

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES and PROCEDURES

POLICY: 10.1 EVIDENCE PROCEDURES

REVISED DATE: 11.19.13

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 order is to establish property room procedures and protect the integrity of the Property and Management system.

III. ORGANIZATION AND ACCOUNTABILITY

- A. The Sergeant will serve as the Property Custodian. The Property Custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The Director serves as backup when the assigned Property Custodian is unavailable.
- B. The Property Custodian is accountable directly to the Director.
- C. The Property Custodian shall satisfactory complete a TCOLE approved basic course on the management of the property function, on the job training, and other related training courses, as appropriate.
- D. Duties Responsibilities

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1. The primary duty of the Property 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” for all property.
 - 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. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
 - i. Maintain clean and orderly property storage facilities

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 alternate Property Custodian. All other entry into the property room by any person is noted in 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

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enter the Property Room must be listed on the visitor's log (citing the date, duration and purpose of the visit).

3. Property or evidence is only removed from its storage location 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 leave or are not present.

B. Key Control

1. Keys are required to open the main property room doors. The Property Custodian and alternate are the only individuals with both keys.
2. The key to the processing room are assigned to each officer. The duplication or unauthorized possession of keys to secured areas is strictly prohibited. Loss of any key must be reported immediately to the Director.
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 Director 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. Property and Evidence Processing Room

1. The Property and Evidence Processing Room is off the patrol area and is meant for the processing of evidence and security for weapons and radios. Only authorized personnel have key to this area and officers are to ensure it is locked upon leaving it.
2. This room shall be covered by the departments security system.

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3. The Property Custodian ensures the room is being recorded by the system at least once a month.
4. Firearms storage is separate from other property in the property room, secured in the long gun storage area. Weapons in this area are to remain locked at all times unless property is being stored, removed, or inventoried.
5. Controlled substances or money storage is separate from other property in the processing room and secured in the safe. The safe remains locked at all times unless property is being stored, removed, or inventoried.

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, which 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 this 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).

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VI. DOCUMENTATION & RECEIPT OF PROPERTY

A. Documentation of Property

The police employee accepting that property documents the details upon taking property in to the Department. That report contains a description of the item, along with all other pertinent details of how the item came into possession. The report must also include complete information on the person who found the property, or from whom it was seized or recovered.

B. Receipt of Property

1. The Property Custodian provides a receipt to any person when taking property regardless of the classification of that property.

C. Computer Inquiry & 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 is reported stolen or otherwise entered into the statewide system.
2. The offense report property section reflects the status of the property items.

D. Evidence Log

The Evidence Log will include the date and time, officer, case#, description and evidence number. The evidence number is a continuous number from the 1st day of the month and is formatted as follows, YY/MM/###1. Evidence numbers generally will not match case numbers. The form will be kept on a clip board within the evidence processing room. When full it will be turned into the sergeant. Each piece for evidence submitted must be logged into the Evidence Log.

E. Property Forms

The property and evidence function requires the use of the following forms:

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1. Evidence Bags and Boxes

- a. Evidence Bags and boxes 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 submitted with each property container (bag, box, etc), tracks the movement or release of the item.
- 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 coin and/or currency. Checks, credit cards or other negotiable items do not require the use of a money envelope. The Property Custodian does not accept money not packaged or 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, 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, conduct two separate counts on large amounts of cash.
 - iv. Extremely large amounts of coin and/or currency seized which, because of the container or quantity of money, make it impractical to package in a money

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envelope (e.g., coins stored in a large piggy bank or bottle, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to log the container as it. 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 not for foreign currency. If used, the outside of the envelope reflects that the envelope contains foreign currency.
- e. Property Receipt 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.

VII. LOGGING PROPERTY & EVIDENCE

1. General Guidelines for Field Officers-

- A. Property that is seized by the department and not immediately released to the owner will be entered into the offense report and secured in the Property Processing 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 processing room before the end of their shift.

1. Evidence Log- The Evidence Log must be filled out by the officer who drops the evidence. This may or may not be the officer that seizes the evidence, but if not the logging officer must submit a supplemental report so that the chain of custody is preserved. The form will be kept on a clip board within the evidence

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processing room. The log does not replace the evidence section of an officers report, BOTH must be complete and match. Once evidence has been dropped officers will photocopy the log sheet(s) containing all items relevant to the corresponding report and place this in the case file. Photographs are required to be submitted in the offense/incident report.

2. All evidence that can be, will be placed in a bag or box and the evidence service number written on the bag with permanent marker. Where the bag is sealed officers will also write their initials over where the seal meets the bag. That is all that is written on the bag or box. All other information is already on the log and in your report. The evidence will be photographed in the clear bag and that photo logged in your report. Evidence is then to be dropped.

