

2.500 PROPERTY & EVIDENCE

(17.5.1.b, 83.2.1.a)

- A. The agency's property and evidence management functions are organized and assigned consistent with **1.200 Organization**. These functions include, but are not limited to:
1. Administrative control over the disposition and secure storage of evidence, found property, and recovered property; and
 2. Procurement and requisition control over agency owned property.
- B. Employees, as applicable, will:
1. Safeguard property and evidence from loss, misuse, theft, damage or unauthorized destruction;
 2. Ensure evidence is handled and maintained to preserve its evidentiary value and maintain its chain of custody; and
 3. Maintain stored agency property and/or supplies under their control in states of operational readiness with respect to care and cleaning, preventive maintenance, repair, workability, and responsiveness. See also **1.432 Resource Care & Maintenance**.
- C. An employee will be designated as the agency's property custodian.
1. Duties and responsibilities of the property custodian include, but are not limited to ensuring that:
 - a. All evidence and found or recovered property is controlled, documented, and secured upon receipt from recovering employees;
 - b. Agency owned property is distributed, issued, or reissued as appropriate to authorized users;
 - c. Stored articles of agency property are maintained in a state of operational readiness.
 2. The property custodian's commander will designate secondary property custodians within the command to assist during absences of the property custodian.

2.502 EXCULPATORY EVIDENCE

(42.1.6)

A. THE *BRADY VS. MARYLAND* 373 U.S. 83 (1963) DECISION AND SUBSEQUENT RULINGS HAVE MADE IT A DUTY OF ALL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND PROVIDE TO THE PROSECUTION ANY EXCULPATORY MATERIAL THAT WOULD HAVE A REASONABLE PROBABILITY OF ALTERING THE RESULTS IN A TRIAL, OR ANY MATERIAL THAT COULD REASONABLY MITIGATE THE SENTENCING OF A DEFENDANT AND ANY MATERIAL RELEVANT TO THE CREDIBILITY OF GOVERNMENT WITNESSES.

B. EXCULPATORY EVIDENCE IS MATERIAL THAT IS FAVORABLE TO THE ACCUSED PERSON IN A CRIMINAL PROCEEDING; IS MATERIAL TO THE GUILT, INNOCENCE, OR PUNISHMENT OF THE ACCUSED; AND/OR MAY IMPACT THE CREDIBILITY OF A GOVERNMENT WITNESS, INCLUDING A LAW ENFORCEMENT OFFICER OR OTHER DEPARTMENT EMPLOYEE.

C. EXCULPATORY EVIDENCE INCLUDES MATERIALS THAT:

1. SUPPORTS A DEFENDANT'S ALIBI;
2. SHOWS A PERSON OTHER THAN THE ACCUSED COMMITTED THE CRIME;
3. DISCREDITS A WITNESS OR ITEM OF EVIDENCE;
4. REVEALS CHAIN OF CUSTODY DEFICIENCIES;
5. REVEALS TESTING OR FORENSICS DEFICIENCIES, ERRORS, AND NON-CORROBORATING RESULTS.

2.502.02 DUTY TO DISCLOSE

A. OFFICERS AND SUPERVISORS ARE RESPONSIBLE TO REPORT THE FOLLOWING TO THE COMMAND STAFF THROUGH THEIR CHAIN OF COMMAND:

1. EVIDENCE OR INFORMATION THAT MAY DISPROVE THE DEFENDANT'S GUILT CONCERNING ANY COUNT IN A CRIMINAL CASE.
2. EVIDENCE OF UNTRUTHFULNESS, DISHONESTY, LACK OF INTEGRITY, MOTIVE OR BIAS OF ANY TUPD MEMBER WHO IS ANTICIPATED TO BE CALLED AS A WITNESS.

B. COMMANDERS ARE RESPONSIBLE FOR IMMEDIATELY PROVIDING INFORMATION ON NEWLY DISCOVERED EXCULPATORY EVIDENCE TO THE CHIEF OF POLICE AND THE PROSECUTING AUTHORITY.

