



**OFFICE OF THE COUNTY SHERIFF**  
**Montgomery County, Maryland**  
*Darren M. Popkin, Sheriff*



**GENERAL OPERATIONAL PROCEDURES**

<b><u>Subject:</u></b>	<b><u>Number:</u></b>	<b><u>Effective Date:</u></b>
<b>Submission of CDS Evidence to the Crime Laboratory</b>	<b>3.26</b>	<b>11/05/20</b>

**Purpose:** This directive establishes policy and procedure for submitting suspected Controlled Dangerous Substances (CDS) or CDS paraphernalia requiring laboratory analysis or destruction to the Montgomery County Department of Police (MCPD) Crime Laboratory.

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**I. General**

- A. Suspected CDS or CDS paraphernalia requiring laboratory analysis or destruction must be submitted to the Montgomery County Department of Police (MCP) Crime Laboratory through the Sheriff's Office Property Custodian.
- B. Any deputy who seizes suspected CDS or CDS paraphernalia requiring laboratory analysis or destruction is responsible for completing the following steps prior to the end of their tour of duty:
  - (1) Packaging and submitting the suspected CDS or CDS paraphernalia.
  - (2) Completing and submitting:
    - (a) Incident Report (MCSO9).
    - (b) CDS Evidence Transmittal Form (MCP139).
      - (i) When submitting for destruction only, check the "For Destruction" box.
      - (ii) Do not fill in the CR number.

- (c) Evidence/Property Transfer Report, MCP526.
  - (i) Do not fill in the CR Number.
  - (ii) Do not complete the “Submitted By” box.
  - (iii) Do not complete the “Assign to” box.
- (d) Seized Property/Evidence Log, MCSO10.

Complete the “Relinquished By” in the Chain of Custody Section.

## **II. Packaging CDS and CDS Paraphernalia for Analysis**

- A. To minimize chain of custody, one deputy must be responsible for packaging and sealing the CDS and CDS paraphernalia. Whenever possible, the deputy seizing the evidence should also submit the evidence.
- B. CDS field test kits are not evidence and will not be accepted into the MCP Crime Laboratory.
- C. Deputies must complete the MCP Evidence/Property Bag label.
  - (1) Do not fill in the CR Number.
  - (2) Sign and include your Sheriff’s identification number on the “Seized/Recovered/Collect By” line.
- D. Each item listed on the MCP526 must be placed into a separate MCP Evidence/Property Bag with a completed label.
  - (1) If the full amount of the CDS or CDS paraphernalia does not fit into one MCP Evidence/Property bag, multiple MCP Evidence/Property bags, with completed labels, may be used.
  - (2) If the CDS or CDS paraphernalia is too large to fit into a MCP Evidence/Property Bag, an appropriate sized, labeled, and sealed box must be used.
  - (3) All sharp or glass items must be placed into a sergeant safety tube before being placed into a MCP Evidence/Property bag. If the item does not fit into a sergeant safety tube, deputies must wrap the item in bubble wrap and then place it in a MCP Evidence/Property bag.
- E. Each MCP Evidence/Property bag or box must be sealed with evidence tape. Deputies must initial and date the MCP Evidence/Property bag or box across the seal. Staples will never be used to seal MCP Evidence/Property bags or boxes.

### III. Submitting CDS and CDS Paraphernalia for Analysis

The following items must be secured in the Sheriff's Office Property/Evidence Lockers:

- A. The packaged CDS or CDS paraphernalia.
- B. The CDS Evidence Transmittal Form, MCP139.
- C. The Evidence/Property Transfer Report, MCP526.
- D. A copy of the Incident Report, MCSO9.
- E. All three (3) pages of the Seized Property/Evidence Log, MCSO10.

### IV. CDS or CDS Paraphernalia for Destruction

CDS or CDS paraphernalia not connected to a criminal prosecution and not requiring laboratory analysis must be packaged and submitted for destruction as outlined in Section II and III. When completing the CDS Evidence Transmittal Form, MCP 139, check the "For destruction only" box and hand write "For Destruction" on the top left corner.

### V. Court

- A. The MCP Crime Laboratory will provide the submitting deputy a written laboratory report via the MCP139, *if an analysis is requested*.
- B. Deputies must subpoena Crime Laboratory personnel who will be on a stand-by status for court appearances. In addition, Crime Laboratory personnel must 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.
- C. All CDS evidence submitted to the Crime Laboratory for examination must be retrieved from the lab during normal lab hours and taken to court by the deputy involved. Chemists cannot bring the evidence to court.
- D. CDS evidence that has been checked out of the Crime Laboratory is the responsibility of the deputy. As soon as the CDS has been used for evidentiary purposes it must be returned immediately to the Crime Laboratory, *or the appropriate MCP district station*. CDS evidence being returned from court can occur three (3) ways.
  - (1) Immediately return the CDS to the Crime Laboratory *during normal business hours*.
  - (2) At a district station drop box, paperclip a note with the item explaining it is a court return along with name of the deputy, date, and time it was placed in the drop box.

- E. If the court retains the CDS evidence, deputies must notify Crime Laboratory personnel by completing the Court Retention of Evidence form, MCP720. Once the court notifies a deputy that the CDS can be picked up, the above procedures must be followed.

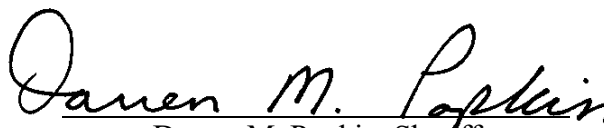
**VI. Retention**

The Sheriff's Office Property Custodian periodically sends inquiries to deputies that have submitted CDS evidence regarding the status of the case and whether the CDS may be destroyed. Deputies receiving such inquiries must consult with the Assistant State's Attorney assigned to the case prior to notifying the Property Custodian regarding any decision to destroy evidence.

**VII. Cancellation**

This directive cancels and replaces General Operational Procedures, 3.26 Effective Date: *12/19/14*.

AUTHORITY:



Darren M. Popkin, Sheriff

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