

83.0 COLLECTION OF EVIDENCE

83.1 Administration

83.1.1 Qualified personnel will be available on a 24-hour basis to process serious crime or accident scenes.

- A. When it is determined that the services of an investigator are needed to process a scene, notification should be made to the specialist as soon as possible. When such a need is determined, the scene will be secured and no admittance allowed, (except for health/safety reasons), until the investigator arrives. A rapid response by the investigator will reduce the chances of evidence destruction or deterioration.
- B. Relationship Between Investigators and Others in the Investigatory Process
 - 1. The functional relationship between the crime scene processor and others involved in the investigation must be a cooperative effort. Patrol deputies can request the assistance of a Criminal Investigator in processing a scene by contacting the Criminal Investigation Unit, if on duty, or by contacting an on call investigator directly. Prior to notifying the CIU, however, the deputy will advise the Duty Officer of the circumstances and request permission to contact CIU. Unless directed to respond by departmental policy or higher authority, on call investigators will have discretion in whether or not to respond for scene processing.
 - 2. A Criminal Investigator responding to process a crime scene will be in charge of the crime scene. He/she may direct assistance as needed.
 - 3. Unless the responding investigator/specialist assumes responsibility for investigating the case, the initially assigned deputy will be responsible for requesting lab analysis and for insuring that the evidence is properly prepared and transported to the laboratory.

83.2 Operations

83.2.1 General Responsibilities in Securing, Protecting, and Processing a Crime Scene

- A. Proper collection, safeguarding, chain of custody, and documentation of physical evidence is crucial to a successful investigation and prosecution. Evidence, collected from the scene, can often develop or eliminate suspects, and substantiate or disprove leads/theories. Any evidence collected may, at a later date, be subject to presentation before a court of law. Therefore, care should be taken in identifying, safeguarding, gathering, and processing evidence. Personnel collecting evidence will be

responsible for maintaining accurate chain of custody documentation, and for making applicable entries into the chain of custody log each time evidence/property comes into their possession. Personnel who are routinely involved in investigating criminal activity will be equipped sufficiently to collect and preserve evidence. Assistance may be obtained from Criminal Investigation Unit personnel in collection of evidence requiring specialized equipment. Personnel responding to a crime must secure and protect the scene as soon as possible, taking into consideration care for injured or other safety factors involved. Personnel will request assistance as needed in securing and protecting the scene. Establishing security at a crime scene as a prelude to scene processing may include, but not be limited to:

1. Personnel physically isolating a location and strictly controlling entrance.
 2. Use of ropes, tape, barriers or signs.
 3. Maintaining log of anyone accessing the crime scene.
- B. Crime scenes may be processed by a uniformed deputy, or by a criminal investigator. Evidence may be secured and taken to the department for later processing if to do so will not damage the evidence. A Search Warrant may be necessary before the crime scene processing can begin. In cases where evidence collection requirements exceed the expertise/capabilities of departmental personnel, assistance may be requested from an allied agency; i.e., Maryland State Police, Western Maryland Regional Crime Laboratory, etc.
- C. Care and deliberation should be exercised when entering and processing a crime scene, remembering that successful prosecution hinges upon evidence presented in court. Crime scenes, (especially those that are fresh), should be approached as though a suspect could possibly still be at the scene. While safety for victims must be of paramount importance, deceased persons should not be disturbed until evidence is collected. If the victim has evidence that must be removed or obtained by medical personnel; i.e., bullets or rape kit, the reporting deputy or other assigned personnel will accompany the victim to retrieve the evidence once it is removed, thus establishing a chain of custody.
- D. Only personnel necessary to protect/process the scene, or directly involved in the investigation, will be allowed access to a crime scene prior to and during processing. The initial deputy at the scene will maintain, to the best of his/her ability, a list of people who had access to the crime scene prior to processing.
- E. Personnel entering a crime scene prior to processing will not disturb, touch, or handle articles/evidence unless a danger exists that the evidence will be lost or destroyed prior to processing and must be moved for

protection, or because a question of safety or treating injured subjects is involved.

- F. Personnel processing a crime scene where evidence is developed, will first photograph, then sketch, then collect, preserve, and transport the evidence to the property/evidence room in accordance with departmental policy. Evidence will be secured, marked, sealed, tagged, and placed in the property room by the end of shift, or submitted to the appropriate laboratory.
- G. If photographs are not taken, or other physical evidence is not removed, from the scene of a serious crime because of prohibiting circumstances, the investigating deputy will explain it in the Criminal Investigation Report. For purposes of this section, serious crimes include: Homicides, Felony Sexual Crimes, Robbery, Burglaries, and First Degree Assaults. This paragraph is not to infer that misdemeanor crimes or other felony crime scenes are exempt from being photographed, printed, or searched for physical evidence. Any action with the goal of gathering or recording evidence should be taken if to do so may enhance the chances of a successful closure of the crime.
- H. Priority should be given to any evidence that might be perishable; i.e., blood. Any perishable evidence requiring laboratory examination should be transported to the laboratory the same day, if at all possible. If immediate transportation is not feasible, the material should be air dried or refrigerated until transportation can be arranged.
- I. All evidence submitted to the property room will be accompanied by the original copy of the completed departmental property sheet and request for laboratory examination, if applicable.
 - 1. The following categories of property will be recorded on separate property records:
 - a. Controlled Dangerous Substance (CDS), suspected CDS, and paraphernalia containing CDS.
 - b. Evidence or recovered property.
 - 2. Separate property records will be completed for each known owner. Items of obvious resale value will be listed one item per line on the property record. Items, which can be lumped together on property records, include such articles as keys, pencils, old clothes, etc., (except if any article is taken into custody as evidence, it will be entered one item per line).
 - 3. Whenever there are a greater number of items to be listed on a property record than the form will accommodate, additional items will be recorded on a "Continuation Sheet". Continuation sheets

will be referenced to the corresponding property record by indicating the property record number in the space provided. In instances where more than one property record is used for the same case, all property record numbers will be cross-referenced.

