

CHAPTER 9

RECORDS, EVIDENCE, AND PROPERTY

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CHAPTER 9

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A. Incident Reporting

1. Responsibilities

- a. When a complaint is received in the DNR Communication Center, all information will be properly coded and electronically entered on the Computer Assisted Dispatch, CAD System.
- b. The officer shall give the NRP Communications Center updates of incident status, including arrival and clear times, incident disposition and other necessary information.

2. Required Reports:

- a. The following incidents require an incident report to be submitted, by the officer assigned.
 - (1) Boating accidents, when the accident involves one or more of the following conditions:
 - (a) Death or Disappearance of a person.
 - (b) Personal Injury of a person involved in the accident.
 - (c) Property Damage in excess of \$2,000.00.
 - (d) Complete Loss of a vessel.
 - (2) Hunting involved accidents.
 - (3) Airplane crashes.
 - (4) Fatalities
 - (5) Incidents involving physical injury to a victim.
 - (6) Medical incidents, when provided medical treatment, transport, or investigation by a Natural Resources Police Officer.
 - (7) Vessel excise tax incidents.
 - (8) Catch-A-Poacher complaints.
 - (9) High speed vehicle pursuit.
 - (10) Discharge of a firearm under the following circumstances:
 - (a) In self defense
 - (b) To apprehend a fleeing felon
 - (c) Accidental discharge
 - (d) To give an alarm or call for assistance
 - (e) To engage in Aversive Conditioning of Nuisance Black Bears with approved rubber buckshot.
 - (f) In any instance where the discharge of the firearm resulted in injury or property damage.
 - (11) All non-lethal and deadly use of force incidents
 - (12) Stolen, Lost, or Abandoned Property.
 - (13) Operating while intoxicated arrests.
 - (14) Incidents involving CDS or paraphernalia.
 - (15) Resisting arrest or assault on police officer.
 - (16) Any crime that is not Natural Resources related, these include;
 - (a) All felonies
 - (b) Crimes against Persons
 - (c) Crimes against Property
 - (17) When an Officer issues a "Must Appear" citation.
 - (18) In preparation of a DNR Administrative suspension or revocation hearing.
- b. Field Arrest
 - (1) A field arrest will be completed in the RMS system any time a suspect is taken into physical custody.
 - (a) This includes DUI's, OWI's and other instances where a suspect is transported but not taken before a commissioner.
 - (b) A field arrest is not required for an investigative detention.

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B. Incident Notification

1. In order to effectively manage certain aspects of the NRP mission, it is essential that command staff members and state level executive leadership personnel be informed promptly of various incidents when they occur. The two methods of notifying the appropriate personnel are State cell phone and text message. State cell phone will be primary means of communication. Text messaging will update command staff as events evolve or status changes.
2. Examples of incidents that require notification include but are not limited to are:
 - a. The death of any employee and all on-duty serious injuries.
 - b. An officer kills or injures another person requiring immediate hospitalization, either deliberately or accidentally, on or off duty, for any reason or under any circumstances whatsoever.
 - c. The serious off-duty injury or serious illness of any active employee.
 - d. Serious incidents resulting in significant property damage to state property.
 - e. Incidents involving all manner of death, missing persons or violent crimes against persons.
 - f. Incidents which are newsworthy to the Department of Natural Resources and the media, including such things, as significant crimes, arrests or seizures.
3. The supervisor accountable for overseeing a significant incident as defined in in this section shall instruct the NRP Communications Center to send out a text message to NRP command staff. Maryland Park Service (MPS) command staff shall be notified if the incident affects the facilities or operations of the MPS. The supervisor shall provide information on the body of the text to be sent and ensure that the text is **accurate, complete, and correct** prior to transmission.
4. The Special Operations Division (SOD) commander, or his designee, shall be responsible for text messaging the following notifications to the Maryland State Police (MSP) state duty officer for dissemination to state level executive leadership:
 - (1) **Any incident involving death or serious injury** (this includes, but is not limited to, homicides, vehicle accidents, industrial accidents, fires, and other serious incidents.)
 - (2) Missing persons.
 - (3) Suspicious incidents that are newsworthy.

C. Citation and Warning Batching Procedures

1. How to Create a Batch
 - a. The issuing officer will code every citation, warning, parking ticket with the violation codes found in the Directory of Violations.
 - b. The number of warnings issued on an individual notice of violation shall be indicated at the bottom right corner of the headquarters copy by circling the number i.e.
 - c. Citations, warnings, and parking tickets shall be forwarded from the officer to the area office through their supervisor. The area office shall complete a Batch Transmittal Form for each batch of citations, warnings, and parking tickets. Citations, warnings, and parking tickets shall be batched separately.
 - d. Each batch of citations, warnings, or parking tickets, shall be grouped separately with a maximum of fifty (50) citations, warnings, or parking tickets in each batch.
 - e. Wrap the Batch Transmittal Form around each separate batch of citations, warnings, or parking tickets.
 - f. The batches will be forwarded to the DNR Law Enforcement Records Center on a weekly basis.

D. Dissemination of Information from Police Reports & Law Enforcement Records

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In order to comply with various statutes and regulations regarding the dissemination of information from public records (i.e., police reports and law enforcement records), the following policy sets forth minimum requirements that shall be complied with before a police report, or law enforcement record is released to anyone outside of the Agency or DNR.

1. Acronyms:

The following acronyms will be utilized to identify the various statutory or regulation sections that are used in this policy.

- a. (SG-R) – Annotated Code of Maryland, State Government Article, Title 10 – Government Procedures, Subtitle 6 – Records.
- b. (TA-R) – Annotated Code of Maryland, Transportation Article, Title 20 – Vehicle Laws - Accident & Accident Reports, Section 110 – Motor Vehicle Accident Reports
- c. (COMAR) – Code of Maryland Regulations, Title 08 – Department of Natural Resources, Subtitle 01 – Office of the Security, Chapter 06 – Public Information Requests. (08.01.06)

2. Definitions:

- a. Applicant – a person or governmental unit that requests to inspect a public record. (SG-R, §10-611).
- b. Custodian – an officer or employee of the Agency who is responsible for keeping public records of the Agency. Police reports and law enforcement records are public records. (SG-R, §10-611).
- c. Person In Interest – a person or governmental unit that is the subject of the public record, or a designee of the person or governmental unit. (SG-R, §10-611.)
- d. Personal Information – information that identifies an individual, including the following individual identifiers (SG-R, 10-611):
 - (1) Name
 - (2) Address
 - (3) Telephone number
 - (4) Social Security number
 - (5) Driver’s license number
 - (6) Any other identification number
 - (7) Medical or disability information
 - (8) Photograph
 - (9) Computer generated image
- e. Public Record – the original or any copy of any documentary material that is made or received by the Agency in connection with the transaction of public business. Public Records, such as police reports and law enforcement records, include the following (SG-R, §10-611):
 - (1) A card
 - (2) A computerized record
 - (3) Correspondence
 - (4) A drawing
 - (5) Film or microfilm

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- (6) A form
- (7) A map
- (8) A photograph
- (9) A recording
- (10) A tape

- f. Redaction – refers to the process of editing or blacking out of confidential text, words, sentences, or paragraphs in a document. It is intended to allow the selective disclosure of information in a document while keeping other parts of the document confidential.

Redaction of information from paper documents involves making a copy of the original document and crossing out portions of confidential text from the copy with a wide black pen, followed by photocopying the redacted result.

Effective redaction of electronic documents requires making a copy of the original document file and then the actual removal of the confidential text or image data from the copied document file.