2.502.04 REPORTING EXCULPATORY EVIDENCE

A. DOCUMENTATION OF DISCOVERED OR RECOVERED EXCULPATORY EVIDENCE WILL INCLUDE THE FOLLOWING:

1. WHEN THE MATERIAL OR INFORMATION WAS DISCOVERED OR RECEIVED;
2. WHO DISCOVERED OR RECEIVED THE MATERIAL OR INFORMATION;
3. WHEN THE MATERIAL OR INFORMATION WAS PROVIDED TO THE PROSECUTING AUTHORITY;
4. WHO RECEIVED THE MATERIAL OR INFORMATION IN THE PROSECUTING AUTHORITY'S OFFICE; AND
5. WHO WILL CONDUCT FURTHER INVESTIGATION, IF REQUIRED.

2.502.06 INVESTIGATING EXCULPATORY EVIDENCE VIOLATIONS

A. AT THE DIRECTION OF THE CHIEF OF POLICE, THE **OPERATIONS SUPPORT BUREAU (OSB)** COMMANDER OR THE CHIEF'S DESIGNEE WILL CREATE AN INTERNAL INVESTIGATION FOR ANY EXCULPATORY EVIDENCE VIOLATIONS THAT INVOLVES A TUPD MEMBER.

B. THE CHIEF OF POLICE WILL HAVE THE FINAL AUTHORITY OF REPORTING ANY CREDIBILITY ISSUES FOR TUPD MEMBERS TO THE PROSECUTING AUTHORITY.

2.504 PROPERTY & EVIDENCE SECURITY

(84.1.1.e, 84.1.2)

- A. The property custodian's secure property and evidence room:
1. Is where the agency securely stores all evidence and lost and found items;
 2. Is a limited access area and as such, the only people allowed to be in those areas are:
 - a. The commander responsible for the property and evidence function;
 - b. The primary or secondary property custodians; and
 - c. People who are escorted and accompanied by the responsible commander or property custodian.
 3. Contains a vault that:
 - a. Is used to store and secure:
 1. Money and negotiable instruments;
 2. Precious metals;
 3. Jewelry and gemstones;
 4. Weapons;
 5. CDS; and
 6. Other articles that are increased security risks; and
 - b. Stays closed and locked whenever the property custodian is not actively engaged in adding, removing, inventorying, etc. articles stored in the vault.
- B. EXCEPT AS OTHERWISE SPECIFIED IN THE FOLLOWING DIRECTIVES, employees will use only the controlled access property and evidence submission room to package and submit all property and evidence as required throughout this and any other applicable directives.

2.506 PROPERTY & EVIDENCE RECORDS & STORAGE

2.506.02 Submitting Property & Evidence

(84.1.1.a, 84.1.1.b, 84.1.3, 84.1.5)

- A. Except for INSTANCES described in this order, all articles of found, recovered, abandoned, evidentiary, or other property coming into agency custody will be PROPERLY documented, PACKAGED OR MARKED, and submitted directly to the property custodian or placed in secure storage areas under control of the property custodian by the end of collecting employees' tours of duty.
1. The property custodian will ensure that reasonable supplies of evidence packaging supplies are available in the property and evidence submission room.
 2. The **evidence drop box** will be used to submit evidence items that are relatively flat and fit through the drop box slot. PROPERTY & EVIDENCE (P&E) RECORDS WILL NOT BE PLACED IN THE DROP BOX, BUT RATHER IN THE TRAY SPECIFICALLY LABELED FOR THIS PURPOSE.