4. Property records regarding handguns that were confiscated/forfeited under the provisions of 4-206 of the Criminal Law Article shall indicate in the disposition section of the form, "Confiscated or forfeited under provisions of 4-206 of the Criminal Law Article".
5. A "Property Held" form has three carbonized copies, Pink, Yellow, and White. When a form is used, distribution of the copies are as follows:
 - a. White and yellow copies are attached to the property/evidence, or are placed in the Property Room drop box, if applicable, such as in the case of a found bicycle.
 - b. Pink copy attached to submitted report.
6. Upon disposition of the property or evidence, the White sheet will be placed in a master property file to be maintained in the Property Room. The original property record will have documented chain of custody and release or other disposition of the property. The Patrol Commander will co-sign along with the Property Officer for any property disposed of by conversion to department use, auction, or destruction.
7. Upon disposition, the yellow copy will be forwarded to the case file in Central Records. The yellow copy will contain the same information as the original.
8. "Property Record Issuance Log" will be maintained to indicate the status of each individual numbered property record. Supervisors will issue property records and will complete the log. The "Property Record Issuance Log" and the "Property Record" forms will be maintained in the Communications Center.
9. Property Records will be completed in their entirety. Dates and times of all inspections/audits will be maintained on file.
- J. Transfer of the custody of the evidence will be documented on the chain of custody form.
 1. Chain of Custody
 - a. In order for evidence to be admitted into the record, an accurate chain of custody must be maintained. The chain

of custody begins with the deputy who first takes the evidence into possession. It is essential that anyone thereafter who takes the evidence into his or her possession be documented on the chain of custody log.

- b. It is imperative that a deputy recovering evidence be able to testify in court that the article/substance presented in court is indeed that which he/she recovered. In order for this identification, deputies will:
 - 1) If possible, make some sort of unique identifying mark such as initials on the article. At the time of court, the deputy can then identify the article as the evidence upon which their mark was placed upon recovery. Serial numbers are also excellent identifiers.
 - 2) If the article/substance cannot be marked due to its nature or if to do so would destroy evidence or significantly alter the worth of the item, it will be sealed in a container labeled with date, time, case number, and recovering deputy.

2. Record of Evidence Change of Custody

- a. Any change in the custody of the evidence will be noted on the "Chain of Custody Log", (Property Sheet), or "Laboratory Analysis Request" form. Information will include:
 - 1) Date/time of transfer, (if evidence is going to a laboratory include method of transmission).
 - 2) Name of personnel last having custody.
 - 3) Person to whom evidence is being transferred.

83.2.2 Crime and Accident Scene Photography

- A. Crime scene photographs are important because they provide a pictorial account of conditions, evidence, and relative location of objects at a given point in time. Generally, crime scene photography is the responsibility of the deputy processing the scene. Photographs of the overall scene should be taken as soon as possible before it is disturbed or processed. The initial responding deputy should take photographs even though he/she will not be processing the scene if they feel that the scene may be changed or evidence destroyed prior to processing.

- B. All enforcement vehicles are supplied with a digital camera for general photography. Criminal Investigation Unit vehicles are equipped with or have access to 35MM and digital camera equipment with greater capability; i.e., variable shutter/ aperture and multiple lenses. Polaroid cameras are also available, as needed, for suspect/property identification when an immediate photograph would be of value. Photographs should be taken of all crimes the deputy or detective feel is necessary. Photographs should be taken, if at all possible, of evidence before it is collected.
1. When a deputy or detective, take digital pictures, the camera shall be set to the highest resolution possible, the pictures shall be downloaded from the camera. The digital pictures shall be written to a CD. The CD shall be turned in with the report to the supervisor. The supervisor shall review the pictures when the report is reviewed. The supervisor shall submit the CD with the report to the Records Section.
 2. No digital pictures shall be stored on any computer systems in the Sheriff's Office.
- C. Video equipment may be requested if deemed beneficial. The Criminal Investigation Unit has access to video cameras that can be utilized to record crime scenes. Video photography, however, will supplement still photographs and not replace them.
- D. If the exact size of an item needs to be depicted in a photograph, two photographs will be taken. The first taken will be that of the article only. The second will be one of the article with a scale next to it to add dimension; i.e., a ruler. Both photographs will be taken using the same camera, settings and lighting conditions.
- E. If the object to be photographed is a fixed object, the dimensions of the object should be taken to provide a scale of reference.
- F. The use of a wide-angle lens is recommended when it would be of benefit for the entire scene to be encompassed in one photograph, especially at a major crime scene.
- G. If the scene is in the open; (i.e., not in a building), photograph the surrounding area as well.
- H. While photographing the scene using standard lens, include the same object in all photographs, if at all possible, such as a tree if outside, a desk, bed, table, etc., for a point of reference.
- I. Personnel taking photographs will write the report number on topside of the CD. The CD shall be submitted with the CIR. Personnel taking film photographs will write the report number on the roll of film and complete a chain of custody on the photo submission envelope, (important for film

with evidentiary value). The envelope will be sealed, and placed in the Property Room Drop Box and later transported to a photo-processing establishment as designated by the department.