- g. Sociological Information – means the following (COMAR, §06):

- (1) Personal address
- (2) Personal telephone number
- (3) Social Security number
- (4) Personal email address
- (5) Medical history
- (6) Educational history
- (7) Work history
- (8) Military service
- (9) Financial information
- (10) Religious preference, membership, and attendance
- (11) Personal relationships, beliefs, and values
- (12) Genealogical charts
- (13) Family history

3. Process for Applicants Requesting a Police Report or Law Enforcement Record

- a. Under no circumstances will an officer release a police report or citation to anyone outside the Agency. Providing approved reports to an authorized judicial officer for court purposes is an exception to this policy.
- b. Anytime a person or governmental unit outside of the Agency requests to inspect a police report or law enforcement record, they must complete and sign an NRP-495 (Request for Copy of Police Report). This form is available on the NRP website.
- c. The cost of inspecting and/or reproducing police reports or law enforcement records shall be \$5.00. The custodian may, at their discretion, waive this fee for other governmental units. (SG-R, §10-621; COMAR, §12).
- d. Before disseminating information from a police report or law enforcement record, the custodian shall insure that the applicant's information is complete and has been verified as required.

4. Information that is Prohibited for Dissemination:

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- a. In general, the custodian shall permit the inspection and/or reproduction of police reports and law enforcement records, unless there would be an unwarranted invasion of privacy of the person of interest. (SG-R, §10-612).
- b. Except for use in carrying out the Agency's governmental functions, the custodian shall not disclose any part of a public record that contains Sociological Information relating to an individual. (SG-R, §10-617; COMAR, §06).

To insure that no Sociological Information is released to an applicant, the custodian shall follow the redaction procedures set forth in this policy and redact the public record of all Sociological Information.

The redacted version of the public record shall be the only document that is disseminated to an applicant.

- c. The custodian shall deny inspection or reproduction of certain types of public records when the applicant is an attorney or a person associated with an attorney requesting the record for purposes of soliciting or marketing legal services. However, this section does not apply if the applicant is an attorney of record of a person named in the record or a person associated with such an attorney. The types of records that will be denied under this section include (SG-R, §10-616):
 - (1) Police reports of traffic accidents.
 - (2) Criminal charging documents prior to service on the defendant named in the document.
 - (3) Traffic citations filed in the Maryland Automated Traffic System.
- d. The custodian shall deny inspection or reproduction of a public record that contains the home address or home telephone number of an employee of the Agency. (SG-R, §10-617).
- e. For documents other than police reports or law enforcement records detailed in paragraph D.3 above, the custodian may not knowingly disclose a public record of DNR containing Personal Information, except for use in the normal course of business activity by a financial institution, its agents, employees, or contractors, but only (SG-R, §10-616):
 - (1) To verify the accuracy of personal information submitted by the individual to the financial institution.
 - (2) If the information submitted is not accurate, to obtain correct information only for the purpose of:
 - (a) Preventing fraud by the individual
 - (b) Pursuing legal remedies against the individual.
 - (c) Recovering on a debt or security interest against the individual.

To insure that no Personal Information is released to an applicant, the custodian shall follow the redaction procedures set forth in this policy and redact the public record of all Personal Information.

The redacted version of the public record shall be the only document that is disseminated to an applicant.

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5. Information that May Be Denied for Dissemination:

- a. The custodian may deny the inspection or reproduction of the following types of public records (SG-R, §10-618):
 - (1) Records of investigations conducted by the Agency.
 - (2) An investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose.
 - (3) Records that contain intelligence information or security procedures of the Agency or DNR.
 - (4) For those items listed in paragraph (1) to (3) above, a custodian may deny the inspection or reproduction to a person in interest only to the extent that it would:
 - (a) Interfere with a valid and proper law enforcement proceeding.
 - (b) Deprive another person of a right to a fair trial or an impartial adjudication.
 - (c) Constitute an unwarranted invasion of personal privacy.
 - (d) Disclose the identity of a confidential source.
 - (e) Disclose an investigative technique or procedure.
 - (f) Prejudice and investigation.
 - (g) Endanger the life or physical safety of an individual.
- b. The custodian may deny the inspection or reproduction of response procedures or plans prepared to prevent or respond to emergency situations (SG-R, §10-618). This would include the permissive denials of the Agency's Patrol Operations Plans, Incident Action Plans, or Continuity of Operations Plans, Emergency Operations Plan.
- c. The custodian may deny the inspection or reproduction of a public record that contains information concerning the site-specific location of an endangered or threatened species of plant or animal, or a species of plant or animal in need of conservation. (SG-R, §618).

6. Special Procedures for Dissemination of Motor Vehicle Accident Reports.

In accordance with the Annotated Code of Maryland, Transportation Article, §20-110, the following procedures shall be followed when responding to requests for copies of motor vehicle accident reports.

- a. For sixty (60) days following the date a motor vehicle report is filed with the Agency, the following are the only qualified persons who may access the report (TA-R):
 - (1) Individuals involved in the motor vehicle accident.
 - (2) The legal representative of an individual involved in the accident.
 - (3) The insurance producer, insurer, or employee or agent of the insurer of an individual involved in the accident.
 - (4) A State's Attorney or other prosecutor.
 - (5) A representative of a victim services program.
 - (6) An employee of a radio or television station licensed by the Federal Communications Commission.
 - (7) An employee of a newspaper.
 - (8) A unit of local, State, or federal government that is otherwise authorized to have access to the accident report in furtherance of the unit's duties.
- b. A person who accesses a motor vehicle accident report within sixty (60) days after the date the report is filed with the Agency shall present to the custodian (TA-R):
 - (1) A valid driver's license or other State-issued identification card.

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(2) Proof that the person is a qualified person listed in paragraph “a.” above who is authorized to receive the report.

- c. A qualified person requesting to access a motor vehicle accident report within sixty (60) days after the date the report is filed shall complete an NRP-495 and sign the following on the form:

“From the time a person is granted access to the report until 60 days after the date the report is filed, the report will not be used for any commercial solicitation of an individual listed in the report, and that the person will not knowingly disclose any information contained in the report to a third party for commercial solicitation of an individual listed in the report.”

Note: The prohibition against commercial solicitation does not apply to an insurance company or an employee of an insurance company of an individual listed in the accident report. Likewise, there is no prohibition against dissemination of information for news purposes to the general public by a legitimate media organization entitled to access the report.

- d. The custodian shall verify all information on the NRP-495 to insure that the applicant is a qualified person who is authorized to access the report.
- e. While the statute requires that a person be a qualified person for the sixty (60) day period following the time when the report is filed with the Agency, no such qualifications are required after this sixty day period. However, the custodian must still insure that dissemination of the report will not result in an unwarranted invasion of personal privacy or would not be contrary to the public interest.

