



# BALTIMORE CITY PUBLIC SCHOOLS

## GENERAL ORDER 10-26 SECTION G-3

### CONTROLLED DANGEROUS SUBSTANCES Revisions Approved: June 12, 2018

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This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. General
- IV. Responsibilities of Seizing Officer
- V. Effective Date

#### **I. DIRECTIVE**

The Baltimore City School Police Force (BCSPF) will ensure that control is maintained throughout the handling of all suspected or known controlled dangerous substances (CDS) as may be seized by sworn personnel of the BCSPF. Officers shall follow the procedures contained in this directive whenever CDS, as defined in the Maryland Annotated Code, Criminal Law Article, § 5-101 (g), come into an officer's possession.

#### **II. PURPOSE**

The purpose of this General Order is to establish guidelines for the handling and submission of suspected or known CDS.

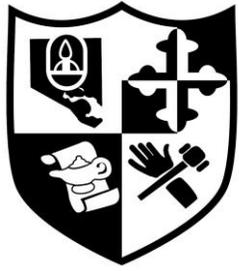
#### **III. GENERAL**

For the purpose of this directive, officers shall:

- A. Refer to controlled dangerous substances and related paraphernalia as CDS.
- B. Refer to the arresting, seizing or receiving member(s) as the seizing officer(s).

In order to determine whether a manufactured capsule or tablet is a controlled dangerous substance, officers may contact The American Association of Poison Control Centers, telephone number 1-800-222-1222, 24 hours a day, for assistance in verifying the substance.

After submission of CDS, officers shall submit all other property (to include money) while at the Baltimore Police Department's Evidence Control Section (ECS). Officers shall make the notation "Property submitted with CDS" on the field report.



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Wherever signatures are required, officers shall enter their full signature.

This General Order does not apply to CDS in the possession of a member of this agency which is lawfully prescribed by a member of the medical profession.

#### **IV. RESPONSIBILITIES OF SEIZING OFFICERS**

##### **A. Immediate Submission of CDS Evidence**

Seizing officers shall transport CDS immediately from the place of seizure to the ECS (Evidence Control Section) at BPD's Headquarters and request admission to the CDS Submission Room.

##### *Exceptions:*

1. While en route to the CDS Submission Room, an officer becomes involved in an event requiring immediate police action. An explanation on the Daily Activity Sheet of the delay is required, including the delaying event's central complaint number. Booking is not considered an event requiring immediate police action.
2. Officers are responding to a secured area designated by command for the purpose of completing CDS submission forms or displaying the CDS to the media in a significant drug seizure.

Officers submitting evidence shall ensure that it is suitably packaged and labeled so that its integrity can be protected during its transportation to the ECS.

The instructions for the process of CDS submission, including examples of completed Chain of Evidence Custody/Laboratory Report (Form 442) and Property Receipt (Form 56) are located in the CDS Submission Room.

A Chain of Evidence Custody/Laboratory Report (Form 442) and Property Receipt (Form 56) will be completed for each defendant. When completing a Chain of Evidence Custody/Laboratory Report (Form 442), after listing the defendant's name, officers shall indicate if the defendant is a juvenile or adult.

##### *Exception:*

3. If the CDS cannot be identified to any one defendant, officers shall list all defendants



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on the same form.

Additionally, officers shall complete the following steps:

4. Identify the probable cause item on the Chain of Evidence Custody/Laboratory Report (Form 442).
5. Make necessary entries in the log book maintained in the Submission Room.
6. Upon completion of the submission forms, ensure ECS verifies the inventory and photographs the CDS.
7. Seal the evidence and place it in the repository drop-chute in the presence of the ECS member.
8. Obtain goldenrod copy of the Property Receipt (Form 56) as receipt. Retain in case folder.

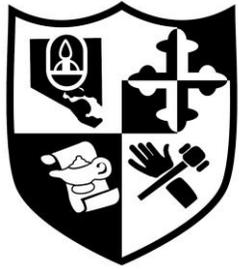
#### **B. CDS Gastric Content Evidence**

When an officer has firsthand knowledge to believe a person has swallowed CDS the officer should:

1. Arrest the suspect and immediately notify their supervisor. Transport the defendant to the designated hospital Emergency Room. Ensure the defendant is guarded for the safety of others and to maintain the chain of custody.
2. Advise the hospital staff and obtain a Search and Seizure Warrant for the arrestee's gastric content and urine sample.
3. Present a completed laboratory requisition form (obtained at ECS) and the signed Search and Seizure warrant to the staff physician, who will collect the described evidence.