- J. A notation that photographs or videotapes were taken, person taking the photos, type of scene, conditions, and articles photographed will be placed in the Criminal Investigation Report. If the photographs have important evidentiary value, applicable information will be included in the Criminal Investigation Report concerning the type of camera, size of lens, shutter speed, aperture settings, time of day, and type/speed of film.
- K. Personnel taking film photographs should review the finished product, and should place initials, date taken, and report number on back of photo on film pictures.

83.2.3 Latent Prints

- A. An attempt to develop latent prints will be made when it can be determined that the perpetrator may have touched a particular item or surface and that it may be possible to obtain a print through the use of print powder, other methods such as ninhydrin spray administered by the Criminal Investigation Unit, or through laboratory examination. The decision to send an article to a laboratory for print development must take into consideration the type and magnitude of the case.
- B. Latent print lifts will contain information on the rear of the card to include date, deputy, report number, object printed, and location of the lift. A request to the Criminal Investigation Unit for assistance in processing an article for prints may be submitted on the "Finger Print Request" form. In the event latent prints are developed and a suspect's prints are obtained for comparison, the investigating deputy will submit the prints to the MSP or FBI laboratory for comparison and complete a supplement report on the action.
- C. Articles may be transported to the Sheriff's Office for print processing, if necessary, and to do so would not destroy evidentiary value.
- D. Latent prints will be maintained in the Property Room.
- E. All latent prints will be submitted to the Maryland Automated Finger Print Identification System for cross-referencing and possible suspect identification.

83.2.4 Access to Personnel, Equipment and Supplies used for Process Scenes for the following purpose:

The Office has patrol deputies, and criminal investigators, and well as the Western Maryland Regional Crime Lab technicians that are equipped to process scenes for the following purposes:

- A. Recovery of latent fingerprints
- B. Photography
- C. Sketch of scenes
 - 1. Crime scene sketches are valuable tools in documenting locations of evidence or other pertinent articles during the crime scene processing. Sketches accurately depicting a crime scene may enhance subsequent follow-up investigations, as well as court proceedings.
 - 2. Rough sketches will include measurements so that a scale drawing can be made at a later date if necessary. Sketches will be treated as evidence and attached to the initial CIR. Sketches will include the following:
 - a. Dimensions
 - b. Relation of the crime or incident to other buildings, structures, geographical features, or roads.
 - c. Address, floor, room/apt. number, as applicable.
 - d. Location of significant features of the scene to include victim.
 - e. Date/time of preparation.
 - f. Name/rank/department of person preparing the sketch.
 - g. Direction of North.
 - h. Location of recovered physical evidence.
 - i. Which lights were on or off appliances, which were on, etc.
 - 3. Notation as to whether sketch was drawn to scale or not.
- D. Collection and Preservation of Physical Evidence
 - 1. The collection, preservation, and packaging of evidence will be in strict compliance with the Washington County Sheriff's Office policy.
 - 2. Any action taken at a crime scene will be detailed in a Criminal Investigation Report (CIR) or Supplement.

E. Equipment in Vehicles for Processing Crime Scenes

1. Vehicles used by uniformed enforcement personnel and Criminal Investigators will have, at a minimum, the following equipment for processing crime scenes:
 - a. Basic equipment for lifting latent prints to include tape, powder, cards, brush, latex gloves.
 - b. A camera and film for taking general crime scene photography.
 - c. Paper, pencils, and ruler suitable for sketching a crime scene, if necessary.
 - d. Evidence bags/other containers suitable for holding/transporting evidence; i.e., sharps transport tube.
 - e. 100 foot Measuring tape
 - f. "Crime Scene Access" Logs

83.2.5 Seizure of computer equipment

- A. The search warrant should articulate the specific computer-related items you want to seize and describe the probable cause that you possess to warrant the seizure. Sample search warrant language follows: In general, the Sheriff's Office Computer Forensics Unit will not accept evidence for analysis unless it is accompanied by a search and seizure warrant that provides *explicit authority to examine* the digital evidence.
- B. Search Warrant Wording for Electronic Media (Computer) Analysis
 1. This is an example of wording commonly used in computer crimes search warrants. You will need to adapt it to your specific needs. The wording should appear in both the application and affidavit.
 - a. Seize and examine, by persons qualified to do so, any and all electronic data processing and data storage devices, including but not limited to; Computers and computing devices such as desktop, notebook, and network computers, and personal digital assistants (PDA); Computer peripherals such as removable storage devices, printers, monitors, keyboards, scanners, and web cameras. Network devices such as wired and wireless switches, routers, bridges and firewalls; Data Storage devices such as hard disk drives, disk arrays, RAID arrays, network attached storage (NAS) devices, storage area networks (SAN); Removable Storage Media such as floppy and LS120

diskettes, ZIP disks, and other magnetic disks, optical disks, flash memory cards and devices, digital audio players (IPOD, MP3); Tapes and tape drives. Consumer electronic devices such as digital cameras and related media and peripherals, GPS Systems, Wireless telephones and other wireless communications devices, related media and peripherals. Operating logs, software for operating systems and applications, notes and other documents containing user names, passwords, accounts names and information used to access systems, media, files or accounts; and any other device capable of storing data in digital or analog form that may have been used while engaging in [*specify the illegal conduct*], as defined in the Annotated Code of Maryland, amended and revised.