4. The evidence lockers will be used to submit evidence items that are larger than allowed in the **evidence drop box**. Officers will put the packaged evidence in an available locker before placing the key to the locker and **P&E Record (UPO.043.D)** inside the locker, and closing the door.
5. EVIDENCE DRAWERS MAY ALSO BE USED TO SUBMIT PROPERTY AND EVIDENCE. THE CORRESPONDING **P&E RECORD** WILL BE PLACED IN THE DRAWER AND LOCKED. THE KEY WILL BE PACKAGED, LABELED WITH THE CORRESPONDING CASE INFORMATION, AND DEPOSITED IN THE EVIDENCE DROP BOX. **DO NOT COMPLETE A SEPARATE P&E RECORD FOR THE KEY.**
6. Submitting officers will include the destination of submitted items, such as “evidence drop box” or “Locker #5” in their corresponding report narratives and on the related **P&E Records**.
7. SUPERVISORS OR COMMANDERS ARE RESPONSIBLE FOR ENSURING PROPERTY AND EVIDENCE IS PROPERLY SUBMITTED WHEN COLLECTING OFFICERS ARE UNABLE TO SUBMIT PROPERTY AND EVIDENCE BECAUSE OF EXCEPTIONAL CIRCUMSTANCES, SUCH AS BEING INCAPACITATED OR OTHERWISE PHYSICALLY UNABLE TO COMPLETE THE TRANSACTION.
- B. Employees will not store property or evidence in their offices, desks, lockers, vehicles, homes, or other places that are not under control of the property custodian.
- C. Employees will ensure checks are run through METERS/NCIC on items with serial or other identifying numbers before submitting the items to the property custodian. Not every numbered or serialized item must be checked, but employees will use reason and prudence when determining which items will be checked. Printed results of the checks will be marked with applicable case numbers and submitted to Central Records with related reports.
- D. Articles will be placed in secure storage unless:
 1. Articles are released to property owners or custodians prior to the end of impounding officers’ tours of duty;
 2. Articles are submitted directly to the property custodian;
 3. Articles are released to other agencies; or
 4. A commander grants permission for personnel to store articles in other facilities for space or logistical reasons.
- E. Items from different crimes may be placed in the same evidence locker if the items are locked in the locker at the same time and are able to be segregated by incident, such as being bagged separately or otherwise processed to prevent cross-contamination or intermixing of unidentified items.
- F. There may be exceptional circumstances when items are too large to fit in regular temporary secure lockers OR DRAWERS and may be stored in the agency’s bulk storage area in back of the PUBLIC SAFETY BUILDING.
 1. The process that officers will follow for storing property or evidence in this area involves:
 - a. Obtaining supervisory approval;
 - b. Packaging, tagging, and labeling the items appropriately;
 - c. SECURING THE ITEMS IN THE AGENCY’S BULK STORAGE, FENCED-IN ENCLOSURE IN THE BACK OF THE PUBLIC SAFETY BUILDING BY:
 - (1) OBTAINING THE KEY TO THE FENCED-IN ENCLOSURE FROM THE KEY STORAGE BOX;
 - (2) SECURING THE ITEMS WITH THE CHAINS AND PADLOCKS IN THE BULK STORAGE AREA; AND
 - (3) RETURNING THE ENCLOSURE’S KEY TO THE KEY BOX;
 - c. PLACING THE CORRESPONDING P&E RECORDS IN THE TRAY SPECIFICALLY LABELED FOR THIS PURPOSE;
 - d. Including related details in corresponding report narratives; and
 - e. Ensuring the Duty Officer is notified.
 2. THIS TEMPORARY STORAGE PROCEDURE DOES NOT APPLY FOR WEAPONS, DRUGS, OTHER EXCEPTIONAL, VALUABLE, SENSITIVE PROPERTY, OR ITEMS THAT ARE INAPPROPRIATE TO BE STORED OUT-DOORS as determined by a supervisor or commander. The property custodian or the corresponding commander will be called in to properly store items in these cases.