7. Redaction Process

- a. To comply with statutory and regulatory requirements regarding the release of Personal Information, Sociological Information, or other confidential information, the custodian shall, as required by statute or regulation, redact the following Personal Information, Sociological Information, and any other confidential information from public records before delivering a copy to an applicant:
- (1) Name (To be redacted from all documents, except police reports and law enforcement records.)
 - (2) Personal address
 - (3) Personal telephone number
 - (4) Social Security number
 - (5) Driver’s license number
 - (6) Personal email address
 - (7) Any other identification number
 - (8) Photograph
 - (9) Computer generated image
 - (10) Medical or disability information
 - (11) Medical history
 - (12) Educational history
 - (13) Work history
 - (14) Military service
 - (15) Financial information
 - (16) Religious preference, membership, and attendance
 - (17) Personal relationships, beliefs, and values

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- (18) Genealogical charts
- (19) Family history

- b. To redact information from paper documents the custodian shall:
 - (1) Make a copy of the original document.
 - (2) Thoroughly examine the copy and cross-out in wide black pen or marker any portion of Personal Information, Sociological Information, or other confidential information that would be prohibited.
 - (3) Make a copy of the redacted version of the document for delivery to the applicant.
 - (4) Staple the original redacted version of the document to the NRP-495 (Request for Copy of Police Report) and retain in files for a three (3) year period.
- c. To redact information from an electronic file, the custodian shall:
 - (1) If it possible to make a printed copy of the electronic file in a readable format, then follow the procedures above for paper documents.
 - (2) If it is not possible to make a printed copy of an electronic file, then follow the procedures below.
 - (a) Make an electronic copy of the computer file.
 - (b) Thoroughly examine the electronic copy and actually remove any portion of Personal Information, Sociological Information, or other confidential information that would be prohibited.
 - (c) Once the electronic file has been redacted, save the redacted file.
 - (d) Issue to the applicant an electronic copy of the redacted file.
 - (e) On the original NRP-495 note that an electronic copy of the file was issued and the location of the file. The electronic version of the redacted file shall be retained for a three (3) year period.
- d. If the applicant is a person in interest, then that specific person's information does not have to be redacted from the public record. However, if the record contains information from any other person, then the other person's information must be redacted.

8. Denials of Requests for Police Reports or Law Enforcement Records.

- a. The custodian shall either grant or deny an applicant's NRP-495 within thirty (30) days of receiving the application (NRP-495).
- b. Before denying an applicant's NRP-495, the custodian shall confer with DNR's Office of the Attorney General.
- c. If a custodian denies an applicant's NRP-495, then the custodian shall (COMAR, §09; SG-R, §10-614):
 - (1) Immediately notify the applicant.
 - (2) Within ten (10) working days give the applicant a written statement that gives:
 - (a) The reasons for denial.
 - (b) The legal authority for the denial.
 - (c) Notice of the remedies for review of the denial.
 - (3) Permit inspection or reproduction of any part of the record that is not protected or confidential.

CHAPTER 9 SECTION II EVIDENCE AND PROPERTY

A. Handling of Stolen, Lost, Abandoned, or Seized Property – In General

This Section details the processing and handling of evidence and property in general, this Section will not apply to the Special Operation Division (SOD) Covert Operations Section (COS), as they follow their own internal policy and guidelines on the processing and handling of evidence and property. Should there be an issue not covered by the SOD COS policy, then this Section shall apply.

1. Definitions

- a. Stolen Personal Property - denotes that a theft has occurred. That is, the property has been taken away without legal right and without consent of the owner with the intent to deprive.
- b. Lost Personal Property - the owner has lost the possession or custody of it, involuntarily or by any other means. More particularly, the property was lost by accident or negligence, and the owner is ignorant of its whereabouts or cannot recover it by an ordinarily diligent search.
- c. Abandoned Personal Property - the owner voluntarily relinquishes his right to possession of the property with the intent of terminating his ownership.
- d. Found Property - property that was found that has no known owner at the time it was found.
- e. Evidence - any item, article, or property seized in furtherance of an investigation or prosecution.
- f. State Waters - any waters within the jurisdiction of the State and the territorial waters adjacent to its coast out to 3 miles.
- g. Property Storage Area - secured areas and evidence lockers/rooms.
- h. Temporary Storage Locker – a secure temporary evidence locker at a facility approved by the Area Commander. Property will not be held more than 72 hours in a temporary storage locker.
- i. Property Custodian - an employee, normally the Area or Unit Commander, responsible for implementing the property storage procedures as described in this policy. An alternate, who shall hold the rank of sergeant, shall also be designated.
- j. System Evidence ID Number – unique identifying number created by the Records Management System

2. Determination of Status

- a. The officer receiving the initial complaint shall be responsible for determining whether the personal property is stolen, lost, found, abandoned, or evidence as defined above.
- b. If ownership of the property can be determined and the property has not been reported stolen, the investigating officer shall take steps to make contact with the owner to make a determination of the property's status. All attempts shall be documented, including date, time, and method of contact, and person contacted, if any, in the RMS Incident Report prepared by the officer.
- c. If ownership of the property cannot be determined, the property shall be considered abandoned.

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3. Procedures

- a. If the property is found in this State and determined to be stolen, lost, abandoned or seized, it will be handled in the following manner:
 - (1) The officer responding to the incident will make a determination of the status of the property.
 - (2) Storage of lost and abandoned property on State lands will be handled according to paragraph A.7b. Storage of lost and abandoned property on private lands will be handled according to paragraphs A.3 thru A.8 of this section.
 - (3) Seized and stolen property. The Officer will obtain a Report Number; complete an RMS Incident Report, and a Chain of Custody Report (NRP-416-RMS). A Receipt for Seizure (NRP-101) will be completed and issued for all seized property.
- b. If the personal property displays an identification number the investigating officer shall request a check for possible registration information, and a check for wanted or stolen, through the DNR Communications Center.
- c. Seized/stolen/found property shall be processed as evidence. All property will be entered as “evidence” when being logged into the evidence room. Found property will be logged in as “evidence” but will include comments indicating it was found.
- d. All seized property shall be properly inventoried. If evidence is discovered during an inventory, then the evidence shall be handled accordingly. However, upon discovering evidence during an inventory, a search warrant must be obtained before the search of the property can continue, or the search must fall into one of the search and seizure fourth amendment exceptions.
- e. If the inventory is of a vehicle, vessel, or some other type of conveyance, then the inventory should be completed prior to its removal. However, when circumstances do not permit the inventory to be conducted safely then the inventory may be conducted later. In such situations, the inventory will be conducted as soon as the vehicle, vessel, or conveyance reaches the chosen storage location, providing that it does not leave the Agency’s custody.
- f. When property is seized, a Receipt for Seizure (NRP-101) will be completed, with one copy given to the owner and one copy retained by the investigating officer. The original is scanned and included with the report in RMS. If the property is returned to the water or donated and not held as evidence then the NRP-101 will be stapled to the citation or warning.
- g. Firearms, currency, and CDS evidence shall not be placed on the Chain of Custody Report (NRP-416-RMS) with other evidence. Separate Forms NRP-416-RMS and NRP-101 shall be prepared for firearms, currency, and CDS. The original NRP-416-RMS will be scanned and included with the original RMS Incident Report.
 - (1) The original form is to be retained by the property custodian while the property is stored at the facility. The original is to accompany the property when it is checked out for any purpose, and shall remain with the property until its final disposition. The final NRP-416-RMS and NRP-101 will be scanned into the approved original RMS Incident Report.
 - (2) Multiple copies of the NRP-416 are acceptable when property needs to be separated.
- h. An adhesive backed evidence label will be printed from the RMS and affixed to the evidence.

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(See next page for a sample label). If the evidence would be damaged by the label or does not have a surface to which it may be affixed, the label can be placed on a manila tag. Which is then affixed to the evidence with a wire tie. In the event an evidence label cannot be printed the following information will be written in permanent ink on a manila tag and affixed to the evidence.

- (1) Evidence ID number
- (2) Report Number
- (3) Seized By
- (4) Property Owner
- (5) Description of property as it was entered into RMS.

The System Evidence ID Number shall be noted on the Chain of Custody Report (NRP-416-RMS) which accompanies the evidence.

