

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: CONTROLLED DANGEROUS SUBSTANCES - SEIZURE		NUMBER: 622
EFFECTIVE DATE: November 13, 2014		REVIEW DATE: November 13, 2022
New X Amends Rescinds		Dated August 06, 2008
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01 Purpose: To establish guidelines for the handling of seized drugs (CDS) and paraphernalia.

02 Policy: It is the policy of this Department to submit all controlled dangerous substance (CDS) and CDS paraphernalia coming into an officer’s possession to the Montgomery County Police Crime Laboratory, via the *MCP Silver Spring Third District station*, either as evidence for safekeeping or for destruction.

03 General Procedures for Handling/Packaging: Any officer taking custody or otherwise coming into possession of suspected CDS/CDS paraphernalia will:

A. Transport suspected CDS/CDS paraphernalia to Takoma Park if an arrest is made and the evidence is being handled by the arresting officer.

B. Package CDS/CDS paraphernalia as follows:

1. Powder substances: Retain within whatever container the substance was originally received. Place in a Takoma Park Evidence Bag.

2. Tablets or Pills: Retain within whatever container the substance was originally received. Place in a Takoma Park Evidence Bag. Count and document the number of pills/tablets on the Montgomery County Police CDS transmittal form (MCP139).

3. Vegetation: Retain within whatever container the substance was originally received.

a.. Dry: Place in a Takoma Park Evidence Bag.

b. Live: Place in a paper bag and seal.

04: Arrest Procedures: Officers who make an arrest for possession of CDS and/or CDS paraphernalia will:

A. Field Test suspected CDS/CDS paraphernalia.

B. Take custody of the evidence.

C. Absent any compelling reason for further questioning, transport the defendant directly to Montgomery County Central Processing (CPU) and complete statement of charges.

D. Upon completion of statement of charges, transport seized CDS/CDS paraphernalia to Takoma Park to package and store as evidence as soon as possible. To minimize chain of custody problems, one officer will be responsible for packaging and sealing all evidence. Evidence from different defendants in the same case will be submitted separately.

E. CDS/CDS paraphernalia will be packaged in a Takoma Park Evidence Bag . The date and the packaging officer's initials are to be placed across the seal of the evidence bag. If not all the evidence will fit in one bag, multiple bags should be used. If the evidence is too bulky for the evidence bag, the evidence will be packaged in bags/boxes that are properly labeled and sealed with evidence tape. **Staples are not to be used** to seal evidence.

F. Fill out all information required on the Takoma Park Evidence Bag.

G. Complete a Montgomery County Police Evidence Transmittal Form (MCP139) and indicate for each item if it is to be tested by the Montgomery County Police Crime Laboratory or not.

1. The packaging officer will legibly complete all information on the MCP139 except those sections reserved for Crime Laboratory Section use only.

2. Include the full names of all defendants.

3. Do not enter more than five (5) separate exhibits for each MCP139; use additional forms as necessary.

H. List all CDS/CDS paraphernalia on Montgomery County Police CDS transmittal form (MCP139) and indicate if the property is to be held for evidence or is to be destroyed. The columns for type and number of containers must be completed but "CDS" can be used in the column for the description of property.

I. Enter all items into the Takoma Park property computer system. Then place all items and paperwork into a property storage locker.

J. The Takoma Park Property/Evidence Specialist will enter any evidence needing to go to MCP Crime Lab for analysis or destruction into the Montgomery County property system and obtain the bar code for the items.

Note: The arresting officer, **with the expressed approval of the Shift Supervisor on Duty**, may turn over the CDS/CDS paraphernalia evidence to another officer for transport to Takoma Park. The latter officer will, package the evidence, complete all paperwork, enter the evidence, document the transfer of custody from the arresting officer in the comments section into the Takoma Park property computer system and store accordingly, while the arresting officer transports the defendant to CPU to be processed.

05 Non-arrest Seizures and/or “Found” CDS/CDS paraphernalia Procedures: When CDS and/or CDS paraphernalia is obtained as “found” or is taken by an officer from a person, but no arrest is made, the officer will complete a Criminal Intelligence Form or an Incident Report detailing the incident. The officer thereupon will:

A. Take the contraband to Takoma Park where he/she will:

- 1.** Comply with packaging and submission procedures detailed in Section 04 A - J herein.
- 2.** On the MCP139, check box, “Evidence To Be Destroyed” and sign and date the form.