3. If the evidence is too large to be placed in a bag or dropped in the locker it is to be marked by placing a label on the item in a place that is inconspicuous. This is where the evidence log number will be written. It may be easier to write the number on the label before placing it on the item. The item is then to be photographed with the label attached preferably showing the label and number. This photograph is then to be included in the report or supplemental report Please use caution and common sense with this method. Every attempt should be made to not damage the items by use of the label or placing the label in a place where it will not adhere. See below for guidelines. If a question arises please contact the sergeant BEFORE placing the label.

4. Large items which will not fit in the temporary lockers are to be stored in the evidence processing room next to the locker and the door locked. Officers will not enter the evidence area unless required to do so. The looking at or handling of evidence after it has been logged by unnecessary personnel is not permitted. Under no circumstances is evidence to be left in an unsecured location.

B. Marking and Packaging Guidelines

1. All collected property is marked for identification and packaged to avoid contamination.

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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, valuables, etc.), place the item in a envelope, container or other suitable package, then seal and mark the container.
4. There are a variety of containers and materials for use in packaging physical evidence and other property. Officers strive to use the size and type container appropriate for the type of property. An assortment of packaging materials and supplies for this packaging are under the processing counter. The Property Custodian is responsible for maintaining property packaging and storage supplies.
5. Every attempt should be made to package FIREARMS, MONEY AND CONTROLLED SUBSTANCES separately from other property or evidence items.
6. 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 the weapon and preservation of its evidentiary value.
 - a. Firearms: NEVER PLACE A LOADED FIREARM INTO AN EVIDENCE STORAGE LOCKER.

Exception: Officers who cannot unload a weapon due to a mechanical defect must attach a warning note to the weapon indicating it is loaded. The Property Custodian arranges for the range master (or qualified designee) to unload the weapon prior to placing it in storage or transporting it to the laboratory. Unfired cartridges may be left in the magazine provided the magazine is removed from the gun. Weapons are unloaded ONLY after noting and photographing the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc.

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7. Hazardous Materials / Devices: NEVER transport or store any unexploded (or suspected unexploded) device in or about the police facility. NEVER transport or store any Class A explosive such as dynamite, desensitized nitroglycerin, large quantities of fireworks or more than one pound of black powder in or about the police facility.
8. Money: Itemize all monies by denomination and quantity on the approved money form before placing it into a property locker. Smaller amounts (>500.00) will be photocopied and these placed into the case file.
9. Jewelry: Package jewelry items individually in an envelope, box, bag, or other suitable container as appropriate. Never mark items as “gold, silver, diamonds etc.”. Always use terms such as “gold in color”, “clear stone”, etc.
10. Bicycles: All bicycles, or portions thereof, retained by police services are placed into the fenced Public Works area. Different levels of security for the storage of bicycles may be utilized dependent on the property classification of the bicycle (Evidence vs. Found Property).
11. Motor Vehicles: Motor vehicles requiring retention are stored at LW Towing. Small motorized scooters are stored in the fenced property Public Works 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.
12. License Plates: License plates are the property of the Department of Motor Vehicles (DMV) 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 attempt to return found license plates to their owner. If that is not feasible, the officer logs the plate into property. The Property Custodian is then responsible for returning the plates to the owner or DPS.

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13. Alcohol: (Non-felony) Open containers of alcohol are not logged into the property room. The investigating officer pours out the contents at the scene. The officer then photographs the container and attaches it, describes the condition of the container and its contents in the police report. Officers avoid booking large quantities of alcoholic beverages into evidence. In rare situations when a sample of the evidence is necessary for prosecution, retain one unopened container (bottle, can, etc.), photograph, and destroy the remainder on video. In case of felony contact a supervisor for direction.

VIII. TEMPORARY STORAGE FACILITIES

- A. After property is marked for identification and packaged and photographed, officers deposit the property into one of the following temporary storage areas:
 1. Metal Safe: A metal safe and a mail box are located in the processing room. Officers shall drop controlled substances and currency in the safe, while the mail box is to be used for larger items. The property shall be dropped into the safe after processing.
 2. Large Enclosure: All bicycles, large items, or parts thereof, are temporarily stored in the large enclosure on the west side of the property outside DPS. When items are to be stored in the enclosure, the officer obtains the key from the key locker, locks the item into the enclosure, and deposits the key into the Evidence Safe.
 3. Refrigerator/Freezer: A refrigerator and freezer are located in the fire area within the building. Items that require refrigeration are placed into this temporary locker or, during normal business hours, given directly to the Property Custodian for securing in property.
 4. Hazardous Materials Storage Locker
 - a. All flammable materials are placed in the fenced property Public Works area. They are to be marked with evidence tape and photographed prior to being stored.
 - b. Fireworks are not stored, but instead photographed. Officers destroy all confiscated fireworks by drowning and physical destruction in view of a video recording device.