- i. The investigating officer must complete a final supplement to the RMS Incident Report detailing the disposition of the property (i.e., forfeited, unclaimed by owner, owner unable to be located, etc.) within 24 hours of the final disposition. The investigating officer will notify the appropriate Property Custodian of the final disposition. The property custodian will ensure that a final supplement stating the disposition of the property has been completed.
4. Temporary Storage of Property-Temporary storage refers to an approved secured temporary locker.
- a. To allow for drop-off of property and evidence after hours or when the Property Custodian and the alternate are unavailable, Commanders shall provide, secure storage lockers and freezers for temporary storage of evidence.

These lockers must be constructed so that once property is placed inside and the door closed by the seizing officer, the locker may only be opened by the Property Custodian and the alternate. The temporary freezer must be able to be locked once evidence is placed inside.

This locker will be secured by a keyed padlock for which only the Property Custodian and the alternate have the key.

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Sample Evidence Label



A3TRAIN

Evidence ID: 259

Exhibit #: 1

Report #: 14A300052 Supp # 0

Date: 08/01/2014

Seized By: Officer, 1, Officer, ID# 101

Location: Shelf A-F, Evidence Room

Offense(s):

Arrestee: Drunk Stout(W/F 01/02/1981)

Property Owner: Drunk Stout

Property: Property - APPLIANCE

Serial #: 1ERED1343; Make: Kenmore; Model: G200;

Color: White / White

- b. To allow for retrieval of property and evidence by officers after hours, or when the Property Custodian and the alternate are unavailable, Commanders shall provide, at each Area Office, secure storage lockers for temporary storage of evidence.

Evidence being released to an officer for court will be placed inside the locker, which shall be secured by a combination padlock for which only the Property Custodian, the alternate, and the seizing officer have the combination. The combinations will be changed after every use. (No key locks will be used when returning evidence to the officer.)

5. Storage of Property

- a. The Property Custodian shall maintain a Property Storage Area. The Property Storage Area shall be locked at all times, and access shall be limited to the Property Custodian and one alternate. At no time shall the keys to the Property Storage Area be left in a location where other persons have access to them. Extra keys shall be stored under the control of the Property Custodian.
- b. A Property Storage Area Access Control Log (NRP-460) will be maintained outside the Property Storage Area. Anyone entering the Property Storage Area for any reason shall sign in and out as they enter and leave the area. The log shall document the printed name and signature, date, time, and reason for entering the Property Storage Area.
- c. General property and CDS shall be stored in the Property Storage Area in bins, or on shelves labeled A-F, G-M, N-S, T-Z, and property placed in the bin, or on the shelf, corresponding to the last name of the seizing officer.
- d. The Property Custodian will refuse property not accompanied by the proper documentation.
- e. Property shall remain in the Property Storage Area at all times except when items are returned to their rightful owner(s), removed for presentation in court as evidence, for analysis, or for disposal.

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- f. Items too large to be stored at an Area Office will be transferred to Matapeake for storage.
6. The Property Custodian shall maintain all Chain of Custody Reports, RMS Incident Reports, and other documentation related to property.
 - a. Files for firearms, currency, and CDS will be maintained in a similar fashion but separate from those for general property.
 - b. When an officer is transferred or promoted to another Area, all property that has been placed in storage by that officer will remain in the Property Storage Area in the Area Office from which the officer is departing.
 7. Property Disposition
 - a. If property can be released to the owner, the officer shall attempt to do so without delay.
 - b. If the property is abandoned or found in state parks or other DNR land, then custody of such property shall be the responsibility of the managing authority of that land. If the property poses a threat to public safety (such as firearms or CDS) the officer shall take it into custody in order to determine its status and for proper processing.
 - c. All property received by an officer shall be documented by a Report Number, an RMS Incident Report, a Chain of Custody Report, if applicable, (NRP-416-RMS) and a Receipt for Seizure (NRP-101).
 - d. Property seized as evidence shall be released to its bona fide owner if directed by the court or State's Attorney. In all cases where property is released, the signature of the person to whom the property is released, acknowledging receipt of the property, will be obtained on the Chain of Custody Report (NRP-416-RMS).
 - e. The Agency will make application for title to any property held in accordance with Natural Resources Article 1-2A-01 of the Annotated Code of Maryland.
 8. Property Storage at Matapeake
 - a. When property must be transported to Matapeake for storage it shall be the responsibility of the officer seizing the property to provide proper security until the item(s) can be received at Matapeake.
 - b. When a seized vessel, vehicle, or property held as evidence must be transported to Matapeake for storage, the SOD Duty Officer is to be contacted through the DNR Communications Center to make arrangements for receipt of the property. The quartermaster shall be contacted for storage of non-evidentiary property.
 - c. Under no circumstances is a vessel, vehicle, or property to be left at Matapeake for storage without the consent of the Property Custodian.
 - d. A copy of all RMS Incident Reports, including supplements to the RMS Incident Reports, indicating case closure, property forfeiture (if applicable), and disposition of seized property, must be forwarded to the property custodian at Matapeake within 24 hours of final disposition.

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- e. The Property Custodian will refuse property which is not properly packaged, tagged, or accompanied by the proper documentation.

9. Audits

- a. Regional/Division Commanders shall conduct quarterly audits of the property records and Property Storage Areas under their command. An audit shall include a minimum of 10 items of evidence, unless the evidence room has fewer items.
- b. The property records and Property Storage Area at each NRP facility shall be audited annually by the Internal Affairs Unit (IAU). The IAU may conduct unannounced inspections at any time, in addition to the required annual inspections.
- c. The property custodian will conduct a complete audit whenever a property custodian alternate is replaced. The alternate property custodian will complete the audit if the property custodian is changed.
- d. Commanders will promptly notify their Bureau Chief through the chain of command of all discrepancies found during their quarterly audits. The Commander of the IAU shall also be notified.
- e. Commanders will initiate an investigation to resolve each discrepancy and forward all reports concerning the investigation through the chain of command to their Bureau Chief. A copy of this report will also be forwarded to the Commander of the IAU.

B. Handling of Seized Firearms

1. In addition to the general requirement in Paragraph A above, an officer shall follow the requirements of this paragraph whenever they seize a firearm.
2. The investigating officer seizing a firearm shall:
 - a. Insure that the firearm is unloaded and safe for handling.
 - b. Insure that an NCIC computer check is completed on the firearm to determine if it is stolen. The RMS Incident Report shall indicate that such a check was completed and will give the results of the check.
 - c. The property custodian shall insure that an ATF E-trace is conducted on a seized regulated firearm. The results of the trace will be forwarded to the seizing officer for inclusion in the RMS Incident Report. A list of regulated firearms can be found at:
<http://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Firearms/FirearmSearch.aspx>
 - d. Immediately after seizing a firearm and before the end of their shift, the investigating officer shall safeguard the firearm by placing it in a temporary storage locker approved by their Commander.
 - e. All firearms checked out of the Property Storage Area for court, analysis, or other purpose must be placed in a firearms box or carrying case prior to removal from the Area office building. The firearm shall remain in the box or carrying case unless its removal is necessary for presentation

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in court as evidence or for analysis.

3. Disposition of Confiscated/Forfeited Firearms

- a. After a case has been adjudicated by the courts and a firearm forfeited to the State, if no appeal has been filed within 30 days from the date of the final judgment, the investigating officer shall prepare a supplement to the RMS Incident Report detailing such and forward the report to the Area/Unit Commander/ Property Custodian.
- b. Once the Property Custodian is notified by the investigating officer that a firearm has been forfeited, the firearm, the NRP-416-RMS, the NRP-461, a copy of the report, and forfeiture order from the court, if available, shall be forwarded to the NRP Supply Services and Safety Education Unit Commander for storage at Matapeake within 90 days of the last date for filing an appeal.
- c. The NRP Supply Services and Safety Education Unit Commander shall arrange for disposal or destruction of all forfeited firearms annually.
- d. If a confiscated or forfeited firearm is converted to Agency use, prior authorization shall be received from the Superintendent. The NRP Supply Services and Safety Education Unit Commander shall ensure it is entered in the CEIS inventory as an Agency owned firearm.

