidence collected from outside sources (private citizen cell phone, City crime cameras, private security camera systems, etc.), obtain a digital copy from the owner, adhering to applicable legal requirements for search and seizure, via one of the following methods:
 - .1 Copy the digital file(s) onto digital media, then use the Axon Capture app to upload to Evidence.com.
 - .2 Collect the evidence from the source using the email link for Axon Capture, then upload the file to Evidence.com.
 - .3 If needed, collect the hard drive containing the digital evidence (this may require collection of the entire device). CIU personnel shall create an image of the hard drive. The image will be stored on a portable hard drive, secured in the Digital Forensics Examiner’s office. The digital storage media is to be submitted to the evidence control function.

- .11 If copies of digital evidence stored on Evidence.com are needed for court, discovery, investigation, etc., the BWC Administrator will provide a link to the specific digital files via Evidence.com.
- .12 If copies of digital evidence stored in the HPD evidence room are needed for court, discovery, investigation, etc., the Evidence Custodian shall ensure they are produced and provided.
- .13 iRecord System: Interviews and interrogations conducted in one of the HPD interview rooms and captured on the iRecord system will be stored on the hard drive within that system. If copies are needed for court, discovery, investigation, etc., the investigator will copy the file onto recordable media and provide it as needed.

19.27 CONTROLLED SUBSTANCES AND WEAPONS USED FOR TRAINING PURPOSES

- .1 Controlled substances and weapons may be removed from the evidence control function for training purposes. Examples of such use include:
 - .1 K9 drug detection training.
 - .2 Recognition training for police trainees or law enforcement personnel.
 - .3 Demonstrations or education for community groups.
 - .4 Demonstrations or education for other components of the criminal justice system.
- .2 Only sworn personnel or members of the WMRCL may remove CDS or weapons from the evidence control function for training purposes. Only CDS or weapons with no evidentiary value may be removed for training purposes.
- .3 Before the CDS or weapons can be released, the person wishing to remove them must request permission in writing from the Chief of Police or his designee. The request will contain the following information:
 - .1 The name of the requesting employee.
 - .2 The type and amount of CDS or description of the weapon being requested.
 - .3 A description of the training for which it will be used.
 - .4 A description of how the CDS or weapon will be used.
 - .5 A description of how the CDS or weapon will be secured while in the employee's custody.
 - .6 The length of time the employee anticipates needing custody of the CDS or weapon(s).
- .4 The Chief or designee shall indicate on the request if it is approved or denied. The Evidence Custodian may only release the CDS or weapon(s) to an employee presenting an approved request. The standard procedures for documenting chain of custody shall be followed when removing and returning the CDS or weapon.
- .5 The Evidence Custodian will record on the request the case number under which the CDS or weapon was seized and shall ensure that a copy of the request is forwarded to the Records Unit. The Records Unit will scan the copy into the electronic case file. A copy of the approved request will be kept with the Evidence Custodian's records until the CDS or weapon is returned to the custody of the evidence control function.
- .6 Each employee who removes CDS or weapons for training purposes is responsible for ensuring they are not left unsecured or otherwise out of the employee's control.
- .7 Except for K9, employees shall return all CDS or weapons to the evidence control function immediately after the particular training is completed. If the CDS or weapons are needed for multiple days, they must be stored in a secure manner at HPD between training sessions. This could include the employee's issued locker while locked, a supervisor's locked office, or some other location where access is controlled (said method to be described on the written request as noted above). If the CDS or weapon is needed for a period beyond that approved by the Chief or designee, the employee shall submit a new request as described above.