C. Seizing a Stand-Alone Home Computer in a Residence

1. Officer safety is first and foremost. Do not make assumptions as to the passiveness of the suspect.
2. If the computer is “powered off”, DO NOT turn it on.
3. If the computer is “powered on”, do not allow the suspect or any associate to touch it. Offers to shut the computer down may be a ruse to start a destructive program that may destroy the evidence. This can be done with one keystroke.
4. Before touching the computer, place an unformatted or blank floppy disk into the floppy disk drive(s), Document, videotape and/or photograph the computer system, and write detailed notes about what is on the computer’s screen.
5. If you have a computer specialist on the scene, he will have been trained to recognize the operating system and will know the proper way to shut down the computer system without altering files or losing any evidence.
6. After shutting the computer down and powering the computer off:
 - a. Disconnect all power sources; unplug the power cords from the wall and the back of the computer. Notebook computers may need to have their battery removed.
 - b. Place evidence tape over each drive slot, the power supply connector, and any other opening into the computer. This should include sealing the case itself
 - c. Photograph the back of the computer and any peripherals that are connected to it.

- d. Diagram the back of the computer showing each connection and any peripherals connected to it.
 - e. Label both ends of every cable and the point that it plugs into the computer or peripheral device. Place corresponding numbers on both the cable and the computer connector to which the cable is attached. Then, disconnect the cables.
 - f. Label the computer and each component.
 - g. Package the components and transport/store as fragile cargo.
 - h. Keep away from magnets, radio transmitters, moisture, and other hostile environments.
- D. Seizing Networked Computers or Computer(s) at a business.
- 1. DO NOT pull the plug on a computer at a business. Prior to the execution of the search and seizure warrant attempt to identify the types of computer systems involved. When executing the warrant, bring a computer specialist who is familiar with those systems.
- E. Removable media
- 1. Each piece of removable media seized should be write-protected, when possible, and individually marked. The location of each piece of removable media should be documented. When large quantities of removable media are seized, similar removable may be placed in a marked container labeled with the seizure location and an accurate count of the media contained within.
- F. Guidelines for Submission of Digital Evidence for Analysis
- 1. All requests for service must include the following:
 - a. One Computer Forensics Unit “**Request for Forensic Media Analysis**”, including chain of custody, form for each search site.
 - b. **Legal Authority.** A Search Warrant is required and must include appropriate language that specifically allows the *examination* of the Digital evidence submitted. Other forms of Legal Authority, such as a Usage Agreement signed by the suspect or documented company policies, will be accepted as appropriate. Note: *Written consent may be accepted for the examination of digital evidence belonging to victims, at the discretion of the Criminal Investigation*

*Unit supervisor or his designee, but **will not** be accepted for examination of digital evidence belonging to suspects.*

- c. A **Detailed Summary**, written by the case investigator, describing the type of information the investigator is hoping to discover from the analysis, and any information obtained by the investigation. This may include, but is not limited to, names, personal data, nicknames, contacts, e-mail addresses, screen names, target websites, passwords, telephone numbers, social security numbers, credit card numbers used, accomplices, etc. The information should be provided for both the suspect and any victims. In addition, a list of unique keywords relevant to the investigation should also be included. A sample detailed summary is attached.
2. Investigators should seize any computer components, peripherals or other digital evidence necessary to support the criminal case in court. **However, the Computer Forensic Laboratory will only accept the computer, removable media, and /or other devices that are expected to contain digital evidence or are necessary for the lab to conduct the analysis.** The lab will not accept other components, including but not limited to, keyboards, mice, monitors, printers, scanners, web cams, etc, which, do not normally contain digital evidence. Additional items that should be seized and delivered to the lab include specialized cables and external power supplies for laptop computers, PDA's, and digital cameras and external storage devices for removable media which has been seized such as Zip drives, Jaz drives and tape drives.
3. Investigators expecting to submit evidence should consult a member of the Computer Forensics Unit prior to submitting any evidence for analysis.
4. Each piece of digital evidence (CPU, digital camera, PDA, etc), submitted for analysis, will be labeled and described on the Request for Service, Chain of Custody" form along with any specialized cables and/or power supplies for that device. All removable media seized from the same site may be listed on the same form.
5. All **paperwork**, described above should be submitted to a member of the Computer Forensics Unit. When all required paperwork has been received, the case will be reviewed. Then a Lab Case Number and Priority will be assigned and you will be notified in writing. The unit will request that the evidence be delivered a few days before your case is assigned for examination.

6. Evidence will be accepted for analysis by appointment only.
Contact the Computer Forensics Unit to schedule an appointment.
7. After the Computer Forensics Unit accepts a case for analysis, a member will assign a Lab Case Number and a Priority. Cases are assigned for analysis according to their assigned priority and the date accepted by the unit. Priorities are assigned according to the following table:

Priority 1	Immediate Priority – Immediate threat to life and/or property or cases designated by the Computer Crimes Unit Commander. Homicide Terrorism Child Endangerment/Molestation cases w/ suspect at large. Crimes of Violence w/ suspect at large.
Priority 2	High Priority – Potential threat to life and/or property, Critical Missing Child, computer involved. Internet Crimes Against Children Task Force cases Child Endangerment/Molestation cases Solicitation of Child for Sex Child Pornography
Priority 3	Moderate Priority – Low Potential threat to life and/or property Manufacture of False Identification Crimes of Violence, no imminent threat
Priority 4	Low Priority – No potential threat to life and/or property Theft/Fraud Property Crimes Criminal Intelligence Drugs Unauthorized access/hacking E-mail Harassment

8. When an investigator receives information that the priority of a case should be changed the investigator should notify the Unit immediately.
9. Members of the unit are for assuring that priority 1 cases are initiated as soon as possible.
10. When a case has aged 120 days or is assigned an imminent court date, it may be raised one step in the priority.
11. Cases having low priority may not be accepted for analysis at the discretion of the unit. In general, only cases that have a reasonable expectation for completion will be accepted. This currently includes Priority 1 and Priority 2 cases only.