4. Disposal.

- a. Any excess firearms will be disposed of in accordance with State statutes including the Annotated Code of Maryland, Criminal Procedure Article, § 13-201 – 206 Forfeited Property (Responsible Gun Safety Act of 2000).
- b. Excess firearms may be permanently disabled or destroyed after the NRP Supply Services and Safety Education Unit Commander prepares a record to include the serial number, make, model, etc.
- c. The destruction of firearms shall be witnessed by:
 - (1) The NRP Supply Services and Safety Education Unit Commander
 - (2) A Sworn NRP Officer
 - (3) A representative of the Management Analysis and Audit Unit of DNR if available to attend.

C. Guideline for Dealing with Protective Orders and Seizure of Weapons

1. Definitions:

- a. An Interim Protective Order is a civil court order to protect any person eligible for relief from abuse. This order shall be effective for not more than seven days after service of the order, and the court may extend the temporary ex parte order as needed but not to exceed 30 days. (Note: There is no requirement that the person surrender their firearms while they have only an ex parte order against them.). (See Family Law Article 4-505)
- b. A Final Protective Order is an order issued by the court to protect any person eligible for relief from abuse. This order shall be effective for the period stated in the order, not to exceed 12 months, unless the court extends the terms of the order. (A person is only required to surrender their firearms if the court has included that requirement in the order under Family Law Article 4-

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506(d)(12)).

2. Policy - Officers will ensure that all subjects found in violation who are in possession of a firearm will be checked for protective orders. This will be performed by running a warrant check through the DNR Communications Center.
3. Interim Protective Orders
 - a. If the subject has an active Interim Protective Order against them, an RMS Incident Report shall be completed.
 - b. Document the date, time, location, and type of weapon the person has in their possession. Do not seize the weapon for this violation.
 - c. Note the details of the stop and any charges that were placed.
 - d. Forward the report through the Chain of Command to the Commander of the Special Operations Division.
4. Final Protective Orders
 - a. If the subject has an active Final Protective Order against them, officers are to inquire through the Communications Center if the order requires the surrender of firearms.
 - b. If surrender of all firearms was not ordered, follow the Interim Protective Order guidelines.
 - c. If surrender of all firearms was ordered, the firearm is to be seized.
 - d. Advise the subject that they can seek the return of their firearm after the Final Protective Order has expired.
 - (1) If the firearm is a handgun or regulated firearm as defined in the Public Safety Article §5-101, the person is to be charged under the Public Safety Article §5-133 and any other violations found by the officer.
 - (2) If the firearm is a long gun, i.e., shotgun, muzzleloader or rifle that is not defined as a regulated firearm, do not charge with the above section. Currently there is no State violation to charge the person. This is a federal violation only.
 - e. The officer is to complete a detailed RMS Incident Report and forward a copy of the report to the State's Attorney in the county the Final Protective Order was issued and request it be reviewed for contempt of court.
 - f. The officer will forward a copy of the same report and request to the Commander of the Special Operations Division.
5. Return of Seized Firearms
 - a. Before any NRP officer returns a seized firearm to a defendant or owner, an NCIC check must be run on the firearm and the person who is receiving the firearm.

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- b. NCIC and Maryland Gun Center checks will be conducted on the individual when the firearm is seized and again before the firearm is returned.
- c. The firearm shall only be returned if all the checks come back negative.
- d. The last NCIC check is to be noted on the bottom of the Chain of Custody Report (NRP-416-RMS) as to the date, time, and results.
- e. If the firearm was seized for a Protection Order violation, a copy of the RMS Incident Report and NRP-416-RMS is to be forwarded to the Commander of the Special Operations Division so the case file may be closed.
- f. In the event that a seizure occurs and the person denies ownership of the firearm, the following will occur.
 - (1) The owner of the firearm shall have to provide proof of ownership and a detailed statement as to how the defendant obtained the firearm.
 - (2) The Property Custodian, with the assistance of the DNR Attorney General's Office, will render a decision as to whether or not the firearm will be returned before the Protection Order has expired.

D. CDS Evidence

1. When CDS and/or related paraphernalia is seized and a laboratory analysis is needed, the seizing officer shall:
 - a. Inventory the evidence.
 - b. Complete MSP-67, Request for Laboratory CDS Examination, Chain of Custody Log/Laboratory Report which remains with the evidence until it is destroyed and will serve as the legal chain of custody.

IMPORTANT NOTE: Do not write in the dark bordered area headed laboratory report. Do not include the weight on this form.
 - c. Prior to the end of the officer's shift; the seizing officer will seal the evidence in an approved plastic heat sealable pouch. (9 2" x 16", 4.5 mils thick).
 - d. The seizing/sealing officer will complete and attach a self-adhesive evidence label to the upper right hand corner of the pouch, next to the side of the pouch that the officer sealed. The seizing/sealing officer will also attach the RMS evidence ID label to the reverse side of the pouch in the upper left hand corner, next to the side of the pouch that the officer sealed.
2. The sealed CDS and MSP-67 will be transported to a temporary storage locker approved by the Area/Unit Commander or their designee by the conclusion of the officer's shift.
3. The Property Custodian shall make arrangements for the evidence to be transported to the MSP Crime Laboratory, if analysis is required. The Property Custodian is responsible for the security and maintenance of records associated with seized CDS and/or related paraphernalia while stored at their

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location.

4. When the laboratory analysis is complete, the laboratory will send a copy of the MSP-67 and analysis to the Area Office. (State's Attorney's Office in some counties not the Area Office)
5. When an officer seizes CDS or related paraphernalia for which there are no suspects and no prosecution is anticipated, the CDS shall be packaged and processed, and documented on an NRP-416-RMS,
6. In cases where long-term storage of CDS is not practical, such as with marijuana plants, the seizing officer shall obtain written authorization from the State's Attorney's Office in the appropriate jurisdiction to destroy the CDS. After authorization is obtained, the evidence shall be photographed in its entirety, random samples obtained for evidentiary and prosecutorial purposes, and the evidence destroyed pursuant to paragraph D10 of this section.
7. Once notified by the analyzing authority, the Property Custodian shall notify an officer that the CDS is ready for pick up from the laboratory.
 - a. The officer will then transport the CDS back to the Area Office and log the CDS in with the Area Property Custodian.
 - b. The CDS will be placed back in the locked CDS cabinet until needed as evidence or destroyed.
8. When CDS is no longer needed for evidence, or a case has been adjudicated by the courts and no appeal has been filed within 30 days, the officer involved shall prepare a supplement to the RMS Incident Report detailing such and forward the report to the Property Custodian through the chain of command.
9. CDS ready for destruction shall be segregated from CDS related to active cases and clearly marked that it may be destroyed.
10. Disposal of CDS
 - a. Bi-annually, during the months of October and April, each Regional Commander will coordinate with the Property Custodians within their region to make arrangements for the proper disposal of the evidence by contacting the Wheelabrator Incinerator in Baltimore Md. for an appointment.
 - b. Each region will designate at least one Property Custodian and a witness to package and transport the combined regional CDS to the Wheelabrator at the designated time. Proper disposal procedures will be followed as set forth by Wheelabrator.
 - c. Once the CDS has been disposed of, the Property Custodian shall complete an RMS Report for the destruction of the CDS evidence. The RMS report shall include:
 - (1) A list of each RMS Report number from which CDS evidence was destroyed.
 - (2) The date, time, and location of the destruction.
 - (3) The names of witnesses present during the destruction.
 - (4) A PDF scan of the MSP-67 and/or the NRP-416-RMS for each respective case required to be listed under (1) above.
 - (5) The custodian will email the CDS destruction report number to the IAU Commander immediately upon completion.
 - d. Bureau Commanders shall have the discretion to combine regions as they see practical.

