

**TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> December 28, 2021		<i>Directive</i> 12.01.1	
<i>Subject</i> Property and Evidence Chain of Custody					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 12.01.1 Property and Evidence Chain of Custody		<i>Review Date</i> December 28, 2021	
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This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to provide for the integrity, security and control of seized, recovered, evidentiary, abandoned, lost or found property in the custody of the Texarkana, Texas Police Department; and to facilitate the timely return of property to its rightful owners.

SECTION 2 POLICY

It is the policy of the Department that all property regardless of its character that comes into the custody of an employee of this agency will be properly packaged, handled, preserved, stored, accounted for and disposed of in accordance with the procedures set forth in this directive and all other directives related to the handling of property and/or evidence.

SECTION 3 DEFINITIONS

Abandoned Property - Tangible personal property over which the owner, by outward signs, has knowingly or deliberately relinquished controlled possession.

Bio-Hazardous Evidence - Any evidence containing blood or body fluids, or any physical evidence stained or contaminated by blood or body fluids.

Chain of Custody – A series of written entries documenting each person who has had control and/or possession of a piece of evidence. An unbroken Chain of Custody must be successfully established before physical evidence is allowed in the prosecution of any individual.

Contraband – Any item or article that is illegal.

Defendant - A person charged with a criminal offense.

Disposition - The final transfer of property possession.

Evidence - Any item or article that may be recovered, seized, found or comes into the custody of an employee of the agency that may be used in a criminal / civil proceeding to convince a judge and/or a jury of alleged facts material to a case.

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Found Property - All tangible property in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner, that does not have an identifiable owner and has been mislaid upon public or private property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public and is found by private citizen or an officer and delivered to the Property and Evidence Unit for storage and return to the rightful owner if possible.

Hazardous Property / Evidence - Chemical substances, which if released or misused can pose a threat to the environment or health. Hazardous materials come in the form of explosives, flammable and combustible substances, poisons, and radioactive materials.

License to Carry a Concealed Handgun - The license issued by the Texas Department of Public Safety or authorized agency in another state that allows an individual to carry a concealed handgun under certain restrictions enacted by law.

Paraphernalia - Accessory items, usually used in connection with Controlled Substance or Gaming Violations.

Property and Evidence Controller - A police department employee charged with the duties of storing and maintaining control of property and evidence. Property and Evidence Controllers have the responsibility for ensuring the legal and scientific integrity of property and evidence under their control.

Property and Evidence Manager - A police department employee charged with supervising the duties of the Property and Evidence Controller and operational control of the Property and Evidence Unit.

Property and Evidence Personnel - Either a Property and Evidence Controller or a Property and Evidence Manager.

Property - Any tangible thing which may be recovered, seized, used as evidence, abandoned, lost or found

Property – Other - Items that are not associated with any criminal charges that have been submitted to the Property and Evidence Unit for disposition.

Property – Safekeeping – Any item or article that is held for the benefit and welfare of said property's rightful owner. This is not personal property under the control of a person at the time of their arrest or incarceration.

Temporary Storage Locker - The specific lockers used to temporarily secure evidence and property.

Unclaimed Evidence - Any tangible personal property including cash (but not property defined as contraband articles) that was intended for use in a criminal or civil proceeding and is no longer needed for a criminal or civil proceeding and has been retained by the Department for 90 days.

SECTION 4 PROCEDURES

A. SECURING PROPERTY/EVIDENCE

1. Employees shall place all property/evidence seized, recovered or found in the course of their employment into the Department's property system in accordance with this directive prior to going off duty.