- G. THE DUTY OFFICER WILL BE CONTACTED DURING NON-BUSINESS HOURS TO ARRANGE FOR STORING ITEMS THAT ARE TOO LARGE TO FIT IN EITHER EVIDENCE LOCKERS, EVIDENCE DROP BOX, EVIDENCE DRAWERS, OR THE BULK STORAGE AREA.
- H. Officers and/or aides will be assigned to maintain security on the property and evidence room if fire or maintenance emergencies cause responders to force access.
- I. Perishable evidence, such as blood or urine, will be collected, stored, and submitted for forensic testing consistent with **2.508 Forensic Assistance**.
- J. The agency will not retain foodstuffs that are not needed for forensic analysis.
 - 1. Foodstuffs will be photographed and immediately returned to owners or custodians or disposed of consistent with their requests.
 - 2. These items will be photographed and disposed of if owners or custodians of foodstuffs are not known or cannot be located.
- K. PROPERTY AND EVIDENCE UNDER CONTROL OF THE PROPERTY CUSTODIAN CAN BE RELEASED ONLY DURING NORMAL BUSINESS HOURS AS SCHEDULED WITH THE PROPERTY CUSTODIAN.
- L. The property custodian will maintain a registry of all transactions involving property and evidence. Information to be contained in this registry includes, but is not limited to:
 - 1. The date and time the transaction occurred;
 - 2. The case numbers assigned to the items;
 - 3. From whom the items were received; and
 - 4. To whom or to what location the items were delivered.

2.506.04 Case Numbers

- A. Case numbers will be generated and used on Property & Evidence Records (**P&E Records – UPO.043.D**), MSP 67s, MSP 67As, etc., to help track items that are taken into custody by the agency.
- B. Only one case number will be issued for each incident.
- C. Employees who take custody and control of articles will obtain case numbers from Communications and record them as required.

2.506.06 Property & Evidence Records

(83.2.1, 84.1.1.c)

- A. Employees will use **P&E Records (UPO.043.D)** to list and assist in tracking the status and transfer of all items taken into custody, except motor vehicles towed for non-evidentiary purposes.
- B. **P&E Records** are used to record information that includes, but is not limited to:
 - 1. The circumstances that caused the items to be taken into agency custody;
 - 2. Complete descriptions of the items, including make, model, and serial number as available;
 - 3. Sources from whom, or locations from where, the items were obtained; and
 - 4. Names and ID#s of persons collecting the items.
- C. **P&E Records** will not be used on detainee property that is held for safekeeping during processing. **Detention & Screening Reports (UPO.006.D)** will be used in these instances, but evidence taken from detainees will be documented on **P&E Records**.
- D. Separate **P&E Records** will be written for each owner, e.g., three wallets recovered at the same time but belonging to three different owners will be documented on three separate **P&E Records**.
- E. Evidence and property that is taken from the same person will be documented on separate **P&E Records**.

EXAMPLES:

- 1. A wallet is found that contains legal, personal effects and a counterfeit driver's license will be documented on two separate **P&E Records** – one form will contain a list of all items that may be returned to the owner, the other form will list all the items held as evidence, such as the counterfeit driver's license;
- 2. A backpack is recovered that contains personal effects, a switchblade knife, and a plastic bag containing approximately one ounce of suspected marijuana requires three separate documents:

- a. Backpack and personal effects on a **P&E Record** for return to owner;
 - b. Knife and CDS on a **P&E Record** to hold as evidence; and
 - c. Suspected CDS on a MSP 67A for analysis by MSP.
- F. Supervisors will:
1. Review all **P&E Records** submitted to them;
 2. Ensure any deficiencies are corrected; and
 3. Sign and date **P&E Records** that are done correctly.
- G. The property custodian will:
1. Review **P&E Records** for completeness; and
 2. Ensure documentation deficiencies are corrected by submitting personnel.