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11. Theft or Loss of CDS

- a. Report any theft or loss of CDS immediately to the Area Commander. The Area Commander is responsible for the notification of the Superintendent of the theft or loss of any CDS through the proper chain of command. .
- b. An investigation shall be completed to determine the cause or circumstances of the theft or loss.

E. Currency

1. Currency that comes into the possession of an NRP officer, whether for safekeeping, as evidence, or for potential forfeiture to the Agency shall be handled with the utmost integrity for the protection of the officer, the Agency, and all other parties involved.
 - a. Currency shall be counted by the investigating officer and another sworn member of the agency, placed in a sealed evidence bag, and listed on the Chain of Custody Report (NRP-416-RMS) by specific denomination.
 - b. Both officers involved in counting the currency shall initial the Chain of Custody Report (NRP-416-RMS) in the margin alongside the entry for each denomination. Scan the NRP-416-RMS into the original RMS Incident Report.
2. Procedures for handling incidents where currency comes into the officer's possession as the result of a seizure, and is not needed as physical evidence:
 - a. The currency shall be packaged and placed in the Property Storage Area.
 - b. Within 5 working days, forward the currency to the NRP Administrative Services Bureau for deposit into the State Holding Account, where the funds will be held until adjudication of the case.
 - c. If the defendant is found not guilty, the arresting officer shall request in writing through the chain of command that a check be issued from the State Holding Account to the defendant.
 - d. If the defendant is convicted and the currency forfeited, the funds will be deposited into the appropriate DNR fund and will be considered for appropriation into the NRP budget.
3. For situations where currency comes into the possession of an NRP officer for the purposes of safekeeping, the procedures in paragraph E.2 will be followed, unless the currency is able to be released to the victim, victim's family, or other authorized person before the end of the investigating officer's shift, in which case it does not need to be forwarded to the Property Custodian. If the currency is able to be released to the victim, victim's family, or other authorized person within 15 working days, the currency does not need to be sent to NRP Administrative Services Bureau for deposit.
4. Currency that comes into the possession of an NRP officer which is of evidentiary value shall be placed in a sealed evidence bag and placed in the evidence room.
5. When currency has been forfeited to the Agency by the courts and no appeal has been filed within 30 days, officers will prepare a supplement to the RMS Incident Report detailing the court disposition and forward the report to the Property Custodian.

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- a. The Property Custodian will then forward the currency to the NRP Administrative Services Bureau for deposit in to the appropriate Agency account(s).

F. Biohazards, Sharps, and Syringes

1. Personnel shall utilize proper personal protective equipment when handling items containing bodily fluids. The risk of infection from handling these type items is very real.
2. Wet/biohazard items should be stored at room temperature or cooler, in a paper bag to permit the fluid to dry on the article. CIS personnel should be consulted for proper storage procedures prior to packaging this type of evidence. If it is determined that a crime technician cannot respond upon request then the specimens can temporarily be stored for no more than 8 hours. The item(s) will be relayed to the MSP Crime Lab at the conclusion of the 8 hours.
3. All biohazards should be clearly labeled as such utilizing red biohazard tape.
4. Sharps and syringes should be stored in appropriately marked sharps containers.

G. Hazardous Materials and Flammables

Hazardous materials and flammables shall not be stored in the Property Storage Area. Generally small samples of this type of evidence are sufficient for analysis and bulk amounts should be disposed of after the sample is obtained.

H. Debris Removal

1. Whenever an officer receives a complaint of floating debris upon the tidal waters of the state, they shall determine if the debris creates an obstruction or hazard to navigation. The Officer shall also ensure the USCG is notified so they can make proper public notification.
2. If the debris is a hazard to navigation the officer shall complete an RMS Debris Removal Incident Report, and forward the report, through the chain-of-command, to the Boating Services Abandoned Boat & Debris Program Coordinator.
3. If the debris does not create a hazard to navigation the officer will notify the DNR Communications Center of the status, and the Communications Center will forward a copy of CAD RMS Debris Removal Incident Report to the Boating Services Abandoned Boat & Debris Program Coordinator.
4. In determining whether debris or an obstruction is a hazard to navigation, consider the following factors:
 - a. Location of the debris/obstruction in relation to the navigable channel and other navigational traffic patterns,
 - b. Depth of water over the debris/obstruction, fluctuation of the water level, and other hydrologic characteristics in the area,
 - c. Physical characteristics of the debris/obstruction, and
 - d. Location of the debris/obstruction in relation to other obstructions or aids to navigation.

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I. Vessels

1. Abandoned Vessels

- a. A vessel is abandoned according to NR §8-721(a) if it has remained at a location without the consent of the owner or person in control of the property:
 - (1) More than 30 days on public property, including public marinas, docks, or boatyards
 - (2) More than 30 days
 - (a) At a private dock.
 - (b) At or near water's edge on private property.
 - (3) More than 90 days
 - (a) At a private marina or property operated by a private marina.
 - (b) At a private boatyard or property operated by a private boatyard.
 - (4) More than 180 days on private property other than those properties described above.
 - (5) Has been found adrift or unattended in or upon the waters of the State in a condition of disrepair as to constitute a hazard or obstruction to the use of the waters or presents a potential health or environmental hazard.
- b. Vessels willfully abandoned or willfully cast adrift upon any waters of the State, shall be handled as follows:
 - (1) When a report of an abandoned boat is received at the DNR Communications Center an incident number will be assigned. A NRP officer will be assigned to verify if any violation exists. Upon inspection of the abandoned boat the investigating officer will attempt to gather information to identify the owner of record.
 - (2) The investigating officer will complete an RMS Abandoned Boat Report and will take photographs of the vessel. The officer shall include all information on the report and be specific regarding the description of the vessel and its exact location
 - (3) The officer will secure and/or mark abandoned vessels and any other objects if they are an immediate hazard to navigation.
 - (4) The investigating officer may utilize NRP-419N (Abandoned Boat Notice) to give notice to any interested party that the boat is considered abandoned and the Department of Natural Resources will be taking legal actions to have the boat removed at the owner's expense.
 - (5) The responsible Supervisor will forward a copy of the abandoned boat report and photographs to the Boating Services Abandoned Boat and Debris Program Coordinator once finalized and approved.
 - (6) The Boating Services Abandoned Boat and Debris Program Coordinator shall send a letter to the last known owner(s) of record as a notification of the violation.
 - (7) If the owner or secured party fails to claim the abandoned vessel within three weeks after the certified mail notice or after the notice of publication is given, the Department may proceed

