

	<b>SFASU POLICE DEPARTMENT</b>	
	<b>Policy 12.1 Property and Evidence Management</b>	
	<b>Effective Date: 07/11/2019</b>	<b>Updated: 04/30/2021</b>
	<b>Approved: John Fields Chief of Police</b>	
	<b>Reference: TBP 12.01, 12.03, 12.04, 12.05, 12.06, 12.07, 12.08 / IACLEA 15.1.1, 15.1.2a - f, 15.1.3, 15.1.4, 15.1.6, 15.1.7a - d, and 15.1.8</b>	

## I. POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. The purpose of property and evidence management is to maintain those property items coming into the possession of the department in such a manner as to secure them from theft, loss, or contamination, and to maintain them for easy retrieval as needed.

## II. PURPOSE

The purpose of this policy is to establish property room procedures that will protect the integrity of the property and management system.

## III. ORGANIZATION AND ACCOUNTABILITY

- A. The Chief of Police will appoint a primary (CID Investigator) and an alternate property/evidence custodian (CID Corporal). The property/evidence custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The alternate property/evidence custodian serves as backup when the primary property/evidence custodian is unavailable.
- B. The property/evidence custodian reports to the criminal investigation's supervisor, who is accountable directly to the Chief and Deputy Chief of Police.
- C. The property/evidence custodian shall satisfactorily complete a TCOLE approved basic course on the management of the property/evidence function, on-the-job

training, continuing education and other related training courses, seminars and/or conferences as appropriate (IACLEA 15.1.1).

#### D. Duties Responsibilities

1. The primary duty of the property/evidence custodian is to log, classify, store, dispense, destroy, and release property and evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include but are not limited to the following:
  - a. Maintain evidence or property in such a manner that the individual items are secure from theft, loss, or contamination, and can be located in a timely manner.
  - b. Maintain property reports and other documentation associated with the “chain of custody” and status of all found, recovered and evidentiary property maintained by the agency (IACLEA 15.1.6).
  - c. Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found, or seized by the Police Services.
  - d. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.
  - e. Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.
  - f. Release of property for court, auction, disposal, or person legally entitled to the item.
  - g. Provide in-service training to department personnel regarding the appropriate logging, packaging, documenting, and storage of property and evidence.
  - h. Provide effective liaison between the department and local, county, state, and federal law enforcement agencies.
  - i. Represent the department while attending state and local associations involved with the management of property and evidence.
  - j. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
  - k. Maintain a clean and orderly property storage facility.

## IV. FACILITIES SECURITY

### A. Access

1. The property room is maintained as a secure location. Access to the property room and all other temporary or long-term property storage areas is restricted to the property custodian and the alternate property custodian. All other persons entering the property room will sign in and out on the property room entry log.
2. Other department personnel do not enter property storage areas unless escorted by a property custodian. Except for the property custodians, all Department personnel, visitors, contractors, etc., who enter the property room must sign in and out on the visitor's log, and the date, duration and purpose of the visit must be noted.
3. Property or evidence is removed from its storage location only by the property custodian or the authorized designee.
4. The doors, gates, or other closure devices to any storage area are secured whenever the property custodian or other authorized personnel is not on the premises (**TBP 12.04**).

### B. Key Control

1. One key is required to open the main property room door lock and deadbolt. The property custodian and alternate are the only individuals with keys.
2. Safe combinations, alarm codes, etc., are in a sealed property envelope, initialed and dated by the property custodian. That envelope is secured in the Assistant Chief of Police's locked key box as a backup for property room personnel. In addition, a duplicate envelope is maintain by university administrators in the Austin building. Inspection of these envelopes are part of all property room audits and inventories.
3. Property room personnel may not relinquish property room keys, combinations, or alarm codes to anyone other than authorized personnel.
4. When property custodians leave their assignment, the Chief of Police ensures that all locks, combinations, and codes are changed.

5. New locks are installed in the event that a key is lost or security is otherwise compromised.

### C. Alarms and Other Security Systems

1. The main property room has an internal audible alarm system monitored by police dispatch. Only authorized personnel have access codes (codes change as required).
2. Authorized personnel entering the main property room deactivate the alarm and keep it deactivated during normal business hours and when they occupy the room for any reason.
3. The alarm system is activated when the property room is closed, during non-business hours, or whenever the property room is unattended.
4. The property custodian tests the alarm system at least once a month to ensure it is functioning.
5. Firearms are stored separately from other property in the property room, secured in the safe or long-gun storage area. The safe remains locked at all times unless property is being stored, removed, or inventoried.
6. Controlled substances are stored separately from other property in the property room and secured in a safe. That safe remains locked at all times unless property is being stored, removed, or inventoried.
7. Money is stored separately from other property in the property room and secured in a locked safe. The safe remains locked at all times unless property is being stored, removed, or inventoried (IACLEA 15.1.3).