83.2.6 Preparation of a report by person who processes a crime and accident scene

- A. Personnel processing a crime scene will include, (at a minimum), the following information in the initial Criminal Investigation Report or in a supplement:

1. Date/time of arrival at the scene.
 2. Location of the crime.
 3. Name of victims.
 4. Name of suspect, if known.
 5. Action taken in processing the scene such as photographs or measurements, attempts to recover latent prints, etc.
 6. Location and description of evidence recovered.
- B. List of Evidentiary Exhibits - The reporting deputy will include, in the Criminal Investigation Report, (or Supplement), the following inventory information on evidence recovered (list of exhibits caption):
1. Description of item to include make, model number, and serial number, if available.
 2. Source (from whom or location obtained).
 3. Name of person collecting the item(s).

83.2.7 DNA

It is the policy of the Washington County Sheriff's Office to ensure all DNA evidence is identified, legally obtained, collected, preserved, and properly analyzed to ensure proper introduction in a court of law. Employees handling DNA evidence will be trained prior to collecting or processing DNA evidence.

- A. First Responders Responsibilities and Precautions:
1. Just like any crime scene a First Responder shall protect the scene;
 2. If the First Responder is trained to collect DNA evidence, they may collect the evidence;
 3. If the First Responder is not trained to collect DNA Evidence, they shall request assistance from the CIU.
- B. Procedures for Collection, Storage, and Transportation
- Blood, semen, and saliva will be removed from the object concerned only by trained members of the office who has been assigned to collect the scrapings. The scrapings, especially blood, will not be placed in plastic containers because decomposition will take place. Eighty-five percent of the population secretes their blood group factors through other

physiological fluids, including perspiration, saliva, semen and urine. If the officer touches the stain or scraping, contamination will probably occur.

1. Sample size is of great importance. As much of the scraping as possible will be taken.
2. When applicable, a control standard of the object upon which the stain has been found must be taken. As an example, a small portion of the upholstery of a chair or a piece of the woodwork will suffice. The standard should be separately packaged, marked and sent to the laboratory with the section bearing the stain. Care will be taken to ensure that the stained section is not contaminated by the standard sample.
3. Semen stains should be treated the same as blood. If semen is not to be taken directly to the laboratory, then it will be allowed to dry at room temperature. **All wet items, stains or swabs will be air dried before packaging in paper bags or envelopes.**

C. DNA evidence collection training required for Persons Collecting DNA

1. Detectives that are authorized to collect DNA evidence have received training in collection during Basic Investigator School.
2. Crime Scene Technicians that are authorized to collect DNA evidence have received in collection during Crime Scene Tech School.

D. Procedures for Submission of DNA evidence to Accredited Lab

1. DNA evidence is submitted under the guidelines outlined in 83.3.2 Submission of Evidence to Outside Agency Laboratories

E. Preservation and Availability of DNA Evidence (Criminal Procedures Article, 8-201)

1. Definitions
 - a. Scientific Identification Evidence – Evidence that is related to an investigation or prosecution that resulted in a judgment of conviction, is in the actual or constructive possession of the Sheriff's Office and contains DNA that may produce exculpatory or mitigating evidence relevant to a claim of a convicted person of wrongful conviction or sentencing if subject to DNA testing.
 - b. DNA – deoxyribonucleic acid

2. The Sheriff's Office shall preserve scientific identification evidence that the Sheriff's Office has reason to know contains DNA material and is secured in connection with one of the following offenses:
 - a. Criminal Law Article 2-201, 2-204, 2-207, 3-303, 3-304, 3-305, 3-306, or 3-307.
3. The Sheriff's Office shall preserve scientific identification evidence described in subsection .02 for the time of the sentence, including any consecutive sentence imposed in connection with the offense.
4. The Sheriff's Office shall make scientific identification evidence available to parties in the case under terms that are mutually agreed on between them.
 - a. If an agreement cannot be reached, the party requesting the testing may file an application in the Circuit Court that entered the final judgment for an order setting the terms under which the evidence will be made available for testing.
5. The Sheriff's Office may dispose of scientific identification evidence before the expiration of the time period described by the agency notifies the following persons:
 - a. The person who is incarcerated in this case, and
 - b. Any attorney of record for the person incarcerated, and
 - c. The Office of Public Defender for the judicial district in which the judgment of conviction was entered.
6. The notification shall include:
 - a. A description of the scientific identification evidence, and
 - b. A statement that the Sheriff's Office intends to dispose of the evidence, and
 - c. A statement that the Sheriff's Office will dispose of the evidence unless a party files an objection, in writing, within 120 days from the date of service in the Circuit Court that entered the judgment, and
 - d. The name and mailing address of the Circuit Court where an objection may be filed.