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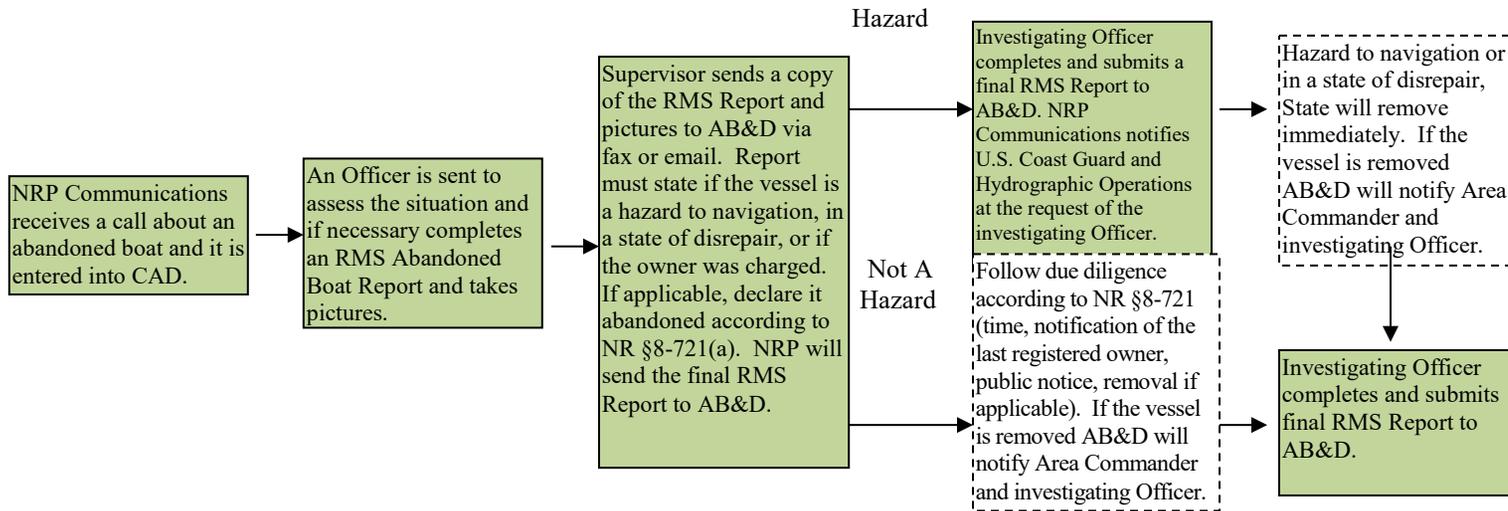
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to receive title to the vessel pursuant to '8-722 of this subtitle, sell the vessel at public auction, or otherwise dispose of the vessel.

- c. If a vessel is determined to be abandoned the officer is to inform the landowner of the procedure for acquiring title to the vessel in accordance with Natural Resources Article §8-721 and §8-722. The officer will complete an RMS Incident Report and RMS Abandoned Boat Report
- d. In the event the landowner does not want to exercise their rights under the Abandoned Boat Law, and wishes the boat removed, the officer shall remove the vessel and transport it to an approved storage area. The officer shall then complete the documents above and a Chain of Custody Report (NRP-416-RMS). The landowner shall be advised that they are relinquishing all rights and ownership to the vessel.
- e. The Boating Services Abandoned Boat and Debris Program Coordinator shall make arrangements for removal of any vessels when the owner fails to take the appropriate action.
- f. See the abandoned boat reporting flow chart on the next page.

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Flow Chart - Process for Reporting an Abandoned Boat



LEGEND

Natural Resources Police (NRP)

Boating Services
 Abandoned Boat & Debris Program (AB&D)
 580 Taylor Avenue, E-4
 Annapolis, MD 21401
 Phone: 410-643-6521
 Fax: 410-260-8453
 Web: www.dnr.maryland.gov/boating/abandonedboats.asp

In determining whether a vessel is abandoned, consider the following factors:

1. Location of the vessel in relation to the navigable channel and other navigational traffic patterns,
2. The criteria in NR §8-721(a),
3. Location of the obstruction in relation to other obstructions or aids to navigation, and
4. If the vessel is an eyesore, on land, or an annoyance to complainant it is not necessarily abandoned.

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2. Vessels

- a. If an officer recovers a vessel that cannot be immediately returned to the owner, or is seized as evidence, officer shall inventory the vessel and enter all items located on the vessel in the RMS Incident Report and complete a Chain of Custody Report (NRP-416-RMS).
- b. The inventory should be completed prior to the vessel's removal. However, when circumstances do not permit the inventory to be conducted safely, or the procedure is not practical in the given situation, then the inventory may be conducted later. In such situations, the inventory will be conducted as soon as the vessel reaches the chosen storage location, providing that it does not leave the Agency's custody.
- c. All property in the vessel must be inventoried, including items in unlocked baggage, unsealed boxes, etc. Items in locked containers should also be inventoried, provided that a key is available.
 - (1) All items valued at \$50 or greater will be removed from the vessel and secured following established property handling procedures. All items of lesser value shall be left in the vessel, and noted as such in the RMS Incident Report and listed on the Chain of Custody Report (NRP-416-RMS).
 - (2) Items such as clothing in a suitcase or tools in a tool kit need not be individually itemized, but may be described on the inventory simply as "miscellaneous clothing" or "vessel mechanic tools," etc.
 - (3) An inventory may extend to any part of the vessel where personal property would ordinarily be kept. If evidence or contraband is discovered during an inventory, a search and seizure warrant must be obtained before proceeding. If the officer is unable to make arrangements for timely return of the vessel to its owner, the vessel may be either transported to Matapeake for storage or stored at another NRP installation. In either case, the officer shall, immediately notify the Matapeake Property Custodian to make them aware of the situation.

3. Found Vessels

- a. The Matapeake Property Custodian shall, within 15 days of the recovery of the vessel, send a letter to the last registered owner, via certified mail, notifying them of the recovery of the vessel and the location where the owner may take possession of the vessel.
- b. If the last registered owner is unknown, or the certified letter is undeliverable, the Matapeake Property Custodian shall make arrangements for a public notice to be published in a newspaper of general circulation in the area the vessel was recovered.
- c. If the last registered owner fails to claim the vessel within 3 weeks of delivery of the certified letter, or publication of the public notice, the Matapeake Property Custodian shall proceed as outlined in paragraph L (Disposal of Vessels and Associated Equipment) of this chapter.

4. Vessels Seized As Evidence

- a. Vessels seized as evidence shall, as soon as possible, be transported to the nearest NRP installation which provides secure storage for the vessel and contents.

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- b. When a seized vessel is too large for storage at an NRP Area Office, or when the Area Office does not have adequate secure outdoor storage available for the vessel, then storage of the vessel shall be handled in accordance with paragraph A.8 (Property Storage at Matapeake) of this chapter.

J. Vehicle Towing and Storage

1. An officer investigating an incident involving a vehicle abandoned on DNR property shall determine if the vehicle is stolen, or has been previously reported as unattended or abandoned.
2. All property in the vehicle must be inventoried and included in the RMS Incident Report and listed on the Chain of Custody Report (NRP-416-RMS). The inventory should be completed prior to the vehicle's removal. However, when circumstances do not permit the inventory to be conducted safely, or the procedure is not practical in the given situation, then the inventory may be conducted later. In such situations, the inventory will be conducted as soon as the vehicle reaches the chosen storage location, providing that it does not leave the Agency's custody.
 - a. Items in locked containers should also be inventoried, provided that a key is available.
 - b. All items valued at \$50 or greater will be removed from the vehicle and secured following established property handling procedures. All items of lesser value shall be left in the vehicle, and noted as such in the RMS Incident Report and listed on the Chain of Custody Report (NRP-416-RMS).
 - c. Items such as clothing in a suitcase or tools in a tool kit need not be individually itemized, but may be described on the inventory simply as "miscellaneous clothing" or "vehicle's mechanic tools," etc.
 - d. An inventory may extend to any part of the vehicle where personal property would ordinarily be kept. Evidence or contraband discovered during a bona fide inventory may be seized and used for prosecution.
3. An officer investigating an incident involving a vehicle abandoned on DNR property shall determine if the vehicle is stolen, wanted, or has been previously reported as unattended or abandoned.
 - a. If the vehicle is stolen, the officer shall contact the SOD Duty Officer to arrange for the vehicle to be processed at the scene.
 - (1) All property in the vehicle must be inventoried and included in the RMS Incident Report and listed on the Chain of Custody Report (NRP-416-RMS). The inventory should be completed prior to the vehicle's removal. However, when circumstances do not permit the inventory to be conducted safely, or the procedure is not practical in the given situation, then the inventory may be conducted later. In such situations, the inventory will be conducted as soon as the vehicle reaches the chosen storage location, providing that it does not leave the Agency's custody.
 - (2) If there is no other reason to hold the vehicle after processing, it may be released directly to an authorized person. A receipt for release of the vehicle shall be obtained by the officer prior to releasing the vehicle.