## V. CATEGORIES OF PROPERTY

- A. For the purpose of these procedures, property in police custody falls into these categories:
  1. Evidence. Evidence is property that comes into the custody of a police department employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official

criminal investigation. Evidence or assets seized for forfeiture are handled in the same manner as other evidence.

2. Found Property. Found property is property of no evidentiary value that comes into the custody of an agency employee, and whose rightful owner may or may not be known to the finder or the department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Department will dispose of the property in a time and manner prescribed by law.
3. Safekeeping. Safekeeping is property of no evidentiary value surrendered to an employee of the agency for temporary custody. This arrangement comes with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period, unless disposition by the Department, in a manner prescribed by law, is requested by the owner(s).

## **VI. DOCUMENTATION AND RECEIPT OF PROPERTY**

### **A. Documentation of Property**

The police employee accepting property with the intent of maintaining control of the property until the proper owner is located must write a report with the following components: (1) a description of the item (2) pertinent details of how the item came into the employee's possession and (3) complete information about the person who found the property, or the person from whom it was seized or recovered.

### **B. Receipt of Property**

The property custodian provides a receipt to any person from whom property is taken regardless of the classification of that property.

### **C. Computer Inquiry and Entry**

1. All employees make the appropriate inquiries to the TCIC on all serialized or identifiable items collected or seized prior to placing the item into storage. This determines if the property has been reported stolen or has been entered into the statewide system for any reason.

2. Dispatch verifies all "hits" before the item is confiscated. After verification, a dispatcher sends the "locate" information.
3. The offense and property reports reflect the status of the property items. The report also indicates that a "locate" was sent to the originating agency. It is the originating agency's responsibility to update the TCIC information from "stolen" to "recovered" status.

D. Property Forms: The property and evidence function require the use of the following forms:

1. Evidence Bags and Boxes

- a. Evidence bags and boxes. These serve as the primary method for submitting property for storage. A listing of the case number, date, location, applicable names, description of property, and officer's name and ID number properly identify the property and its origin.
- b. Chain of Custody Form. This form, submitted with each property container (bag, box, etc.), tracks the movement of the item, including its release.
- c. Property Tag. Officers affix a property tag securely to items that do not fit into evidence bags or boxes. This tag designates the case number, date of submission, and name and ID number of the submitting officer.
- d. Money Form. This form serves as the sole method for logging cash money into the property room. Cash is defined as United States coin and currency. Checks, credit cards or other negotiable items do not require the use of a money envelope. The property custodian does not accept money unless it is packaged and logged appropriately, according to the following procedures:
  - i. Itemize money by denomination, listing subtotals and total amounts.
  - ii. All money logged into the property room requires at least two officers or employees to verify the count.
  - iii. All money envelopes must contain at least two signatures verifying the amount listed and enclosed. The entering officer and verifying officer sign their names and numbers to the front of the envelope, and seal the envelope with tamper-proof security tape. Both then initial the back of the envelope prior to entering it into the property locker. For accuracy, the officers must conduct two separate counts on large amounts of cash.

- iv. Extremely large amounts of coin and/or currency seized can be difficult to package in a money envelope, e.g., coins stored in a large piggy bank or bottle, a large amount of bills in a briefcase or satchel. In those rare cases, it is acceptable to log the container and money as is. However, the need for a money count and money form still applies. Officers submitting the money secure the container with evidence tape to prevent tampering and tape the money form to the container.
  - v. Suspected counterfeit bills require a money form, but have no cash value. Make a notation on the outside of the money envelope reflecting that the contents contain suspected counterfeit bills.
  - vi. The money form is also used for foreign currency. Officers will indicate on the outside of the envelope that the envelope contains foreign currency.
- e. Property Receipt Form and Property Release Form. The Property Receipt Form serves as a receipt for property taken into custody and documents the release of property to other entities. The Property Release Form also authorizes the release of property. No property is released without a completed Release Form (TBP 12.01).

## VII. LOGGING PROPERTY AND EVIDENCE

- A. Officers who seize property and are able to determine ownership in the field may release the property immediately to the owner if the property is not needed for prosecution in a criminal case (if in doubt, officers should make contact with the investigating officer or the district attorney's office to determine prosecutorial need). If the property can be released in the field, the officer will complete a Property Release Form and have the owner sign for receipt of the property. The form will be turned into CID and the releasing officer's actions should be documented in a report that showed his/her actions (TBP 12.06).
- B. A written report is required for all incidences where property is seized and maintained by the department. In rare incidences, found articles temporarily controlled by the department and the owner of the property is quickly located (example: found wallet at a basketball game and the owner is located prior to the completion of the game), officers are allowed to document the incident in the department's CAD system and are not required to complete an incident report (IACLEA 15.1.2c).