7. Unless another law or court order requires the preservation of the scientific identification evidence, if no objection to the disposition of the evidence is filed within 120 days of the notice required, the Sheriff's Office may dispose of the evidence.
8. If a person files written objections to the State's notice that it intends to dispose of scientific identification evidence, the court shall hold a hearing on the proposed disposition of the evidence and at the conclusion of the hearing, if the court determines by a preponderance of the evidence that:
 - a. the evidence has no significant value for forensic science analysis, the court may order the return of the evidence to its rightful owner, the destruction of the evidence, or other disposition as provided by law, or
 - b. the evidence is of such size, bulk, or physical character that it cannot be practicably retained by a law enforcement agency, on a showing of need, the court shall order that the evidence be made available to the party objecting to the disposition of the evidence for the purpose of obtaining representative samples from the evidence in the form of cuttings, swabs, or other means, prior to the release or destruction of the evidence.
9. If the court orders that representative samples be made available, the court shall further order that the samples be obtained by a qualified crime scene technician acting on behalf of the party seeking to obtain the samples or by the law enforcement agency in possession of the evidence, which also shall preserve and store the representative samples until the representative samples are released to the custody of a DNA testing facility.

- F. The Criminal Investigation Unit supervisor shall, prior to disposing of any scientific identification evidence, confer with the State's Attorney and obtain written authorization to dispose of such evidence.

83.3 Evidence Handling

83.3.1 Collection of known sources

Whenever possible, materials and substances will be collected from a known source for submission to a laboratory for comparison with physical evidence collected. This is especially important where such materials as hair, fibers, fabrics, paint, glass, wood, soil, etc., are involved.

83.3.2 Submission of Evidence to Outside Agency Laboratories

The services of a forensic laboratory are required when evidence is to be:

Identified as to substance; i.e., drugs, blood, poison, chemicals, etc.

Compared to other submitted materials in an attempt to establish a link between the evidence and a suspect. In this case, items from the known source must be submitted for comparison. For example, latent prints from a burglary are submitted. In order to connect a suspect to the location of the crime, known prints of the suspect must be submitted for comparison. Carpet fibers are on the clothing of a crime suspect. In order to link the suspect to a particular location, known fibers from that location must also be submitted for comparison. Semen is recovered from a rape/homicide, and a suspect is developed. In order for DNA testing to be done on the suspect, blood must be obtained from him/her for comparison.

- A. It is the responsibility of the investigating deputy to request necessary laboratory examinations, and to ensure the proper forms/letters requesting the examination are completed.

Forensic evidence will be submitted to a laboratory in a timely fashion unless otherwise directed by the State's Attorney's Office. This should be detailed in the Criminal Investigation Report.

Assistance may be requested from CIU personnel. The primary laboratories to be used by the Sheriff's Office for forensic examinations are:

1. The Western Maryland Regional Crime Laboratory located at the Hagerstown City Police Building.
 2. The Maryland State Police Crime Laboratory.
 3. The Federal Bureau of Investigation Laboratory
- B. When it is necessary to submit items for laboratory analysis, the following procedures will be followed:
1. Submissions of evidence to the Western Maryland Regional Crime Laboratory:
 - a. CDS may be submitted for analysis to the Western Maryland Regional Crime Laboratory at the Hagerstown City Police Building. CDS will be submitted in a sealed container, with a "Western Maryland Regional Crime Laboratory" form attached with all applicable captions completed to include chain of custody. The CDS, prior to submission to the laboratory, will have been processed and packaged in accordance with this Order.

- b. The CDS may then be taken to the Western Maryland Regional Crime Laboratory by the investigating deputy and given directly to the technician or deposited in the laboratory drop box. CIU personnel will periodically check the lab for analysis requests that have been completed.
 - c. It is the responsibility of deputies submitting CDS for lab analysis to track their evidence and ensure the defendant has a copy of the results within the time frame prescribed by law, (10 days before scheduled court date). When the deputy becomes aware that the lab analysis results will not be available for trial, he will immediately notify the State's Attorney's Office.
 - d. All other evidence sent to the Western Maryland Regional Crime Laboratory will be packaged and submitted as per the guidelines of the laboratory. The specific type of test for analysis to be performed by the laboratory will be detailed on the "Lab Analysis Test" form.
2. Submission of Evidence to the Maryland State Police Laboratory:
- a. All evidence must be accompanied by the MSP request for laboratory examination/chain of custody log. If more than one type of examination is requested on an individual item; i.e., blood analysis and latent prints from a knife, list both requests on the "MSP Lab Analysis" form. MSP Laboratory personnel will determine the order in which the examinations are performed. Evidence submitted to the MSP Laboratory for examination will be in accordance with MSP Laboratory "Guidelines for Submitting Physical Evidence", available from a Criminal Investigator.
 - b. Evidence sent to the MSP lab will be packaged in the following manner:
 - 1) Each item will be packaged individually and clearly labeled. The packaging will be secure enough to prevent leakage or contamination during shipment.
 - 2) Submitting deputies will coordinate with the CIU supervisor to ensure that evidence is transported and retrieved in a timely manner to and from the MSP Lab. In most instances, evidence may be hand delivered to the MSP Laboratory by the investigating deputy or CIU personnel. It is the responsibility of personnel conducting an

investigation to keep track of evidence submitted for analysis.

