



RELEASE & DISPOSAL OF PROPERTY

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I. POLICY

To avoid depriving owners of their property, it is the policy of this department to release found, recovered, and evidentiary property to the lawful owner or his/her representative within six months, after legal requirements have been satisfied, unless otherwise instructed by competent authority. This directive includes property seized by court order, such as a search warrant.

II. RELEASE OF PROPERTY

A. Authority to release property being held in Property Management will not be granted via telephone. If an officer determines property can be released which had originally been marked as "hold for evidence," the officer must:

- 1. Respond to Property Management and sign off on the original property slip; or
- 2. Send Property Management an inter-office correspondence indicating case number, description of property and to whom the property can be released; or
- 3. Complete a property disposition form sent out by Property Management.

The signature of the officer must appear on any document authorizing the release of property.

B. Every sixty (60) days the Property Management *Unit* will request investigating officers to update recovered property forms for possible release which are marked as "HOLD FOR EVIDENCE." Officers will respond to property disposition forms within seven (7) working days.

C. If an officer who recovered property is not available to authorize release or disposal of property, the Property Management Unit will obtain authority for release or disposal from the officer's commanding officer.

D. If property is being held for an officer who is no longer a member of the department, authority for release or disposal will be provided by the commander of the *Technology & Property Section*.

E. Property which is being held in temporary storage may be released to the owner on-site through the district property officer. (Except firearms)

F. When releasing property, which has been held as evidence, officers must adhere to the following guidelines:

STATUS/TYPE OF CASE	ACTION
Verdict of not guilty	Release/destroy evidence
Verdict of guilty (felony)	Hold for ten (10) years
Verdict of guilty (misdemeanor)	Hold for one (1) year
Verdict of guilty (auto manslaughter)	Hold for five (5) years
Open felony cases	Hold indefinitely
Open misdemeanor case	Hold for one (1) year*
Open auto manslaughter case	Hold for three (3) years
All homicide cases	Hold indefinitely or may be released with approval of SAO

**Any evidence related to a misdemeanor which has been entered into the National Integrated Ballistics Information Network (NIBIN) will be held for a period of 5 years.*

III. RETURN TO OWNER

A. Officers who recover property are required to notify the owner of its recovery. Information concerning notification is to be indicated on the property slip. Officers should make every attempt to return property to the owner while it is still in the officer's possession.

B. In the event an officer is unable to contact an owner to provide notification of recovery, notification will then be done by Property Management through first class mail within ten days of receipt of property. Notifications will instruct owners to pick up their property within thirty (30) days and will be noted on the recovered property form.

C. Should the owner not pick up the property within the thirty (30) day period, a second letter will be sent at the end of that period, stating the property must be picked up in thirty (30) days of the receipt or refusal of the letter or the property will be deemed abandoned and ownership will transfer to the Anne Arundel County Police Department.

D. Positive identification and proof of ownership must be provided by anyone claiming property to the satisfaction of department representative releasing property.

IV. RETURN TO FINDER

The Property Management *Unit* will return recovered property to the finder, if:

- A. The property is not claimed by the owner within 60 days;
- B. The property is not a weapon or contraband;
- C. The finder lays claim to the property within 60 days; and
- D. The finder/claimant has proper identification.

If the finder fails to claim the property, the ownership of the property will automatically transfer to the police department.

Property found by departmental personnel while on duty or while acting in official capacity, will not be released to the finder.

V. CONVERSION TO DEPARTMENT USE

Unclaimed or abandoned property may be converted to department use upon approval of the Chief of Police or his designee. Upon notification of approval the Property Management Warehouse Manager will coordinate the release of property to the appropriate component of the department.

VI. DESTRUCTION OF RECOVERED PROPERTY

Recovered property which is unclaimed and not suitable for use by the department may be destroyed, upon approval of the commander of the *Technology & Property Section*. Unclaimed weapons, not converted to departmental use, will be destroyed according to procedures established in the SOP manuals of the Property Management Unit and Staff Inspections Unit.

VII. AUCTION

Recovered property (except contraband & firearms) which is unclaimed, abandoned, not converted to department use, or no longer needed as evidence will be disposed of by auction. The Property Management Unit will prepare these items in lots to be turned over to a contracted auctioneer for storage and disposal. Specific procedures will be defined in the Property Management Unit SOP Manual.

VIII. FIREARMS OF HISTORICAL VALUE

By authority of the Chief of Police, weapons may be turned over to the Smithsonian Institution or the United States Army Ordnance Museum in lieu of being destroyed if it is determined by one of those institutions the weapon has historical value.

IX. RETURN OF PROPERTY BELONGING TO DECEASED PERSON(S)

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

A. The property may be returned to the surviving spouse of the deceased owner, if at the time of his/her death the owner was lawfully married to the current spouse and both the owner and spouse were legal residents of the state of Maryland.

B. In all other cases, the property may be returned only to the Personal Representative of the descendant's estate. Proof of appointment as Personal Representative by a court of competent jurisdiction must be furnished by the claimant.

X. DISPUTED OWNERSHIP OF RECOVERED PROPERTY

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

XI. PROPONENT UNIT: Property Management Unit.

XII. CANCELLATION: This Index Code cancels Index Code 1201.3, dated 01-09-09.