

Annapolis Police Department



GENERAL ORDER

Number: K.8

**Issue Date: May
2007**

TO: All Personnel

SUBJECT: Release and Disposal of Property/Evidence

PURPOSE

The purpose of this General Order is to establish guidelines on the release and disposal of property and evidence.

POLICY

It shall be the policy of the Annapolis Police Department that the release of any found, recovered, and evidentiary property is to be returned to the lawful owner or his/her representative within six months, after legal requirements have been satisfied, unless otherwise instructed by a competent authority.

I. Release of Property

- A. Authority to release property being held in the Property Section will not be granted via telephone. If an officer determines property can be released which had originally been marked as "hold for evidence", the officer must:
1. Respond to the Property Section and sign off on the original property tag; or
 2. Send to the Property Section an Administrative Report indicating the case number, description of property and to whom the property can be released to; or
 3. Upon return from court indicate on Evidence Receipt Form "to be disposed of", or hold for further court appearance; or
 4. The signature of the officer must appear on any document authorizing the release of the property.

- B. If an officer who recovered property is not available to authorize release or disposal of property, the Property Section will obtain authority for the release or disposal from the officer’s commanding officer. The commanding officer will sign the property receipt at the time of the release.
- C. If property is being held for an officer who is no longer a member of the Department, authority for the release or disposal will be provided by the commander of the unit to which the former member was assigned. Prior to releasing the property, the releasing member will check to ensure that the property is not needed for court.
- D. Members must adhere to the following guidelines when releasing/disposal of evidence:

<u>Status/Type of Case</u>	<u>Action</u>
Verdict of not guilty	Release/destroy evidence
All homicide, Manslaughter and any unusual cases	Hold indefinitely or may be released with the approval of State’s Attorney’s Office
Sentence of 20 years or more	Retain for ten years
Sentence of 10 years or more, either suspended or imposed	Retain for six years or until appeals have been exhausted
Sentence under 10 years	Retain for three years
Stetted because defendant is at large Bench Warrant issued	Retain for 20 years
Open felony cases	Hold indefinitely
Open Misdemeanor cases	Retain for one year

Once requirements have been met, property/evidence shall be released/disposed of within six months of meeting the legal requirements.

- E. Anytime evidence/recovered property is released to the owner the back of the evidence tag shall be dated and signed by the owner. The Police Property Coordinator or his/her designee will then initial and/or sign and note the time on either the front or back of evidence tag. Release of any evidence/property will be documented in the computer by the Police Property Coordinator or his/her designee.
- F. All other confiscated or seized (other than the above items, contraband or firearms) items will be disposed of according to the Charter and Code of the City of Annapolis.

II. Return to Owner

- A. Officers who recover property are required to identify and notify the owner/custodian of its recovery. Information concerning notification is to be indicated on the Incident Report. Officers should make every attempt to identify the owner/custodian and return property to the owner/custodian while it is still in the officer's possession. Any available information concerning the location of the owner/custodian should be forwarded to the Property Section to assist in making notification.
- B. In the event an officer is unable to contact an owner/custodian to provide notification of recovery, notification will then be done by the Property Section through first class mail within ten days of receipt of the property. Notifications will instruct owners/custodians to pick up their property within thirty (30) days and will be noted on the recovered property tag. This letter shall state that the property will be deemed abandoned and ownership will transfer to the Annapolis Police Department
- C. Positive identification such as a photo identification card and proof of ownership must be provided by anyone claiming to the satisfaction of the Department representative releasing the property.

III. Conversion to Department Use

- A. Unclaimed or abandoned property may be converted to Department use upon the approval of the Chief of Police or his/her designee. Upon notification of approval the Police Property Coordinator Supervisor will coordinate the release of property to the appropriate unit of the Department. As with all other property/evidence, the Records Management System (RMS) will be completed at the time of the release.
- B. Weapons/firearms will only be released for investigative and training purposes. The release must be approved by the Chief of Police or his/her designee. Any firearms must be released to the Armorer or range officer. Weapons other than firearms (knives, stun guns, etc.) must be released to the Armorer or a departmental instructor and must be stored in a secured area in the department, i.e., armory, departmental issued locker. Weapons/firearms released to an investigator for investigative purposes, must be stored in a secured area in the department, i.e., departmental issued locker, locked file cabinet, etc. When the weapon/firearm is no longer needed, the weapon/firearm will be returned to the Property Section. The Records Management System (RMS) will be completed at the time of the release and at the time of the return. Explosives will only be released to the Annapolis Fire Marshall or the State Fire Marshall's Office and will not be used for training purposes. The Armorer will maintain an inventory of any firearms/weapons that are released from the Property Section. Refer to General Order K.3 for the release of CDS.
- C. Conversion to Department use will be completed within six months after the property has been deemed unclaimed or abandoned.

IV. Destruction of Recovered Property

- A. Recovered property which is unclaimed and not suitable for use by the Department may be destroyed or put up for auction upon approval of the Commander of the Administrative Services Division.
- B. Unclaimed weapons, not converted to Departmental use, will be destroyed according to procedures established in the SOP manuals of the Property Section.

V. Auction

Recovered property (except contraband and firearms) which is unclaimed, abandoned, not converted to Department use, or no longer is needed as evidence will be disposed of by auction. The auction will be conducted as outlined in the Charter and Code of the City of Annapolis.

VI. Return of Property Belonging to Deceased Person(s)

If it is determined that the owner of any recovered property is deceased, the property will be disposed of as follows:

- A. The property may be returned to the surviving spouse of the deceased owner, if at the time of his/her death the owner was lawfully married to the current spouse and both the owner and spouse were legal residents in the state of Maryland.
- B. In other cases, the property may be returned only to the Personal Representative of the decedent's estate. Proof of appointment as Personal Representative by a court of competent jurisdiction must be furnished by the claimant.

VII. Disputed Ownership of Recovered Property

- A. If more than one person claims to be the lawful owner of any recovered property, and positive proof of ownership cannot be furnished to the satisfaction of the supervisor of the Police Property Coordinator, the property will not be released. The disputants will be advised to have the matter of ownership resolved by a court of competent jurisdiction and authority.
- B. Unless all but one of the parties renounces in writing their claim to the property, the property thereafter will be released as directed by the court.

VIII. Evidence/Property Purging

- A. Evidence for court will be obtained through the Property Section on the day the case is set for court. When evidence is released to an officer for court, the officer will return the evidence to the property section immediately after court (unless retained and signed for by the State’s Attorney or court authorities). If the property room is closed, the evidence will be returned via the property drop box. In cases of large evidence, liquids, etc., the property coordinator or his/her on-call his/her designee will be called.
- B. Prior to receiving any evidence for court, officers shall fill out the Evidence Receipt Form. Upon turning the evidence back into the Property Section, officers shall indicate if the evidence is still needed. The officers shall indicate the sentence on the Evidence Receipt Form. If evidence/property is not needed, the property shall be disposed of according to procedure.
- C. Upon returning reports from court back to Records, officers shall fill out the Criminal Disposition form which is attached to the report, indicating the disposition of the court case. Regardless of whether evidence was taken to court or not, officers should also indicate the disposition of any evidence. Records Section personnel will forward the Criminal Disposition Form to the Property Section as necessary.
- D. Final disposition of found, recovered and evidentiary property will be accomplished within six months after legal requirements have been satisfied.

Joseph S. Johnson
Chief of Police

References
1. Accreditation Standards 84.1.1, 84.1.4, 84.1.7 2. Charter and Code of the City of Annapolis 2.36.060

Revision: This General Order replaces General Order K.8 dated April 2002