- .8 CDS or weapons removed for K9 training may remain in the custody of the K9 unit for as long as they are useful as a training tool. Between active training sessions, the CDS or weapons are to be stored in the locked metal cabinet located in the booking area near the temporary evidence lockers. Keys are issued only to K9 officers who need to use CDS or weapons for training their dogs. When CDS is removed from the evidence control function for K9 training, the employee will measure it (weigh and/or count as appropriate for the particular evidence) assign a training aid number, and list it in the K9 training inventory logbook. Weapons will be described and listed in the same inventory book. When using CDS or weapons for training, handlers will sign out the items using a logbook maintained separately from the inventory logbook. It shall contain the date, a listing of which aids were removed and by whom, and a sworn supervisor's signature.
- .9 The Department recognizes that during certain types of training, items may become damaged, destroyed, altered, or lost. Some examples include:
- CDS burned during an academy class.
 - CDS used to train in the use of test kits.
 - CDS altered through normal handling by students.
 - CDS altered or lost due to K9 actions.
 - CDS re-packaged in different configurations to accommodate training needs.
 - Weapons broken or damaged due to rough handling.

Regardless of the reason, anytime CDS or weapons are damaged, destroyed, altered, or lost, the employee shall document the circumstances and describe the changes in a memo. For CDS or weapons being used by K9 officers for training, the memo will be kept with the training inventory log book. All other personnel will forward the memo to the Chief of Police via the chain of command, and a copy to the Records Unit to be scanned into the original case electronic file.

- .10 Quarterly, the Internal Affairs Administrator, or his/her designee, will inspect all CDS or weapons that have been removed from the evidence control function for training purposes for more than 30 days. The inspection shall include measuring (weigh and/or count as appropriate for the particular evidence) and verifying that relevant procedures are being followed (storage, security, records, documentation, etc.). The Internal Affairs Administrator, or his/her designee, will report his/her findings to the Chief of Police.
- .11 Anytime CDS or weapons are removed from the evidence control function for longer than described on the approval, the evidence custodian shall notify the employee who obtained the approval, and the employee shall return it immediately to the evidence control function.
- .12 If it is necessary to obtain CDS for training purposes that are not available from the HPD evidence control function, said CDS will be obtained, stored, and used according to the procedures and requirements of 21 CFR Parts 1301 and 1305, and all other federal and state regulations.

19.28 CONTROLLED SUBSTANCES AND WEAPONS USED FOR INVESTIGATIVE PURPOSES.

- .1 Controlled substances and weapons may be removed from the evidence control function for investigative purposes.
- .2 Only sworn personnel or members of the WMRCL may remove CDS or weapons from the evidence control function for investigative purposes.
- .3 Before the CDS or weapons can be released, the person wishing to remove them must request permission in writing from the Investigative Division Lieutenant or an Investigative Division Sergeant. The request will contain the following information:
- .1 The name of the requesting employee.
 - .2 The case number.
 - .3 A description of the CDS to be removed.
 - .4 A description of how the CDS will be used in the investigation.

- .5 A description of how the CDS will be secured while in the employee's custody.
- .6 The length of time the employee anticipates needing custody the CDS.
- .4 The Investigative Division Lieutenant or Sergeant shall indicate on the request if is approved or denied. The Evidence Custodian may only release CDS or weapons to an employee presenting an approved request. The standard procedures for documenting chain of custody shall be followed when removing and returning the CDS/weapons.
- .5 The Evidence Custodian will record on the request the case number under which the CDS/weapons were seized and shall ensure that a copy of the request is forwarded to the Records Unit. The Records Unit will scan the copy into the electronic case file. A copy of the approved request will be kept with the Evidence Custodian's records until the CDS/weapons are returned to the custody of the evidence control function.
- .6 Each employee who removes CDS or weapons for investigative purposes is responsible for ensuring it is not left unsecured or otherwise out of the employee's control.
- .7 Employees shall return all CDS/weapons to the evidence control function immediately after the investigative need has been met. If the CDS or weapons are needed for multiple days, they must be returned to the custody of the evidence control function each day.
- .8 When the CDS/weapons are returned to the custody of the evidence control function, the employee shall prepare an incident report under the original case number, detailing how the CDS/weapons were used. If the CDS/weapons are not in the same state/condition they were in when removed, the employee shall describe the circumstances and the change, and the supervisor approving the report shall ensure a copy is forwarded to the Chief of Police.
- .9 The regulations in this section are not intended to apply to CDS or weapons being removed for court or analytical purposes.
- .10 Quarterly, the Internal Affairs Administrator, or his/her designee, will inspect all CDS or weapons that have been removed from the evidence control function for training purposes for more than 30 days. The inspection shall include measuring (weigh and/or count as appropriate for the particular evidence) and verifying that relevant procedures are being followed (storage, security, records, documentation, etc.). The Internal Affairs Administrator or his/her designee will report his/her findings to the Chief of Police.
- .11 Anytime CDS or weapons are removed from the evidence control function for longer than described on the approval, the evidence custodian shall notify the employee who obtained the approval, and the employee shall return it immediately to the evidence control function.