2.506.08 Property & Evidence Tags & Stickers

- A. All items impounded by this agency, including motor vehicles towed for evidentiary purposes consistent with **2.434 Towing & Impounding Vehicles**, will be accompanied by fully completed **Property & Evidence Tags / Stickers (P&E Tags / Stickers - UPO.011.D)**.
1. **P&E Tags** will be used on all items except heat-sealed items such as CDS. Heat-sealed items will be marked using **P&E Stickers**.
 2. Neither **P&E Tags** nor **P&E Stickers** will be used on detainee property that is held for safekeeping during detainee processing.
- B. **P&E Tags** will be:
1. Completed as appropriate;
 2. Securely attached to items so both sides of the tags are easily accessible, by the use of:
 - a. Wire ties that accompany the tags, such as on bicycles, skateboards, or motor vehicles;
 - b. Regular tape, strapping tape, or evidence tape on sealed paper bags, but not where taping would cause damage or be ineffective; or
 - c. Other reasonably appropriate methods;
 3. Ensure supervisory personnel inspect the tags to check the thoroughness, completeness, and accuracy of the information written on the tags and if the tags are properly attached; and
 4. Complete the chain of custody fields on the back of tags for all transfers of custody after the **P&E Records** are initially completed by impounding officers.
- C. Supervisors will:
1. Review **P&E Tags** and **Stickers** completed during their tours of duty; and
 2. Ensure any deficiencies are corrected.
- D. The property custodian will:
1. Review **P&E Tags** and **Stickers** for completeness;
 2. Ensure documentation problems are corrected by submitting personnel.

2.506.10 Lost & Found, Abandoned, & Recovered Property

(84.1.1.f)

- A. The agency adheres to the provisions of:
1. **Education (ED) §13-702** Lost or Abandoned Currency or Tangible Personal Property;
 2. **USM VIII-1.21** Policy on Lost or Abandoned Currency or Tangible Personal Property on University System Premises; and
 3. **TU Policy 08-01.21** Lost or Abandoned Currency or Property.
- B. Employees will:
1. Accept for safekeeping currency and tangible personal property lost or abandoned on university property or within areas of concurrent jurisdiction with the Baltimore County Police. These items must be in a substantially operable, functioning condition or have a reasonably apparent and real value to a reasonable and prudent person;
 2. For items found within concurrent jurisdiction:

- a. Call the BCPD Precinct #6 desk officer to determine if BCPD wants to serve as the recovering agency; and
 - b. If BCPD wants to recover the item, standby with the finder until arrival of a BCPD unit; or
 - c. If BCPD does not want to recover the item, impound the item consistent with this directive;
3. **Not** refer finders of currency or tangible personal property to any other lost and found property drop-off locations on campus;
4. Before ending their tours of duty:
 - a. Make reasonable attempts to notify or locate owners/custodians;
 - b. Conduct preliminary inquiries to determine if the articles items were involved in criminal activities, e.g., theft, burglary, etc.
 - c. Document the items on **P&E Records** and “Found Property” reports in the agency’s records management system (RMS); and
 - d. Submit the items consistent with **2.506.02 Submitting Property & Evidence**.
- C. The property custodian will:
 1. On the first business day following receipt of lost and found items:
 - a. Inspect all submitted items and their corresponding **P&E Records**;
 - b. Ensure any deficiencies are corrected by submitting personnel; and
 2. When items are transferred into the property / evidence room, use **P&E Records** to document and deposit cash into the appropriate university account through the Bursar’s Office.
- D. Employees will check “Found Property” reports in the RMS and the University Union’s SharePoint lost and found log when people ask if the agency has recovered their property and return property to rightful owners or their agents as appropriate.
 1. Items held in the property/evidence room can be released by officers to owners or their agents only when the property custodian is present or makes arrangements to have the items released during off-hours by use of the property drawers.
 2. Officers releasing items will verify the identity of owners or their agents and document the release on **P&E Records** consistent with related directives. Disputes dealing with identity or claim verification will be referred to the on-duty patrol supervisor.
 3. People will be referred to the University Union’s information desk when it appears from the SharePoint lost and found review that their property has been recovered and is at that location.
- E. PROPERTY RELATED FOLLOW-UP INVESTIGATIONS ARE ASSIGNED CONSISTENT WITH **2.306 CASE SCREENING AND MANAGEMENT** ONLY WHEN REASONABLE FOLLOW-UP LEADS ARE PRESENT.