3. The Federal Bureau of Investigation (FBI), the Bureau of Alcohol, Tobacco, Firearms (BATF), and the U. S. Secret Service will perform many types of evidence analysis at the Department ' s request. The investigating deputy requesting the examinations will coordinate the following procedures when requesting analysis:
 - a. A transmittal letter will be written for the Sheriff ' s signature describing the evidence, listing the type(s) of examination requested and a brief summary of the case investigation.
 - b. Each item of evidence will be individually packaged and labeled.
 - c. Items will be placed in a box that is properly sealed to prevent leakage or contamination during transit. The box will be marked "evidence" .
 - d. The transmittal letter will be placed in the envelope marked "INVOICE". The envelope will be attached to the outside of the sealed box.
- C. The submitting deputy or CIU personnel will complete the chain of custody entries on the departmental property sheet when transferring evidence for analysis.
- D. The submitting deputy or CIU personnel will get a receipt or a signature on the departmental property sheet to ensure the maintenance of the chain of custody for all evidence, which is transported to analysis.
- E. It is the responsibility of the Laboratory to submit a written report

All forensic laboratories currently utilized by the Sheriff ' s Office transmit findings in writing. Should the department find itself in a situation in which results are given verbally only, personnel requesting the laboratory work will request the findings be submitted in written form also.

- F. Evidence may be held

Evidence may be held in the Property Room pending collection of comparison items for submission to a laboratory. The FBI Handbook of Forensic Science can be referred to regarding preservation of evidence. Perishable evidence such as blood or blood stained items may be hand carried to the Maryland State Police Laboratory the same day as recovered, if possible. If such action is not possible, the items may be

placed in the Evidence Room refrigerator, or prepared for future transport in accordance with the FBI Forensic Science Handbook.

G. Syringes and other Contaminated Sharps

Syringes or other possibly contaminated sharps, to be transmitted to a laboratory for examination, will be transported in puncture resistant containers and sealed with biohazard tape. Any other articles that may possibly be contaminated with a blood borne pathogen will be transported in a leak resistant container also clearly marked with biohazard tape or decals.

H. Evidence Storage and Chain of Custody

Evidence retrieved or returned from a laboratory will be forwarded directly to the property room. The chain of custody log will be immediately updated by anyone taking possession of the evidence. Property room personnel will, upon receipt of evidence returned from a laboratory, sign the evidence back into the Property Room.

83.4 Training

1. Periodic training will be provided to all law enforcement personnel who routinely investigate criminal incidents. Training will include, but not be limited to:
 - a. Recovery of latent finger prints and palm prints.
 - b. Recovery of foot, tool, and tire impressions.
 - c. Photographing crime or accident scene.
 - d. Preparing crime or accident scene sketches.
 - e. Collecting, preserving, and transmitting physical evidence to include biological materials.
2. Criminal Investigation personnel who are required to process serious crime scenes or assist uniformed personnel will periodically be given specialized training in crime scene processing.

83.5 Controlled Dangerous Substance

- A. Special procedures will be used to ensure accurate accounting and safe keeping of controlled dangerous substances. Whenever CDS is submitted to the Property Room, the following procedure will be followed:

1. In the event a field test is necessary, assistance may be requested from the Criminal Investigation Unit or Narcotics Task Force personnel.
2. The submitting deputy will package CDS in a manner so as to safeguard against tampering. Multiple items of CDS will be counted; i.e., pills, Marijuana cigarettes, and the count listed on the property sheet. All CDS will be packaged in a tamper proof container either by heat sealing or by using evidence tape in such a way so as to make tampering obvious. Different types of CDS will be placed in separate containers. During Property Room inspections and inventories, CDS/Dangerous Drug Containers will be inspected for signs of tampering. The Property Control Officer will inspect CDS containers for any signs of tampering when releasing CDS for court or lab examination, and upon return of the evidence.
3. If a large quantity of CDS or suspected CDS is seized, it is necessary to submit only a sample for laboratory examination. For CDS in capsule form, in quantities of 50 or more identical items, a random ten percent (10%) of like capsules or tablets would be submitted for analysis. When bulk amounts are seized, submit random samples taken from each kilo, bale, etc. Only random cuttings of leaves, tips, stems, and seed stalks from marijuana plants larger than one foot should be submitted. Guidance pertaining to the submission and storage of large quantities of other CDS may be obtained directly from the laboratory. The Property Record will indicate samples submitted for lab analysis as follows:
 - a. Twenty five capsules of suspected CDS submitted for analysis
- package P-0000 #1 of 5; 975 like capsules remain in property storage.
 - b. Five pipes with suspected CDS residue remain in CDS storage facility - package P-0000 #3 of five.
 - c. One package containing two grams of suspected CDS, submitted for analysis in package P-0000 #4 of 5; 998 grams suspected CDS remain in property storage facility as package P-0000 #5 of 5.
4. A Western Maryland Regional Crime Laboratory "Request for Analysis" form will be completed for CDS requiring lab analysis. In this case, the "Request for Analysis" form will also serve as the departmental property record. The CDS will then be taken by the reporting deputy to the Western Maryland Regional Crime Laboratory at the Hagerstown City Police building for submission to laboratory personnel or placed in lab drop box, before the end of

duty tour. Submission to the lab will be done by the collecting deputy, if at all possible, to minimize the chain of custody. Personnel transporting CDS to the laboratory will complete the chain of custody portion on the accompanying form indicating receipt of the items and their transfer to the laboratory.