Upon collection of the samples by the physician, the officer shall:

1. Have physician sign the chain of custody section on the requisition form.
2. Sign the requisition form.
3. Notify the laboratory by phone.
4. Give a copy of the Search and Seizure warrant to both the physician and the arrestee.
5. Have the arrestee transported to the Central Booking and Intake Facility (CBIF) for processing and the placing of charges.
6. Transport the evidence to the designated laboratory. Submit the sample to the technician and obtain receipt for the case folder.



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7. Prior to going off duty, forward a Form 95 to your supervisor informing them of the laboratory submission and include the suspect's name, charges filed, and the central complaint number.
8. Ensure that the written report from the laboratory is received within ten working days.

#### **C. Negative CDS Laboratory Report**

Immediately upon notification that that the laboratory analysis for all items is negative for CDS, officers shall confer with the Assistant State's Attorney assigned the case and prepare a written memorandum of this conference for the case folder.

#### **D. Removal of CDS from ECS**

Officers shall remove CDS from the ECS only for the purpose of court or a grand jury.

When removing CDS from the ECS officers shall present the following to ECS:

1. Court or Grand Jury summons for the case (if a case is continued beyond the first day obtain a summons for any subsequent appearances in order to remove CDS from ECS), and
2. Departmental identification card, and
3. Authorization for Removal of Evidence Form (Form 73/435)

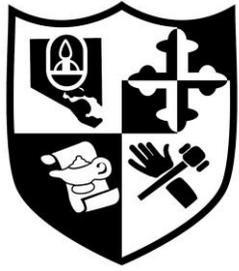
Officers shall ensure the evidence package(s) is sealed. If the seal is broken, officers must immediately notify the Commanding Officer, ECS, or designee.

Officers shall sign the Chain of Evidence Custody/Laboratory Report (Form 442) and Property Receipt (Form 56), and enter the required information on Property Taken to Court as Evidence (Form 369).

#### **E. Control of CDS in Court/Return to ECS**

Control is defined as having personal custody or being able to observe the evidence at all times.

Under agreement with the Administrative Judge of the Circuit Court, the Administrative



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Judge of the District Court, and the State's Attorney for Baltimore City, an officer is not to be directed to release control of the CDS evidence, not to leave CDS evidence in court overnight. (This agency does not have such an agreement with the federal courts.)

Should an officer be directed to release control of the CDS, the officer should diplomatically remind the proper authority of the above agreement.

NOTE: If an officer is sequestered while the evidence is before the court, the officer would be releasing control of the evidence.

Should the court or Assistant State's Attorney insist, the officer should:

1. Request and complete a Property Received as Evidence Form. (This form is available at the court)
2. State exactly what evidence was released on the Property Received as Evidence Form and the Chain of Evidence Custody/Laboratory Report (Form 442)
3. Have both receipts signed by the party requesting custody. Release control as ordered.

In any event where CDS is physically handed to an officer of the court, officers shall request that the seals not be broken unless such action is clearly in the interest of the case.

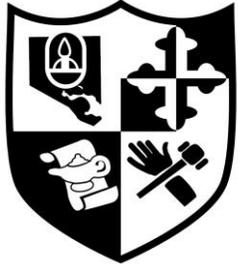
Should the evidence seals be broken, officers shall ensure the retrieval of all contents.

Officers shall return all CDS evidence immediately upon completing court duty as denoted above in this section. In the event the case is being heard in a Federal Court or the presiding Judge in the Circuit Court or District Court refuses to abide by the agreement, the officer shall, upon leaving the court, immediately proceed to the ECS with the signed Property Received as Evidence Form.

CDS returned to ECS may be subject to verification by re-analysis.

#### V. EFFECTIVE DATE

This Order shall be effective on the date of publication.



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I certify that I have read and fully understand this Order.

Signature \_\_\_\_\_

Date \_\_\_\_\_