C. Property that is seized by the department and not immediately released to the owner will be entered into the computer system and secured in the property room as soon after seizure as possible. Personal lockers, files, or desks are not approved storage for property or evidence items. Officers will log all property and evidence into the property lockers before the end of their shift (**TBP 12.03** and **IACLEA 15.1.2b**).

D. Maintaining property/evidence in a case file may be acceptable when it is necessary for the proper investigation of the case by the assigned detective; however, the property/evidence must first be logged into the property system and then signed out. The detective signing out the property/evidence is responsible for the evidence until returning it to the property room. The detective is also responsible for the integrity of the evidence while checked out.

E. Marking and Packaging

1. All collected property is marked for identification and packaged to avoid contamination.
2. Permanent and distinctive marks, such as initials, ID numbers, and case numbers, should be marked directly on objects collected (when possible) without damaging the evidence.
3. When unable to mark the exhibit itself (such as in the case of stains, hair, blood, controlled substances, etc.), the officer must place the item in a vial, envelope, box, bag or other suitable package, then seal and mark the container as instructed in item 2 above.
4. In instances where the evidence is large, complete identifying data may be recorded on an evidence tag and the tag affixed to the item.
5. Smaller items collected will be placed in the appropriate size package and the printed evidence tag on the package will be completed or an adhesive evidence tag will be completed and then affixed to the package.
6. The officer who collects the evidence shall tag it.
7. Each officer or investigator shall ensure all fields on the evidence tag is completed.



8. The property custodian is responsible for maintaining property packaging and storage supplies (IACLEA 15.1.2d).
9. Always package firearms, money and controlled substances separately from other property or evidence items. See section C above.
10. Firearms Evidence. The collection of firearms is appropriate for both criminal and non-criminal cases. Due to the very nature of these items, extreme care is taken to ensure the safe handling of all weapons and preservation of their evidentiary value. Weapons are unloaded only after the officer notes the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc. Note: Never place a loaded firearm in an evidence storage locker. Exception: If a weapon cannot be unloaded due to a mechanical defect the officer must attach a warning note to the weapon indicating that it is loaded. The property custodian arranges for the range master (or a qualified designee) to unload the weapon prior to placing it in storage or transporting it to a laboratory. Unfired cartridges may be left in the magazine provided the magazine is removed from the gun.
11. Hazardous Materials / Devices: No unexploded device, or a device that is suspected of being one that might explode, will be transported or stored in or about the police facility. No Class A explosive, such as dynamite, desensitized nitroglycerin, large quantities of fireworks, or more than one pound of black powder will be transported or stored in or about the police facility.
12. Money: All monies will be itemized by denomination and quantity on the approved money form before it is placed in a property locker (see Section C above).
13. Jewelry: Jewelry items will be packaged individually in an appropriate and suitable container such as an envelope, box, or bag.
14. Bicycles: All bicycles or portions thereof retained by police services are placed into the fenced property annex area. Different levels of security for the storage of bicycles may be utilized depending on the property classification of the bicycle (Evidence vs. Found Property).
15. Motor Vehicles: Motor vehicles requiring retention are stored at Aikman Parking Garage compound. Small motorized scooters are stored in the fenced property annex area. Note: Vehicles may be temporarily stored at the police

facility while being processed during a crime scene search. The keys for motor vehicles retained as long-term evidence (homicides, fatal traffic accidents or serious hit-and- runs) remain in the ignition of the vehicle if mechanically feasible. Otherwise, those keys are logged into evidence.

16. License Plates: License plates are the property of the Department of Public Safety (DPS, or appropriate motor vehicle department) from the state of jurisdiction. The public is permitted to use the license plate when the annual fees have been paid. License plates maintained as evidence are logged into evidence. Officers must attempt to return a found license plate to its owner. If that is not feasible, the officer logs the plate into property. The property custodian is then responsible for returning the plate to the owner or DPS.
17. Alcohol: Open containers of alcohol are not logged into the property room. The investigating officer witnesses the pouring out of the contents by the subject(s), and video records the act, and photographs the evidence. The officer then describes the condition of the container and its contents in the police report. A video is made of the destruction of the remainder and this video is attached to the report or otherwise submitted per department video submission policy. In cases of major crimes (example: sexual assault investigations), evidence of alcoholic beverages made be needed and should be collected, tagged, and logged into evidence (IACLEA 15.1.2e).

