

Bowie State University Police Department

General Order



<i>Subject:</i> Collection and Preservation of Evidence	<i>Number:</i> 46
<i>Effective Date:</i> January 1, 1996	<i>Rescinds:</i> Art. 11.2
<i>Approved:</i> Capt. B. S. Biscoe	

This article contains the following sections:

- 46.1** *Policy*
 - 46.2** *Definitions*
 - 46.3** *General*
 - 46.4** *Procedures*
 - 46.5** *Disposal of Evidence*
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46.1 **Policy**

46.1.1 The purpose of this order is to establish procedures to be followed in the collection, preservation, securing and retrieving of all evidence coming into the custody of the department; and, ensuring that the integrity of the evidentiary chain of custody is always maintained.

46.2 **Definitions**

46.2.1 The following definitions are used in this order:

- a. Chain of Evidence: The continuity of the custody of physical evidence--from time of original collection to final disposal--which may be introduced in court.
- b. Receiving/Recovering Officer: The member of this department who initially receives the evidence and initiates the chain of custody, i.e., either the preliminary investigating officer assigned to the investigation or a member from the Criminal Investigation Unit who is on the scene.
- c. Physical Evidence: Any substance or material found or recovered in connection with a criminal investigation.
- d. Evidence Custodian: The BSUPD member assigned to CID is designated as the Evidence Custodian and shall be responsible for the control and maintenance of all evidence accepted by or stored by BSUPD.

- e. Property Custodian: The Evidence Custodian's supervisor, at least the rank of lieutenant, shall be designated as the Property Custodian.

46.3 General

46.3.1 The evidence of any crime shall remain in the custody of the recovering/receiving officer until such time as he/she personally transfers the evidence in accordance with established procedures and/or law.

46.3.2 Evidence shall be signed for every time custody changes, including the release to the owner/claimant.

- a. After the proper authorization has been received, rightful owners, after having identified the property, shall be required to sign the Property Record prior to the property being released to him/her.

- b. The Property Record shall be completed and submitted with the evidence.

46.3.3 Each officer assuming custody of evidence shall ensure the proper handling, securing and overall safeguarding/maintenance, and for the ready retrieval of such property upon demand while it is his/her custody.

46.3.4 All recovered property shall be properly secured, along with the Property Record.

46.3.5 No property coming into the possession of a member of this department in his/her official capacity shall be sold or otherwise disposed of, except as provided by law or department policy.

46.3.6 Physical evidence collected shall be stored in the Property Evidence Package.

46.3.7 Evidence of a hazardous, perishable, or contaminated nature shall be handled in accordance with Article 84 (Property and Evidence Control), Section 3 (Special, Perishable and Hazardous Material) and Section 4 (Contaminated Evidence).

46.4 Procedures

46.4.1 Processing Evidence

- a. All physical evidence shall be identified, collected and preserved in such a manner as to ensure that the evidentiary value is not impaired or destroyed; and, submitted for lab analysis when appropriate. These tasks shall be the responsibility of:

- (1) The preliminary investigating officer assigned to the investigation when a member from the Criminal Investigation Unit (CID) is not on the scene, or

- (2) The member from the Criminal Investigation Unit who is on the scene.
- b. If there is a need for the Crime Lab and the CID investigators are not available, the Shift Commander shall contact the P.G. County Police Department Crime Lab.
- c. All evidence shall be immediately inventoried by the recovering/receiving officer who shall prepare the appropriate police report(s) (incident, person, etc.) when necessary, as well as the Inventory Record (Form 011) and the Property Record(s). The following information shall be indicated in the appropriate blocks, or if there are no blocks requesting the information, the information shall be indicated in the report narrative:
 - (1) The date and time the property was recovered;
 - (2) Its description and specific detail, including:
 - (a) The name of the article,
 - (b) Quantity,
 - (c) Value,
 - (d) Name and address of the owner or claimant, if known,
 - (e) Location recovered,
 - (f) Name of person(s) from whom the property was taken or obtained,
 - (g) The circumstances connected with the recovery, and
 - (h) The signature of the recovering/receiving member.

46.4.2 Impounding Evidence

- a. The BSUPD Investigator assigned to the CID is designated as the Evidence Custodian and shall be responsible for processing evidence according to this Order.
- b. The Evidence Custodian's supervisor, at least the rank of lieutenant, shall be responsible for making monthly inspections of the appropriate files and records to ensure that procedures in this Order are being followed, and in cases of deficiencies, ensure that corrective action is taken as soon as possible.

46.4.3 Recording Transfers of Custody

The Evidence Custodian shall be responsible for developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the individual or organization currently maintaining custody of all evidence.

46.4.3 Removal for Court/Lab

Any officer having a need to remove evidence from storage shall notify the Evidence Custodian at least forty-eight (48) hours in advance so that proper arrangements can be made.

- a. The original copy of the Property Record must accompany the evidence to court or the lab.
- b. The officer removing the evidence shall sign a receipt for accountability.
- c. The chain of custody section shall be completed every time the evidence changes hands.
- d. If evidence must be temporarily released to a court or lab, the officer releasing the property shall obtain a detailed receipt for the released property.
 - (1) The receipt must be signed by the receiving authority using the MSP Form 67 (Lab Request Form) or a signed copy of the Property Record is acceptable.
 - (2) A Supplemental Report of the transaction shall also be completed by the officer.
 - (3) The Clerk of the Court can sign for property admitted into evidence.

46.4.4 Return from Court/Lab

- a. When evidence is returned from court, the officer shall indicate the final disposition of the evidence (returned to rightful owner, to be destroyed, hold pending appeal, etc.) on the Property Record.
- b. When evidence is returned from the lab, the officer shall return the evidence to the Evidence Custodian and sign the Property Record in the appropriate section.

46.5 Disposal of Evidence

All evidence which has not been claimed, needed in court or no rightful owner can be identified, shall be disposed of in accordance with State Law and procedures regarding such matters.

- a. Evidence eligible for disposal shall be disposed of once each calendar year.
- b. The Property Custodian shall be responsible for such disposal.