B. No field test is necessary on CDS being designated for destruction.

06 Submission to MCP Crime Laboratory:

A. No evidence will be delivered directly to the Crime Laboratory Section by a TPPD officer **except** evidence withdrawn from the Crime Laboratory Section for court or other processing purposes.

B. The Takoma Park Property/Evidence Specialist will deliver to the MCP property officer at the Silver Spring Third District, who will deliver the evidence to the Crime Laboratory Section.

C. No evidence other than evidence being returned from court will be deposited in the MCP Headquarters mailbox, MCP Third District, or Takoma Park by a TPPD officer.

07 Initial Laboratory Procedures:

A. Montgomery County Police Crime Laboratory, will retain custody of all CDS/CDS paraphernalia for evidentiary safekeeping or for destruction.

B. Montgomery County Police Crime Laboratory will test CDS once notified by the seizing officer that a court date has been set.

C. Montgomery County Police Crime Laboratory will send a report via the Silver Spring Third District to the Takoma Park Police Department once the drugs have been tested. Upon receipt of the report, it will be forwarded to the arresting/seizing officer.

08 Procedures for Court Appearances:

A. The arresting/seizing officer will, with the charging document, subpoena the MCP Crime Laboratory Section chemist (if appropriate).

B. When a court date is determined, the arresting/seizing officer will notify the MCP Crime Laboratory Section (Telephone No. 240-773-5135) of the court date so that the drugs may be tested. The officer will further confirm the chain of custody and confer with the State's Attorney's Office to determine who should be summonsed for trial.

C. MCP Crime Laboratory Section personnel are on a stand-by status for court appearances. Officers must have MCP Crime Laboratory Section personnel summonsed for each case necessitating their appearance. In addition, MCP Crime Laboratory Section personnel will be notified by the Assistant State's Attorney at least one-half hour in advance of the judicial proceeding as to whether they are needed.

D. The officer will contact the MCP Crime Laboratory Section prior to the court date to ensure that the drugs have been tested.

E. All evidence previously submitted to the MCP Crime Laboratory Section for examination must be retrieved from the lab during normal lab hours and taken to court by the officers involved. Chemists cannot bring evidence to court. On the court date, the arresting officer will go to the MCP Crime Laboratory Section to sign for and take custody of the drugs needed for court.

F. Disposition of CDS evidence that has been checked out of the MCP Crime Laboratory Section is the responsibility of the officer. As soon as the CDS has been used for evidentiary purposes, it will be returned **immediately** to the MCP Crime Laboratory Section or to the Takoma Park station and given to the Takoma Park Property Specialist or placed in a property box. If the Crime Laboratory Section is not open (e.g., after normal lab hours), it will be left in the mailbox (drop box) located in the mailroom at MCP Headquarters. Enter MCP Headquarters through the main entrance and the security duty will provide directions to the mailbox (drop box). No other evidence, photos, latent prints, or newly seized CDS will be deposited in the MCP Headquarters mailbox. CDS cases from 2010 and prior, ensure the MCP526 is updated to reflect the change in location and custody. A representative of the MCP Crime Laboratory Section will retrieve the CDS and MCP526 the next morning.

G. In the event trial is held in Circuit Court, and CDS is to be held there for more than one day, the officer must notify MCP Crime Laboratory personnel, using an MCP 720, "Court Retention of Evidence". The officer will secure the CDS and MCP526 in the evidence box located in the courthouse. The officer will then return to the TPPD station and fax a copy of the MCP720 to the Montgomery County Police Crime Laboratory, alerting the Lab staff that the CDS evidence is at Circuit Court for a trial. Once the court notifies an officer that the CDS can be picked up, the above return procedure applies. CDS checked out of the lab for other than evidentiary reasons (e.g., training) will be promptly returned in the same manner.

H. Officers will follow the same procedure outlined in Section 05.A for destruction of evidence after trial. Due to the appeal process, the Assistant State's Attorney assigned to the case will be consulted regarding a decision to destroy evidence.

09 Laboratory Disposition Procedures:

A. Approximately every six months, Montgomery County Police Crime Laboratory will submit disposition sheets to the Property Evidence Specialist of the Takoma Park Police Department. The Property Evidence Specialist will disseminate the disposition forms to the responsible officers and will allow two weeks for the forms to be returned. The Property/Evidence Specialist will then submit all of the forms back to the Montgomery County Police Crime Laboratory.

B. Montgomery County Police will destroy all CDS/CDS paraphernalia designated for destruction by the arresting/seizing officer.