## VIII. TEMPORARY STORAGE FACILITIES

- A. After property is marked for identification and packaged, officers deposit the property into one of the following temporary storage areas:
  1. Metal Storage Lockers: Individual metal property lockers are located in the patrol/training room (room 128). Officers lock the property into an available locker and deposit the key into the evidence key box (also for the deposit of small evidence items, undeveloped film, etc.).
  2. Large Enclosure: All bicycles, large items, or parts thereof, are stored in a large enclosure located in the Aikmann Garage PG2. When items are to be stored in the enclosure, the officer will properly document the time and location property was secured.
  3. Refrigerator/Freezer: A refrigerator and freezer are located/secured inside the property room. During normal business hours, items that require refrigeration

are given directly to the property custodian for securing the item(s) inside the property room. If items that require refrigeration are collected after normal business hours, personnel are required to notify the property custodian (or alternative) and advise him/her of the need to secure the evidence inside the refrigerator. Property custodian or alternative will respond to the department and properly secure the evidence.

4. Hazardous Materials Storage Locker

- a. All Hazardous Material will be properly stored with the University Environmental Health, Safety and Risk Management Division. The officer consults with a member of safety division on any unknown substance prior to securing the substance. Officers ensure contact with supervisors to determine appropriate measures for storage or destruction.
- b. All flammable materials are placed in the hazardous materials storage drums before being stored by University Environmental Health, Safety and Risk Management Division.
- c. Fireworks are not stored, but instead photographed. Officers transfer all confiscated fireworks to the University Environmental Health, Safety and Risk Management Division and/or Nacogdoches Fire Department (IACLEA 15.1.4).

## IX. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

### A. Property Collection

1. On a daily basis, the property custodian or alternate inspects all temporary storage lockers, bins, and annexes to remove and process all property items.
2. The property custodian or alternate also completes the following:
  - a. assigns a bar code label or unique identifying number to each property item submitted,
  - b. makes the appropriate entries into the automated property system,
  - c. stores each item in the approved locations,
  - d. arranges for transportation to the laboratory for examination as required, and
  - e. arranges for destruction, release to owner, auction or other authorized disposition as appropriate.

### B. Property Inventory

1. The property custodian accounts for every item submitted into the property system. This process begins at intake.
  - a. The property custodian or alternate compares items listed on the property forms with those actually found in temporary storage. If any item is missing, the property custodian immediately notifies the on-duty supervisor. The submitting officer and/or the supervisor then corrects the discrepancy.
  - b. If the property custodian cannot find a missing item(s), he/she enters the item into the “Unable to Locate” (UTL) file and notifies the Chief of Police via email, explaining the circumstances surrounding the missing property. The supervisor forwards a copy of the email to the employee’s supervisor. Property connected to the case will not be processed until the missing material is found or the discrepancy has been corrected.

#### C. Improperly Submitted Property – “Right of Refusal”

1. Officers submit every item into property in a safe and thorough manner consistent with these guidelines and policy.
  - a. The property custodian has the authority to refuse acceptance of any property item submitted in an unsafe, incomplete, or otherwise improper manner as defined in this manual.
  - b. Property room personnel shall not accept any money, jewelry, or controlled substances if the seal, envelope, packaging, or container has been opened, tampered with, or otherwise improperly submitted.
  - c. The property custodian immediately notifies the on-duty supervisor, who follows up with the submitting officer's supervisor.
  - d. All personnel immediately correct a breach in safety protocol.

#### D. Property Storage

The following types of property and evidence are stored separately and according to the listed guidelines. Other miscellaneous types of property may be stored separately as the property custodian determines.

1. Firearms
  - a. The property custodian stores all firearms in containers (boxes) specifically designed for handgun, rifle, and/or shotgun. Exceptions can

be made for those weapons, which, due to size or other considerations, are not compatible for storage in such containers.

- b. The property custodian segregates all firearms from other types of property retained. All firearms, regardless of property classification, are stored in the weapons safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried, or inspected. NEVER store ammunition with firearms. All ammunition is stored in the ammunition bin.

## 2. Controlled Substances

- a. The property custodian segregates all drugs and narcotics from other types of property retained. All controlled substances, regardless of property classification, are stored in the narcotics safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried, or inspected.
- b. Officers count, verify, test, and weigh controlled substances (or suspected controlled substances) prior to sealing them in containers or bags. The officer then weighs the bag and notes "BW" (for bag weight) and the total weight in grams on the outside of the bag. The bag weight is entered in the property description line as "Marijuana BW 13 grams" or similar.
- c. Property custodian only opens sealed containers to facilitate the transportation and/or destruction of the item.