19.29 RAPE/SEXUAL ASSAULT KITS

- .1 This section establishes requirements pertaining to the disposal of sexual assault evidence collection kits (SAEK) and sexual assault victim notification as set forth in Criminal Procedure Article, §11-926, Annotated Code of Maryland and Title 02, Subtitle 08 of the Code of Maryland Regulations (COMAR)..
- .2 Notification of kit status and results:
 - .1 Within 30 days of a victim's request for information about their SAEK, HPD shall provide the victim with:
 - HPD's decision regarding whether to send the sexual assault evidence collection kit to a forensic laboratory for analysis; and
 - all available results of the kit analysis, except results that would impede or compromise an ongoing investigation.

- .3 Destruction of SAEKs:
- .1 Except as noted below in section 19.29.3.3, HPD may not destroy or dispose of an SAEK within 20 years of the evidence collection
 - .2 HPD must also retain for the same 20 year period other crime scene evidence related to a sexual assault that has been identified by the State's Attorney as relevant to prosecution.
 - .3 The 20-year retention requirement does not apply if;
 - the case for which the evidence was collected resulted in a conviction and the sentence has been completed; or
 - all suspects identified by testing an SAEK are deceased.
 - .4 HPD shall notify the victim no later than 60 days before the date of the intended destruction or disposal of an SAEK or other crime scene evidence relating to a sexual assault, if the victim has requested notification.
 - .5 The victim may also request that HPD retain the sexual assault evidence for an additional 12 months or a time period agreed upon by the victim and HPD.
- .4 Reporting Requirements:
- .1 A member assigned by the Chief of Police shall be responsible for reporting and maintaining compliance with reporting requirements.
 - .2 On or before September 1 of each year, HPD shall submit to the Office of the Attorney General:
 - the number of sexual assault evidence collection kits in its possession as of June 30th of that calendar year;
 - the number of untested sexual assault evidence collection kits in its possession as of June 30 of that calendar year;
 - the date each sexual assault evidence collection kit in its possession was received;
 - the number of sexual assault evidence collection kits tested within the prior year as of June 30th of that calendar year;
 - the number of sexual assault evidence collection kits not tested during the prior year as of June 30 of that calendar year pursuant to COMAR 02.08.02.01A, B, C, or D;
 - the number of any other kits not tested, and an explanation of why the kit was not tested;
 - For untested kit reviews:
 - the number of untested kit reviews requested during the prior year as of June 30 of that calendar year;
 - the written recommendation resulting from each of the untested kit reviews conducted during the prior year as of June 30 of that calendar year; and
 - the number sexual assault evidence collections kits tested at the recommendation of an untested kit review;
 - For sexual assault evidence collection kits destroyed during the prior year as of June 30 of that calendar year:
 - the number of sexual assault evidence collection kits destroyed;
 - the date each sexual assault evidence collection kit was collected;
 - the date each sexual assault evidence collection kit was destroyed; and
 - the reason for the destruction; and
 - the number of sexual assault evidence collection kits destroyed during the prior year as of June 30th of that calendar year; and
 - the number of written requests received pursuant to COMAR 02.08.01.04D during the prior year as of June 30th of that calendar year.
 - .3 All required correspondence is to be emailed to the OAG via the following email address: SAEKReporting@oag.state.md.us.