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2. In no instance, shall an employee store property/evidence in a department vehicle, personal vehicle, the employee's home, personal locker, desk or any other unauthorized location.
3. All property collected as evidence, lost property, found property, or property collected for safekeeping shall be immediately taken to the Property and Evidence Section for proper storage without delay.
4. When Property and Evidence personnel are on duty, officers shall deliver property/evidence directly to the Property and Evidence personnel.
5. In the absence of the Property and Evidence Personnel, officers shall place small items, together with the original property report, in a temporary property storage locker. If it is a large bulky item that will not fit into a temporary storage locker, a Property and Evidence Custodian or Manger should be contacted to respond to take direct possession of the item. A copy of the property report shall be placed with the item and the original report shall remain in the property room.
6. Bicycles shall be placed in the designated storage area with a copy of the property report securely attached. The original property report shall be placed in the receptacle at the Property and Evidence Controller's office.
7. Rifles, etc., shall have a properly documented identification tag affixed to them. A copy of the property report shall be firmly attached, and the item shall be stored in the designated metal temporary property storage locker and locked.
8. Crime Scene personnel may store evidence on a temporary basis in the storage locker located in the Investigative Services' crime lab. In most cases the evidence may not remain in lab storage beyond 24 hours (excluding weekends and holidays), except in cases where wet evidence must be dried before transfer to the Property and Evidence Custodians. In cases of the dry time exception, an Investigative Services supervisor must approve the retention of evidence beyond the 24 hour period.

Access to the storage locker will be limited to Crime Scene personnel only. A key to the evidence locker will be assigned to each crime scene technician responsible for processing evidence and one key will be stored in the office of the Chief of Police. Any and all use of the key maintained in the Chief's office will be documented to maintain the integrity of the evidence storage.

Proper evidence documentation (logged in and logged out) must be completed on all evidence stored in the crime lab locker to maintain the integrity of the chain of custody.

B. PROPERTY/EVIDENCE PACKAGING AND SPECIAL HANDLING

1. FIREARMS
 - a. It is the responsibility of the officer transporting firearms to the police station to do so safely.
 - b. It is the responsibility of officers who confiscate firearms from any person to safely unload them.

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- c. Firearms should be unloaded in a safe place prior to bringing the firearm into the Bi-State Justice Building. Handguns may be unloaded if necessary inside the police department using the Safe-n-Clear bullet trap in the Operations Services Division briefing room.
- d. When an officer is unable to safely unload a firearm, the officer is responsible for notifying a supervisor who will either safely unload the firearm or contact a department firearms instructor or armorer to safely unload the firearm.
- e. If the firearm cannot be safely unloaded, the officer shall secure the firearm in a temporary property storage locker and post to the front of the locker a red laminated sign that reads "UNSECURED FIREARM" as a warning that the firearm is not secure.
- f. The officer shall leave a written explanation with the firearm describing the reason it could not be made safe.
- g. Once the firearm is unloaded and is safe, the officer will place an orange plastic tie in the cylinder or action of the weapon to show the weapon has been checked and is unloaded. Do not place anything into the barrel.
- h. Property and Evidence Personnel or Crime Scene Personnel will package firearms in a gun box or in a manner that affords maximum protection from damage.
- i. Officers will not place weapons in plastic bags, use tape, deface, engrave, or place any permanent markings on any weapons.
- j. Gun boxes should be used for any gun that poses a biohazard threat.

2. FLAMMABLES AND EXPLOSIVES

- a. Officers shall not bring flammable materials or explosives into the Department's facility, except as prescribed as follows:
- b. Fireworks should be photographed and destroyed.
- c. Other flammable materials shall be secured in proper containers and stored at the Fleet Maintenance Facility.

3. BIO HAZARDOUS MATERIALS

- a. Items contaminated with blood or other bodily fluids should be handled in accordance with proper bio-hazard protection, with the employee avoiding any direct contact.
- b. All wet items must be air-dried prior to submission to the Property and Evidence Unit. These items will be air dried by the Crime Scene Unit. Officers who collect blood-soaked or other wet evidence should make contact with a Crime Scene Technician for assistance in proper handling, always remembering to handle such items in accordance with bio-hazard precautions.
- c. Such property/ evidence is *never* to be placed in a *plastic* bag for storage.

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4. PERISHABLE ITEMS

- a. Perishable items should not be collected as evidence as the Department does not have a means to adequately store and maintain such property. Officers should consider alternatives such as photographing the evidence if possible.

- b. Following with DPS blood evidence guidelines all blood evidence collection kits will be placed in the locked refrigerator in the report writing room with a property report attached. Property and evidence personnel will forward the evidence to the proper lab for analysis on the first business day of each week. The shift supervisors will have a key to the refrigerator for securing said blood evidence kits. Property and evidence personnel will also have a key as well.