## 3. Money

- a. The property custodian segregates all money from other types of property retained. All money, regardless of property classification is stored in the safe or, if over \$100.00, deposited with the university cashier.
- b. The property custodian deposits money (over \$100) with the university cashier either the same or next working day. The property custodian seals the receipt and the Money Form in the original property envelope and returns it to the safe. The property custodian then makes notations in the computer system, showing that the money has been transferred to the cashier.
- c. The property custodian deposits smaller amounts of money with the university cashier when their cumulative total reaches \$100.00.

- d. Exception: When the money itself is evidence, subject to forfeiture (drugs), or examination, it remains in the safe until the CID supervisor clears it for deposit.
- e. The property custodian opens sealed containers only to release the money to its rightful owner or to transfer the money to a financial institution. At least one other police employee is present when opening any money envelope.
- f. The property custodian secures negotiable stocks, bonds, or bank securities in the safe with other money items. He/she assigns no value to the securities for purposes of showing a recovery value.

#### 4. Homicides

- a. The property custodian stores all items of evidence associated with a given homicide case together, unless that evidence requires storage elsewhere for additional security, safety, or preservation measures.
- b. Property associated with all homicide cases remain segregated from other types of property retained by the Department.

#### 5. Hazardous Materials

- a. The property custodian transfers and stores all hazardous materials in containers designated for that purpose.
- b. The property custodian segregates all hazardous materials from other types of property retained. All hazardous materials, REGARDLESS OF PROPERTY CLASSIFICATION, remain stored within a hazardous materials storage container identified by the University Environmental Health, Safety and Risk Management Division.

6. Property Management. Nothing in this manual prevents the property custodian from organizing property as deemed necessary for the efficient operation of the property function.

### E. Computer Entries: Computerized Property System

1. The property custodian enters all incoming property into the computerized property system as soon as possible. Information entered into this system includes the following:
  - a. Classification of property
  - b. Type/description of property
  - c. Quantity

- d. Case number
- e. Officer submitting property
- f. Location property stored
- g. Chain of evidence

#### F. Disposition of Property

1. The property custodian updates the status of all property retained in inventory as necessary.
2. The property custodian retains a complete “hard copy” file on each piece of property as a back up to this computer system. The backup files facilitate regular inspections, audits, and inventories.
3. TCIC / NCIC
  - a. Upon request, dispatch personnel check property items with serial numbers in the TCIC/NCIC system.
  - b. In all cases when releasing a firearm, detectives shall conduct a criminal history check of the person receiving the weapon. This establishes whether restrictions exist that prevent the release of the firearm to that individual. Additionally, detectives request a “stolen” check through TCIC/NCIC to confirm the status of the firearm.

#### G. Electronically stored Evidence

1. Video/audio recordings captured by in-car camera and/or body camera (or any other audio/visual camera source) that is determined to be evidence in a criminal case will be stored on the secure police department server.
2. Officers will download these recordings into the password protected records management system and document their actions in the case report.
3. Only authorized personnel, as assigned by the Chief of Police, will have access to these recordings (TBP 12.08).

### **X. PROPERTY AND EVIDENCE RELEASE GUIDELINES**

#### A. Persons Authorized to Release Property

1. The following persons may authorize the release of property under the provisions of this manual:
  - a. the investigating officer, assigned investigator, or the investigator's supervisor,
  - b. the Chief of Police and/or his designee,
  - c. a magistrate,
  - d. the district attorney's office, and

#### B. Release Authority

1. A court order is required for the release or disposal of property seized pursuant to a search warrant as well as for any property the ownership of which is contested.
2. Court action involving all suspects must be final and the district attorney's Office must approve the release.
3. All evidence or property collected in homicide cases is stored until the death of the defendant(s) or 99 years from the date of the incident.
4. Upon the Chief of Police and/or his designee approval, the property custodian disposes of property on no-lead cases after the statute of limitations is past. The statute of limitations for felonies is as follows:
  - a. No limit: murder, manslaughter, FSRA with death
  - b. 10 years: theft of estate by administrator, theft by public servant, forgery, indecency with a child, injury to a child, sexual assault
  - c. 7 years: misapplication of fiduciary property
  - d. 5 years: burglary, theft, robbery, arson, kidnapping, abandoning a child
  - e. 3 years: all other felonies.
5. The Chief of Police signs approval of evidence destruction on no-lead misdemeanor cases after one year from the commission of the offense.
6. The district attorney approves of property disposed of or released purely in the interest of justice when the statute of limitations has not expired. This applies to any felony or misdemeanor cases.
7. The property custodian retains any property requested for civil litigation until its release is approved by the CID supervisor. The CID supervisor or the Chief



of Police contacts the university general counsel prior to disposal of property cases where the university is party to civil litigation.