5. CDS will be secured by the end of the shift, either in the departmental Property Room or through transferral to the Western Maryland Regional Crime Laboratory for analysis.
6. Contaminated Hypodermic syringes will be sent for laboratory analysis only when it is critical to the successful prosecution of a case. Syringes will be transported in a puncture resistant container, in person if at all possible. Appropriate biohazard warnings will be placed on containers.
7. Upon receipt of laboratory results, the investigating deputy will immediately deliver a copy of the results to the attorney of record or to the defendant, no later than ten days before the scheduled trial date. Certified mail, return receipt requested, may be used.
8. To obtain CDS evidence from the property room, personnel requesting the evidence must notify the Property Control Officer or his designate at least five (5) calendar days prior to the trial.
9. Paraphernalia, (pipes, cigarette papers, bongs, spoons, etc.), without CDS residue will not be submitted for analysis but should be documented on the "Property Record" form. Such items will be recorded, processed, and disposed of in accordance with established procedures regarding personal property/evidence.
10. The Criminal Investigation Unit will be responsible for ensuring that the CDS has been picked up from the laboratory in time for court. The request for lab analysis and the results will be firmly secured to the evidence and it will be returned to the Property Control Officer or drop box of the property room.
11. When CDS or suspected CDS is taken into custody by the court, a Court Evidence Receipt will be attached to the property record to establish that it is no longer in the possession of this department. Upon completion of the Judicial Proceedings, and return of the evidence to this department's custody, the completed court evidence report will be attached to the property record.

83.6 Processing of Currency

- A. Special procedures are necessary for the accurate processing of currency. Whenever currency is taken into custody as evidence or found property, the following procedure will be used:
 - 1. Old or rare coins/currency, the date of each, and the denomination will be listed individually on the property form.
 - 2. Currency from multiple owners will not be placed in same envelope or recorded on the same property sheet.
 - 3. The reporting deputy will count any currency taken as evidence or found property. A supervisor will also count the currency in the presence of the reporting deputy. The supervisor verifying the amount will be documented in the report.

83.7 Hazardous Substances

- A. Any items considered as evidence or found property that have a danger of exploding; i.e., bombs, artillery shells, certain chemicals, will be photographed, if at all possible, where they are found. The State Fire Marshal's Office will then be contacted to take control of the items or provide assistance in collection, transportation, and storage.

83.8 Processing Recovered Stolen Vehicles - stolen vehicles will be processed as follows:

- A. The reporting agency will be promptly notified when a stolen vehicle is recovered. Communications Operators will immediately send a "locate" via the MILES/NCIC Computer regarding the recovered vehicle. The agency will be asked if they want the vehicle processed, and disposition of the vehicle. If distance or other factors make processing by the reporting agency impractical, Sheriff's Office personnel may process the vehicle, if requested to do so.
- B. If the reporting agency wishes the vehicle secured pending processing by their personnel, the vehicle will be towed to the departmental secured lot and cordoned with evidence tape. After processing, the vehicle will be removed and stored by the towing service that originally brought it to the Sheriff's Office.
- C. If the Sheriff's Office is the reporting agency, the owner of the vehicle will be promptly notified, by the Duty Officer, as to the recovery and when it can be retrieved. The vehicle will be immediately removed from the NCIC network if entered, and any lookouts given will be canceled. At the discretion of the Investigating Deputy, the recovered vehicle may be towed to the Sheriff's Office for processing. The Criminal Investigation Unit Supervisor will determine who will process the recovered vehicle.

- D. Stolen vehicles will be processed for latent prints, and inventoried. A chain of custody will be maintained when applicable. If the vehicle must be towed to the Sheriff's Office for processing, the investigating deputy will follow the vehicle in sight to maintain necessary chain of custody.
 - E. Vehicles towed to the department will be released promptly after processing if no longer required as evidence, and after any towing bills incurred by the department have been satisfied. Vehicles will be released upon proof of ownership, or to a person presenting a notarized letter of authorization from the owner.
- 83.9 Currency
- A. Currency will be treated as property, but will be handled as indicated below:
 - 1. Currency that can be identified as to ownership and not classified as evidence, will be returned to the owner or authorized representative as soon as possible.
 - B. Any currency coming into the care of departmental personnel will immediately be forwarded to the Property Control Officer for storage after completion of appropriate property records.
 - C. When currency is taken into custody as evidence, and the rightful owner is known, the reporting deputy will, as soon as possible, contact the State's Attorney's Office to determine to what extent the currency must be retained for evidence. Such currency will be returned to the owner as soon as possible.
 - D. Currency seized or recovered during an investigation of certain illegal activities shall revert back to the Washington County Treasurer as prescribed in the Criminal procedures Article. The "release" portion of the property record will indicate such releases.
 - E. Forfeiture proceedings for money seized in connection with CDS investigations may be initiated immediately as a conviction for the offense is not a pre-requisite. The investigating deputy will forward a detailed report with this request to the Sheriff, (excluding when NTF personnel have confiscated the currency). The report will outline the case and have copies of laboratory analysis, property record, itemized serial numbers and photos of the currency in question, and if applicable, the affidavit, search warrant and criminal investigation report.
 - F. The investigating deputy will follow the same procedure in forfeitures involving currency seized in connection with gambling where a conviction is required. This currency will also be turned over to the County Treasurer as prescribed by the Criminal Procedures Article.

- G. Any currency, such as collectibles and coins, or currency worth more than face value, will be retained as originally received and no other currency or coins substituted.
- H. Information for verification of rightful ownership where currency is involved will include:
 - 1. An accurate, (if not exact), description of the currency lost as to amount and denomination of bills.
 - 2. If valuable collectors items, a more detailed description such as type of currency or coins, serial numbers or years of coinage.
- I. When recording currency on a property record, the various denominations will be itemized. The words "total amount" and the exact total value will be entered at the end of the last entry.