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- (3) Whenever a vehicle is seized as evidence or seized for further processing, the investigating officer shall arrange for the vehicle to be towed to Matapeake or to another secure location approved by the Area Commander.
- (a) Officers shall have DNR Communications contact an allied State agency in order to obtain an approved towing company.
- (b) To maintain a proper chain of custody, the officer shall secure the vehicle prior to towing and follow the vehicle as it is being towed to the NRP installation.
- b. If the vehicle is not stolen, the investigating officer shall obtain an RMS Incident Number, and make a reasonable attempt to contact the last registered owner by telephone, or in person if the owner resides within the officer's normal patrol area, and advise them that the vehicle must be removed within 48 hours. All attempts to contact the last registered owner shall be recorded in the CAD system under the incident number obtained. Prior to removal of the vehicle, officers shall complete a property inventory of items with a value of \$50 or more.
- c. When a vehicle has been previously recorded in the CAD system as an unattended vehicle and less than 48 hours have elapsed since the initial entry, periodic checks will be made on the vehicle, and its subsequent removal recorded to close the incident in the CAD system.
- d. When a vehicle has been recorded as unattended for more than 48 hours, the investigating officer shall contact a supervisor for authorization to have the vehicle removed and stored. The supervisor shall verify with the Communications Center that reasonable efforts to contact the owner have been recorded in the CAD system prior to authorizing removal and storage.
- e. Officers shall have DNR Communications contact an allied State agency in order to obtain an approved towing company.
- f. When a vehicle is removed by the towing company, the investigating officer shall complete a Vehicle/Vessel Tow Report (NRP-428), which shall include instructions to the tow operator regarding the release status of the vehicle. In addition, the investigating officer shall notify the last known owner by completing a Citizen Tow Letter (NRP-428L), and sending it certified mail, return receipt requested, to the last known owner's address.
- g. The investigating officer shall record the name and telephone number of the towing company under the appropriate CAD entry.

K. Forfeiture of Seized Property

1. During the criminal court proceedings, the States Attorney's Office may at the request of the officer ask the court to order the seized property forfeited to the State. The court may accept this request and order forfeiture of the seized property to the State, or the court may instruct the officer to initiate forfeiture proceedings civilly.
2. It is the responsibility of the arresting/seizing officer to initiate civil forfeiture proceedings if the State desires to acquire the seized property. The arresting/seizing officer shall be responsible for filing all necessary court documents, and representing the State at all civil court hearings during the forfeiture proceedings.

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3. Seized property will be returned when a judge of a criminal proceeding denies a request for forfeiture. In this case, civil court action will not be initiated. All property is returned when a not guilty verdict is rendered.
4. The NRP officer is responsible to file a Request for Forfeiture (Form NRP-467) with the appropriate State's Attorney 15 days prior to the originally scheduled date of the court case. Some State's Attorney's Offices may elect not to have NRP officers file this form with their office. If this is encountered, it should be noted in the RMS Incident Report, which shall become part of the case file.
5. The NRP officer is responsible to send to the defendant in the case, via certified mail, a Notice of Forfeiture Intent (Form NRP-468) at least 15 days prior to the originally scheduled date of the court case.

L. Disposal of Vessels and Associated Equipment

1. All vessels and associated equipment stored at Matapeake shall be disposed of in accordance with Natural Resources Article, § 1-2A-02, § 8-721, and/or § 8-722.
2. All vessels and property stored by the NRP for a period in excess of six months, and of which the rightful owner cannot be determined, shall be disposed of in accordance with Natural Resources Article, § 1-2A-01, § 8-721 and/or § 8-722.
3. The RMS Property Transfer and Disposal form will be completed as a supplement to the report by the Property Custodian. The Property Custodian at Matapeake will ensure that all requirements of NR §8-721 and NR §8-722 (acquiring title) have been adhered to. Once the title has been transferred to NRP, the Property Custodian will be notified.
4. Vessels, vehicles, and/or property considered to be unserviceable, unseaworthy, and/or unsuitable for public sale shall, upon approval of the Department of General Services (DGS), be photographed, and disposed of. The Property Custodian at the Matapeake Multi-Purpose Facility is authorized to deal directly with DGS for this action.
5. All vessels, vehicles, and/or property scheduled for disposal shall be audited by a DNR auditor.
6. NRP shall have first refusal rights of serviceable vessels, vehicles, and/or property earmarked for disposal. Subsequent rights fall to other agencies within the Department prior to the publishing of a list of excess equipment which will be made available to all other State agencies.
7. All vessels, vehicles, and/or property not acquired by State agencies shall be offered for public sale in accordance with established procedures.
8. Money received from sale of vessels, vehicles and property will be placed in the Agency's operating budget.

M. Disposition of Seafood and Wildlife

1. Discretion should be used when disposing of dead fish and wildlife. Other than those circumstances mandated by law, such fish and wildlife may be donated to institutions or needy individuals who will use the dead fish and wildlife as a source of food.
2. In cases involving seafood or wildlife that may be legally sold, the seafood or wildlife shall be sold

CHAPTER 9 SECTION II

EVIDENCE AND PROPERTY

at fair market value and the proceeds from such sale shall be forwarded to the NRP Administrative Services Bureau for deposit in to the State Holding Account, where the funds will be held until adjudication of the case.

- a. If the defendant is found not guilty, the arresting officer shall request in writing through the chain of command that a check be issued from the State Holding Account to the defendant.
 - b. If the defendant is convicted and the currency forfeited, the funds will be deposited into the appropriate DNR fund and will be considered for appropriation into the NRP budget. A supplement to the RMS Incident Report must be submitted documenting final disposition of the funds.
 - c. If the defendant has chosen to dispose of the case by forfeiting collateral in lieu of standing trial, the investigating officer shall refer to the procedure in paragraphs K.4-5 (Forfeiture of Seized Property) of this policy, except that the 15 day requirement does not apply.
3. Eagles and other birds of prey shall be forwarded to the U.S. Fish and Wildlife Service for disposal.
 4. Under no circumstances is seafood or wildlife to be donated to any of the above if any monetary or material gains are to be realized from the donation. At no time will an officer keep any fish and wildlife or accept any parts of fish and wildlife for their own use. NRP personnel are prohibited from benefiting either monetarily or materially from any donation.
 5. In the case of a deer, a non-hunting deer tag (NRP-433) must be filled out with the name and address of the person or organization to which the deer was donated. The donating officer's signature must be on the tag.
 6. In the case of deer killed by motor vehicle, the deer may only be donated if the driver of the motor vehicle that struck the deer does not desire possession of the deer.

N. Retention of Records

1. The Chain of Custody Report is the officer's permanent record of the transaction. The original NRP-416-RMS will be scanned into the original RMS Incident Report at the conclusion of the case and final disposition of property.
2. The original RMS Property Transfer and Disposal Request (NRP-461), and property record receipts shall be scanned into the original RMS Incident Report at the conclusion of the case and final disposition of property.