### C. Disposition Instructions (non-evidence)

#### 1. Found Property

- a. The investigating officer must attempt to determine and contact the owner(s) of found property. To do this, the officer will give identifying information, if any, (name, serial number, brand, model, colors, and so forth) of the property to dispatch, so that Telecommunicators can search our database for any matching lost or stolen property reports or property records.
- b. Officers shall contact owners of found property instructing them to contact the property custodian to schedule an appointment and claim their property (IACLEA 15.1.2d).
- c. For property that may be lawfully released to the owner, the assigned investigator or Property Custodian shall immediately attempt to notify the owner (by telephone or certified letter) that the department is holding their property and to make arrangements to retrieve the property.
- d. If the investigating officer is unable to contact and/or identify the owner of found property, the evidence/property custodian shall make every reasonable effort to learn the identity and notify the owner that the department is in possession of their property. If the owner is located, the property/evidence custodian shall advise the owner what steps are needed to retrieve the property.
- e. The Property Custodian or Alternate Property Custodian shall check the files bi-annually for property and evidence that is unclaimed or of no further evidentiary value, the Property Custodian shall then make arrangements for returning property to the owner.
- f. The owner has 90 days to establish ownership and claim the property.
- g. Exceptions: If sufficient evidence exists to file an asset forfeiture case, funds likely coming from illegal activity are retained. Also, if the owner claiming a firearm is not legally entitled to a weapon under the provisions of the law, or is prohibited from possessing a weapon, the CID supervisor determines the type of release or destruction of the firearm.
- h. Pursuant to Code of Criminal Procedure Art. 18.17, any found property having a value of \$500 or more and the owner is unknown will be

advertised as “found” in a newspaper of general circulation prior to forfeiture to the city or destruction.

- i. The property custodian processes all unclaimed property for auction, disposal, or transfer for departmental use (IACLEA 15.1.2f).

## 2. Safekeeping

- a. The property custodian returns property held for safekeeping upon the request of the legal owner or by legal mandate. The property custodian disposes of unclaimed property after 90 days.
- b. Prior to release of firearms, the property custodian requests a criminal history check on the owner or person who intends to pick up the weapon.
- c. The Chief of Police determines the disposition on firearms if the owner is not legally entitled to the weapon or is prohibited from possessing a weapon.
- d. The property custodian requests a TCIC/NCIC “stolen” check on the firearm prior to release.
  - i. If the firearm is stolen, an attempt is made to return it to the rightful owner.
  - ii. If the owner cannot be found, the weapon is destroyed per court order.
- e. When releasing a weapon to the owner, the owner presents a photo ID and provides proof of ownership, if requested. The owner must sign the property release form.
- f. All other types of property held for safekeeping are returned to the owner as soon as possible.

## D. Non-Essential Property/Evidence:

1. With the concurrence of the district attorney, property that is not essential to a prosecution or future prosecution is released to the owner as follows:
  - a. Property that has no market or investigative value as determined by the district attorney may be destroyed upon completion of the investigation with the district attorney’s permission. Examples include, e.g., glass fragments, or a mutilated bullet not suitable for comparison purposes.
  - b. Property held as evidence but not introduced during the trial is released to the owner upon receipt of a court disposition, provided the prescribed time for appeal has elapsed. In misdemeanor and felony cases, 90 days is the time allowed for an appeal.

- c. In all cases, the person who receives the property must present a photo ID and sign the property receipt.

#### E. Court Releases

Officers needing evidence or property for court presentation must complete a property release form and have the form signed by a supervisor. The form indicates "temporary release" for court. The officer gives the form to the property custodian, who then completes the chain-of-custody form and releases the item to the officer. In all cases, the person receiving the property must present a photo ID and sign the property receipt (IACLEA 15.1.2g).

### **XI. INTERIM RELEASE OF PROPERTY GUIDELINES**

- A. To facilitate the need for officers to remove evidence temporarily from the property room for further investigation, examination, court, etc., the following procedures are established:

1. The officer completes a property release form, has it signed by a supervisor who ensures appropriate need, and forwards it to the property custodian at least 24 hours in advance when possible, weekends and holidays excluded.
2. If exigent circumstances exist, property may be released to the officer with less prior notification.
3. Officers checking out evidence for court must sign and date the chain-of-custody form for all evidence released.
4. Officers return all evidence to the property room promptly, unless that evidence is held by the court.
5. Officers repackage or reseal evidence as necessary to ensure the integrity of the item. When evidence is placed in a new evidence bag, the old evidence bag is placed in the new bag along with the evidence, and with the chain-of-custody form on the old bag visible.