5. NARCOTICS

- a. Narcotics will be placed in a clear plastic evidence bag (Attachment 15-3) and the bag will be sealed.

- b. Once sealed, the evidence bag should not be opened except by laboratory personnel or for court presentation purposes.

- c. Property and Evidence Personnel will store narcotic evidence in secure locations as approved by the Chief of Police.

6. CURRENCY

- a. When currency is seized, the officer will count the currency by denominations in the presence of the Property and Evidence personnel or a supervisor.

- b. After witnessing the officer place and seal the currency into a currency pouch, the Property and Evidence personnel shall take possession of the sealed currency pouch. Both shall sign the pouch indicating agreement of the amount sealed therein. If he/she is not present, the supervisor will witness the officer placing and sealing the currency into a currency pouch. Both the officer and the supervisor shall sign the pouch indicating agreement of the amount sealed therein.

7. JEWELRY

Jewelry must be described by item on the property report. Terms describing precious stones or metals (i.e., gold, silver, diamond, ruby, etc.) should not be utilized. Officers should describe the items by color (e.g., gold-colored chain, silver-colored ring, red stone, clear or translucent stone).

8. BICYCLES

- a. Bicycles shall be placed in the area provided for temporary storage.

- b. A copy of the property report shall be securely attached to the bicycle. The original Property Report shall be placed in the receptacle at the Property and Evidence office.

9. SHOPLIFTING EVIDENCE

- a. Items recovered from a shoplifting incident shall be photographed at the scene by the responding officer and left with the store management.

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- b. A property report shall be completed, listing the photographs taken and describing the items photographed. Photographs which are printed in regular paper shall be forwarded to CRC with all other paperwork, and the officer shall write the CCN at the top of the page.

Photographs printed on photo paper shall be submitted to the Property and Evidence Section. As a matter of practice, printing on regular paper shall be the preferred method of documenting the evidence.

C. PROPERTY/EVIDENCE STORAGE CONTAINERS

1. ENVELOPES

Small items, such as papers, jewelry, cards, etc., shall be placed in a manila envelope. The envelope shall be sealed and marked on the outside as to content. A copy of the property report shall be taped to the envelope. The envelope shall be placed in a storage locker, which shall be locked. Always double-check to ensure the locker is closed.

2. PLASTIC BAGS

Money and narcotics shall be placed in plastic bags (Attachment 15-2 or 15-3) and the content list completed. A copy of the property report shall be folded and attached to the bag.

3. PAPER BAGS

Items too large and/or bulky for envelopes shall be stored in brown paper grocery bags. Paper bags are to be utilized for the storage of evidence related to assaults, sexual assaults and homicides. The procedure outlined in Section 15.03, paragraph c, shall be adhered to, if applicable. Sexual assault kits as collected from a medical facility do not have to be placed in a paper bag.

4. PLASTIC TUBES

Needles and other sharp items should be placed in plastic tubes provided by the Department. Knife boxes are to be used for any knife with an exposed blade that will not fit into a plastic tube.

D. RESPONSIBILITIES OF THE PROPERTY AND EVIDENCE CONTROLLERS

- 1. Take control of, properly identify, log, store and be accountable for all property/evidence transferred to the Property and Evidence Unit.
- 2. Make entries in the appropriate control logs, files, and computer databases regarding property/evidence that is received or released.
- 3. Exercise administrative control over all property/evidence received by the Property and Evidence Unit until a final disposition of the property/evidence is made.
- 4. Complete a Chain of Custody Affidavit when requested by the prosecuting attorney in a criminal prosecution. (Art. 38.42 of the Code of Criminal Procedure)
- 5. Properly store property/evidence within designated, secure areas.

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6. Monitor offense disposition for evidence being held and check court dispositions on evidence in which cases have been filed.
7. Strive to make final disposition of found, recovered, and evidentiary property within six months after legal requirements have been satisfied.
8. Properly complete the documentation that is necessary when property/evidence is disposed of or transferred from the Property and Evidence Unit.
9. Actively solicit guidance from the Manager when necessary.
10. Furnish documentation to the Property and Evidence Manager concerning unusual situations or activities that occur within the Property and Evidence Unit.

E. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.