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A. Primary Investigation

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

IX. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

A. Property Collection

1. On a daily basis, when on shift the Property Custodian inspects all temporary storage to remove and process all property items.
2. The Property Custodian completes the following:
 - a. Ensures each item has been logged
 - b. Makes the appropriate entries into the property system,
 - c. Stores each item in the approved locations.
 - d. Arrange for transportation to the laboratory for examination as required, and
 - e. Arrange for destruction, release to owner, auction or other authorized disposition as appropriate.
3. If the Property Custodian is not scheduled or on shift the alternate shall ensure that all items are moved from the temporary storage to the property room and that each item is logged. The Property Custodian shall upon his return ensure the item has been processed according to the requirements above.

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 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 submitting officer and Director, then corrects the discrepancy.

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- b. If the Property Custodian cannot find a missing item(s), he enters the item into the “Unable to Locate” (UTL) file and notifies the Director [via email](#), explaining the circumstances surrounding the missing property. Property connected to the case will not be processed until the missing item(s) are 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 or controlled substances in which the seal, envelope, packaging or container has been opened, tampered with, or otherwise improperly submitted.
 - c. The Property Custodian immediately notifies the Director, who follows up with the officer.
 - 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.

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- b. The Property Custodian segregates all firearms from other types of property retained. All firearms, REGARDLESS OF PROPERTY CLASSIFICATION, are stored inside the property room. The room 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 city cashier.
 - b. The Property Custodian deposits money (over \$100) with the city cashier either the same or next working day. The Property Custodian seals the receipt in the original property envelope with the Money Form and returns it to the safe. The Property Custodian then makes notations in the computer system, showing the money transferred to the cashier.
 - c. The Property Custodian deposits smaller amounts of money cashier when their cumulative total reaches \$500 or more.

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- d. Exception: When the money itself is evidence, subject to forfeiture (drugs), or examination, it remains in the safe until the Director clears it for deposit.
 - e. The Property Custodian only opens sealed containers to release the money to its rightful owner or 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 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 homicide case together, unless that evidence requires storage elsewhere for additional security, safety, or preservation measures.
 - b. 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, clearly marked and designed for the storage of these materials.
- 6. Photographs
 - a. The Property Custodian stores undeveloped film canisters separate from other types of evidence the Department retains.
 - b. Upon an investigator's request, the Property Custodian transports film and negatives to a private vendor for processing.

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- c. The investigator submits a Property Form and enters the prints into evidence. A set of prints remain with other items associated with the case. The investigator may retain a separate set of prints as a working copy during follow-up. After finishing, the investigator forwards the prints to the District Attorney as a part of the case file, or destroys them.
7. 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:
 - 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 a releasing a firearm, officers conduct a criminal history check of the person receiving the weapon.

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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 that the status of the firearm.

X. PROPERTY & 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 Director,
 - b. A magistrate,
 - c. The District Attorney's Office, and
 - d. In cases of found property and property impounded for safekeeping, the impounding officer.

B. Release Authority

1. A court order is required for the release or disposal of property seized pursuant to a search warrant.
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 incident.
4. Upon the Director's 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.

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5. The Sergeant 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 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 approved by the Director. The Director contacts the City Attorney prior to disposal of property cases where the City is party to civil litigation.

C. Disposition Instructions (Non-evidence)

1. Found Property

- a. The investigating officer attempts to determine and contact the owner(s) of found property. Officers call that person instructing them to contact the Property Custodian to schedule an appointment and claim their property.
- b. The owner has 90 days to establish ownership and claim the property.
- c. Exception: If sufficient evidence exists to file an asset forfeiture case, funds likely coming from illegal activity are retained. In addition, if the owner claiming a firearm is not legally entitled to a weapon under the provisions of the law, or prohibited from possessing a weapon, the District Attorney determines the type of release or destruction of the firearm.
- d. 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.
- e. The Property Custodian processes all unclaimed property for auction, disposal, or transfer for Departmental use.

2. Safekeeping

- a. The Property Custodian returns property held for safekeeping upon the request of the legal owner or by legal mandate. The

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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 Director 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 stolen, an attempt is made to return the firearm 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; e.g., glass fragments, 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 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

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Officers needing evidence or property for court presentation 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.