- B. The property custodian tracks evidence checked out for court and its return. After 72 hours, notification is given to the officer who has not returned the property.

## XII. DISPOSAL GUIDELINES

- A. Disposal of items held in the property room is made in a manner authorized by statute and as provided in policy.
- B. The property custodian disposes of no property item until receiving a release authorization from the assigned detective, CID supervisor, a court order, or written instruction from the district attorney's office.
- C. Final disposition shall be completed within twelve months after legal requirements have been met for all found, recovered and evidentiary property maintained by the department (IACLEA 15.1.8).
- D. Upon receipt of a court order, the property custodian disposes of property in the manner indicated in that order.
- E. Property to be destroyed is disposed of in the following ways:
  - 1. Property of little or no auction value is disposed of in an appropriate trash receptacle except as otherwise directed below:
    - a. Papers of a sensitive nature will be shredded.
    - b. The contents of open alcoholic beverage containers are poured down the drain before the container is disposed of in the trash.
    - c. Property of value (except firearms, money, ammunition, controlled substances, and hazardous materials) is sold at auction, destroyed, or designated for department use.
    - d. Handguns and assault weapons may be converted to department use (if appropriate and approved through the established legal process) or are destroyed. Hunting rifles and shotguns may be sold at auction. (see section 2, below.)
    - e. Ammunition is disposed of through pre-approved, designated agencies or designated for department use (see section 2, below).
    - f. Controlled substances are burned or otherwise disposed of as hazardous waste material (see section 2 below).
    - g. Hazardous materials are disposed of by the University Environmental Health, Safety and Risk Management division. Knives, clubs, BB or pellet guns, or other dangerous weapons are destroyed in the same manner as firearms.
    - h. All unclaimed money is deposited in the university's general fund, except rare coins or rare paper money that will be sold at public auction.

## 2. Disposition of Firearms

All firearms will be destroyed unless released to their rightful owner with two exceptions. Firearms that are scheduled for disposal that could be used by the department may be converted to departmental use upon written approval by the Chief of Police. These weapons will become the property of the department (if awarded by a court) and not individual officers, and will be tracked and accounted for on inventories and audits. Weapons of intrinsic collectable value or long guns (not handguns) of sporting value may be auctioned by the university during the regular auction process. Only those persons possessing an FFL may bid on the weapons.

Destruction process for firearms is as follows:

- a. The property custodian ensures the recording of the make, model, serial number, and involved case report number in the property management computer system.
- b. The property custodian destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).
- c. All firearms are inventoried prior to destruction.
- d. The property custodian updates the new status on all related documents and computer files.
- e. The property custodian, accompanied by an armed police officer, transports the firearms to a destruction facility. The property custodian and officer witness the destruction of each weapon and sign a certificate certifying the destruction.
- f. The property custodian retains all written documentation of destruction transactions.

## 3. Destruction of Ammunition

- a. Disposal
  - i. The property custodian is responsible for the proper destruction of ammunition not belonging to the department.

## 4. Destruction of Narcotics/Controlled Substances

- a. The property custodian destroys controlled substances and narcotic paraphernalia after receiving authorization for such disposal.
- b. If a controlled substance is evidence in a criminal case filed with the district attorney, destruction may not take place until the case is disposed

of and authority for disposal is given by the prosecutor assigned to the court. This authorization must be in writing.

- c. Items to be destroyed are pulled from their storage locations and placed in boxes labeled “Narcotics Destruction.” Each box is sealed, labeled, and numbered.
  - d. The property custodian prepares a list of applicable case numbers for each box, and attaches a copy of the related property reports.
  - e. The property custodian sets an appointment for disposal (crush or burn) and obtains the necessary documentation in advance.
  - f. Prior to destruction, the CID supervisor conducts a random test of the controlled substances scheduled for destruction in the presence of the property custodian and another observer to ensure its authenticity.
  - g. In the event a package shows indications of tampering (other than due to lab analysis), the property custodian pulls the package out of the destruction process and presents it to the CID supervisor. The supervisor initiates an investigation, which may include reanalysis of the drug by the lab.
  - h. An officer accompanies the property custodian while transporting the controlled substances to the disposal facility. Each attendee witnesses the destruction of the controlled substances and signs a statement to that effect. The contents of the statement comply with the Texas Administrative Code, Title 37, Rule 13.163.
5. Disposal of Hazardous Materials: The disposal of hazardous materials falls under a number of state and federal statutes. In practice, most disposals are regulated by law. Whenever questions arise regarding the proper procedures for waste disposal, the property custodian consults with the University Environmental Health, Safety and Risk Management Division for direction and assistance with disposal efforts (TBP 12.05).