2.506.12 Evidence for Court

(84.1.1.g)

- A. Officers who need evidence for court or hearing purposes should submit their requests to the property custodian not later than 1500 hours two business days before court dates. Requests will be in the form of emails or memorandums to the property custodian. The requests must contain sufficient information to enable the property custodian to identify and prepare the evidence for transfer to requesting officers.
- B. CDS evidence will not be taken to **THE** District Court or juvenile court unless requested by or through the Office of the State’s Attorney (OSA). Officers with CDS evidence for Circuit Court cases will affirmatively check with the OSA to determine whether or not CDS evidence needs to be taken to court.
- C. Evidence destined for court will be picked up from the property custodian on trial dates.
- D. Officers who pick up evidence from the property custodian will sign for evidence from the property custodian.
- E. Evidence that is not retained by the courts will be returned to agency custody the same day it is checked out.
- F. Officers will obtain evidence retention receipts from the courts or the OSA to ensure the chain of custody is documented when the courts retain evidence.

- G. If the property custodian is not on duty and available to receive evidence being returned from court by officers, the evidence will be submitted to the property custodian consistent with **2.506.02**.

2.506.14 Former Officers

- A. Former officers:
1. Will not be given custody of evidence for court or other purposes; and
 2. Who are summonsed to court should contact a commander of this agency as soon as reasonably possible, but not less than two business days before trial dates to request assistance with evidence and related reports.
- B. Commanders will work with the property custodian's commander to ensure a current officer is assigned to obtain necessary report copies, evidence, and to maintain the chain of custody on the evidence.

2.508 FORENSIC ASSISTANCE

(83.1.1, 83.2.4)

- A. Officers who initially respond to incident scenes must assess the incidents and recommend to supervisors if additional assistance is needed to process evidence.
- B. Supervisors will determine if more forensic assistance is needed and ensure notifications and requests are made as soon as possible, but not more than one hour after the agency becomes aware of the needs.
- C. Incident scenes will be secured, made safe, and not disturbed after evidence processing assistance has been requested unless evidence may be lost or destroyed prior to the arrival of requested assistance.
- D. Initially responding officers will investigate and process incident scenes that are:
1. Thefts, including from offices, motor vehicles, coin operated and vending machines;
 2. Burglaries and breaking and entering, including buildings and motor vehicles; and
 3. Other incidents and crimes not processed by allied agencies.
- E. Consistent with the memorandum of understanding, the Baltimore County Police Department (BCPD) is responsible for:
1. Crime scene processing and forensic services in all cases and attempts of:
 - a. Homicides, suicides, unattended deaths, etc.;
 - b. First and second degree rape and sexual offenses;
 - c. Child physical and sexual abuse; and
 2. Accident reconstruction if other resources are not available.
- F. The MSP will be notified and asked to provide crime scene processing and forensic services for:
1. Armed robberies;
 2. Strong-arm robberies involving serious injuries or significant amounts of evidence;
 3. Third degree sex offenses;
 4. Assaults involving significant injuries;
 5. Burglaries and thefts involving significant losses and probable evidence;
 6. Felonies not regularly experienced by the agency;
 7. Accident reconstruction if BCPD is unavailable; and
 8. Other incidents involving complex forensic recoveries.
- G. Patrol supervisors will ask permission from a commander or the Duty Officer for permission to request optional forensic assistance from the BCPD if the **MARYLAND STATE POLICE (MSP)** is not able to respond within a reasonable time frame for the type of crime and perishability of the evidence.
1. Patrol supervisors will make contact with the on-duty BCPD crime scene supervisor and request forensic assistance.
 2. The MSP will be relied upon, regardless of response time, if the BCPD does not respond to the request for optional forensic assistance.
- H. The agency's major crime scene processing equipment is stored in the investigations offices when the equipment is not being used. The kit contains, at the minimum, supplies used to:
1. Recover latent fingerprints;

2. Photograph incident scenes;
 3. Sketch incident scenes; and
 4. Collect and preserve physical evidence.
- I. Minor crime scene processing kits to assist in recovering latent fingerprints are kept in each patrol vehicle.
 - J. Patrol vehicles are also supplied with equipment necessary to investigate most vehicle accidents.