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 - weekends and holidays excluded - in advance when possible).
 - 2. If exigent circumstances exist, property may be released to the officer with less prior notification.
 - 3. Officers checking out evidence for court sign and date the chain of custody form for all evidence released.
 - 4. Officers immediately return all evidence to the property room, unless that evidence is held by the court.
 - 5. Officers repackage or reseal evidence as necessary to ensure the integrity of the item. Whenever evidence is placed in a new evidence bag, the old evidence bag is placed in the new bag with the evidence with the chain of custody 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.

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- B. The Property Custodian disposes of no property item until receiving a release authorization from the assigned detective, a court order, or written instruction from the District Attorney's Office.
- C. Upon receipt of a Court Order, the Property Custodian disposes of property in the manner indicated in that order.
- D. Disposition of Property to be Destroyed
 - 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 disposing of the container 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 are destroyed or sold pursuant to current laws. Hunting rifles and shotguns may be sold at auction.
 - e. Ammunition is disposed of through pre-approved, designated agencies or designated for department use.
 - f. Controlled substances are burned or otherwise disposed as a hazardous waste material.
 - g. Hazardous materials are disposed through an authorized, pre-approved hazardous waste disposal firm.
 - h. Knives, clubs, BB or pellet guns, or other dangerous weapons are destroyed in the same manner as firearms.
 - i. All unclaimed money is deposited in the City of Oak Point Abandon Property Fund, except rare coins or 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 with the written approval of the Director. These weapons will become the property of the department and not individual officers

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and will be tracked and accounted for on inventories and audits. Weapons of intrinsic collectable value or long guns of sporting value may be auctioned by the city during the regular auction process. Destruction process will proceed 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, and City Official transports the firearms to a destruction facility. The Property Custodian, officer, City Official 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. Department Use
 - i. Surplus small arms and rifle ammunition may be retained by the department for official use.
 - ii. Ammunition retained for department use is transferred to the range master, who signs receipt for the items and maintains records of the inventory and use of such ammunition.
 - iii. No ammunition of this nature is used for duty purposes.
- b. Disposal
 - i. The range master has final discretion on the means of ammunition destruction. That officer decides if the ammunition lends itself well to training or other range use.

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- ii. The department employee receiving the ammunition signs the property report. The property report is then forwarded to the Property Custodian.

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 and authority for disposal is given by the prosecutor assigned to the court. This authorization may be verbal and noted on the Request for Disposal form. Other controlled substances may be disposed of summarily by the department.
- 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 permits in advance.
- f. Prior to destruction, the Sergeant conducts a random test of the controlled substances scheduled for destruction in the presence of the City Manager and observer to ensure its authenticity.
- g. At least two non-police witnesses examine each item set for destruction. 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 Director. The Director initiates an investigation, which may include reanalysis of the drug by the lab.
- h. An officer accompanies the Property Custodian and a person not connected with the department 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

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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 Denton County Fire Marshall Hazardous Materials Unit for direction and assistance with disposal efforts.

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 City or may be auctioned by a private company contracted by the City.
2. To avoid conflict of interest, or any appearance of conflict of interest, no employee of this department purchases any item at such auction, either personally or through a third party.

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.

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- A. The Director appoints an individual to conduct an inspection of the Property Room at least biannually and forwards a report of the inspection to the Director.
- B. The inspection should concentrate on how the policies, procedures and practices are followed. This inspection should be conducted by a supervisor or city personnel not involved in the operation of the property room. The person inspecting the Property Room should become familiar with this policy 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 6 items randomly selected by the person inspecting from the property log, to include at least one weapon, one drug and one money item.
- C. The Director may conduct frequent unscheduled, unannounced inspections of the property room and property function as deemed appropriate. Documentation of these inspections reflects the date and results of that inspection.

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 presence of a property item maintained by the division against the agency's records.
 - 1. 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 Director.

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- a. The Director will assign an employee 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 (25) 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, then locating the items in the Property Room. The final part of the inventory will be done in two parts. The first part will be done by randomly selecting the paperwork for 25 of the 50 items and locating them in the Property Room. The second part will be done by randomly selecting 25 more items in the Property Room and locating the item's paperwork to test the record keeping system.
 - c. A copy of the Inventory Report is completed after each inventory and forwarded to the Director. This report includes any discrepancies and lists any missing items. The Director makes a determination if an investigation into the loss is warranted.
- C. Whenever any firearm, money or controlled substances are discovered missing, the Director is notified immediately and an investigation initiated.

Approved: *M. Shackelford*
M. Shackelford

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