### **XIII. AUCTION OF UNCLAIMED PROPERTY**

#### **A. Disposition of Unclaimed Property**

1. Found property of value not claimed within 90 days is subject to auction. Stolen or embezzled property is subject to auction if unclaimed by the owner after notification of a 90-day limit to reclaim the item.

2. Unclaimed property not governed by statute after being held 90 days from the date the owner was notified to claim the property is subject to auction, destruction, or diversion to department use.

B. Auction of Unclaimed Property

1. Unclaimed property may be auctioned by the university or may be auctioned by a private company contracted by the university.

#### **XIV. INSPECTIONS**

For purposes of this manual, an inspection is defined as a brief, informal, usually unannounced review of procedures, records, or facilities to ensure adherence to policy and established protocol.

- A. The Deputy Chief appoints an individual to conduct an inspection of the property room at least every six months and forwards a report of the inspection to the Chief of Police (IACLEA 15.1.7a).
- B. The inspection should concentrate on how the policies, procedures, and practices are followed. This inspection should be conducted by a supervisor or another officer not involved in the operation of the property room. The person inspecting the property room should become familiar with property room policies and determine if these policies are being followed. The inspection should include inspection of the security of the property room, the proper use of the sign-in log, the proper and up-to-date processing of property; both intake and disposal, the cleanliness and orderliness of the property room, and any unusual circumstances. The inspection will also require the property custodian to find a minimum of six items randomly selected from the property log by the person inspecting, to include at least one weapon, one drug and one money item.
- C. The Chief of Police may personally conduct frequent unscheduled; unannounced inspections of the property room and property function or assign someone for these inspections, as deemed appropriate. At least once a year, the Chief of Police will direct the completion of an unannounced inspection of all property storage areas. Documentation of these inspections reflects the date and results of that inspection (TBP 12.07 and IACLEA 15.1.7d).

## XV. PROPERTY INVENTORIES

- A. It is the policy of police services to receive and safely store evidence, found property and property for safekeeping; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion. The division uses the inspection and inventory process as a means to ensure the integrity of this policy.
- B. For purposes of this manual, an inventory is defined as a physical inspection and verification of the location of a property item maintained by the division against the agency's records.
  - 1. A complete inventory is conducted (1) at least once a year, (2) anytime a personnel change is made in the property room, or (3) when requested by the Chief of Police (IACLEA 15.1.7b).
    - a. The Chief of Police will assign an officer not connected to the operation of the property room to assist and observe the inventory. The property custodian will conduct the inventory with the assistance of the assigned individual (IACLEA 15.1.7c).
    - b. Every item stored in the property system must be accounted for. All property storage areas, rooms, and sites are included in the inventory process.
    - c. All packages, containers, or property tags are inventoried and reconciled with the computer or file system.
    - d. A copy of the inventory report is completed after each inventory and forwarded to the Chief of Police. This report includes any discrepancies and lists any missing items. The CID supervisor makes a determination if an investigation into the loss is warranted.
  - 2. A sampling inventory of individual items stored in the property room at least once a year, anytime a personnel change is made in the property room, or when requested by the Chief of Police.
    - a. The Chief of Police will assign an officer not connected to the operation of the property room to assist and observe the inventory. The property custodian will conduct the inventory with the assistance of the assigned individual.
    - b. Sampling will include the following: A complete inventory of all guns, drugs and money and at least fifty (50) other items located inside the property room. The inventory should be conducted by creating a list of all the guns, drugs, and money that is shown by records to be in



the property room, and then locating the items in the property room. The final part of the inventory will be done in two parts. The first part consists of randomly selecting the paperwork for 25 of the 50 items and locating them in the property room. The second part consists of randomly selecting 25 more items in the property room and locating the item paperwork for each item, which tests the record-keeping system.

- c. Sampling will include developing a random sampling process and sampling the number of items required for a 95% assurance with a +/- 3% error. The sampling process will rigidly follow the random sampling process and be documented. If more than a 4% error rate is determined, the Chief of Police shall order a complete inventory of the property room.
- d. A copy of the inventory report is completed after each inventory and forwarded to the Chief of Police. This report includes any discrepancies and lists any missing items. The CID supervisor determines whether an investigation into the loss is warranted.

C. Whenever a firearm, money, or controlled substances are discovered missing, the Chief of Police is notified immediately and an investigation initiated (**TBP 12.08**).