

	ROSENBERG POLICE DEPARTMENT	
	General Order 12.01 Property and Evidence Management	
	Effective Date: 11/16/2011	Replaces: General Order 480
	<p style="font-size: 1.5em; color: blue;">[Signature]</p> Approved: Chief of Police	
Reference: TBP: 12.01, 12.03, 12.04, 12.05, 12.06, 12.07 and 12.08.		

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 Rosenberg Police Department is accountable for seized, found, recovered, and evidentiary property. We safeguard property belonging to others in the same condition as received. We preserve evidentiary integrity of property leading to prosecution of guilty parties. We publicly dispose of property that we cannot return to rightful owners, and destroy contraband.

II. PURPOSE

The purpose of this order is to establish property room procedures and protect the integrity of the Property and Management system. The Property and Evidence Management system is in place 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.

III. ORGANIZATION AND ACCOUNTABILITY

- A. The Chief of Police will appoint a primary and alternate 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 alternate serves as backup when the assigned Property Custodian is unavailable.
- B. The Property Custodian reports to the Criminal Investigations Supervisor, who is accountable directly to the Chief of Police.

C. The Property Custodian shall satisfactorily complete a TCOLE approved basic course on the management of the property function, on the job training, and other related training courses, seminars and/or conferences as appropriate.

D. Duties and Responsibilities

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. 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 (TBP: 12.04)

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 enter the Property Room must sign-in AND out individually 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. A key is required to open the main property room door. The Property Custodian and alternate are the only individuals with keys.
2. The keys to all other property storage facilities are kept in the key box located inside the main property room. The duplication or unauthorized possession of keys to secured property storage areas is strictly prohibited.
3. A complete set of other storage facility keys, safe combinations, alarm codes, etc. are in a sealed property envelope, initialed and dated by the Property Custodian and Investigations Supervisor. That envelope stays in the Police Chief's secure Office as a backup for property room personnel. Inspection of this envelope is part of all property room audits and inventories.
4. Property room personnel may not relinquish property room keys, combinations, or alarm codes to anyone other than authorized personnel.
5. When Property Custodians leave their assignment, the Chief of Police ensures that all locks, combinations, and codes are changed.
6. New locks are installed in the event that a key is lost or security is otherwise compromised.

C. Other Security Systems

1. Firearms storage is separate 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.

2. Controlled substances storage is separate from other property in the property room and secured in the safe. The safe remains locked at all times unless property is being stored, removed, or inventoried.
3. Money is separate 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.

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).

VI. DOCUMENTATION & RECEIPT OF PROPERTY (TBP: 12.01)

A. Documentation of Property

The police employee accepting 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. Dispatch verifies all "hits" prior to confiscating the item. After verification, a dispatcher sends the "locate" information.
3. The offense and property report reflects 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 requires the use of the following forms:

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 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. 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

- 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. Officers should make contact with the investigating officer or supervisor 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 in to the property room where the Property Custodian will enter the property into the system and show it released in the field. The Property Release Form will be forwarded to CID for inclusion in the case file. (TBP: 12.06)
- B. 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 room before the end of their shift. (TBP: 12.03)
- C. 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.

D. 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.), place the item in a vial, envelope, container or other suitable package, then seal and mark the container. Biohazard labels must be attached to any property that poses a potential health risk, such as blood, semen, or any other biological samples.
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. The Property Custodian is responsible for maintaining property packaging and storage supplies.
5. Always 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 the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc.
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.
9. Jewelry: Package jewelry items individually in an envelope, box, bag, or other suitable container as appropriate.
10. Bicycles: All bicycles, or portions thereof, retained by police services are placed into the outdoor fenced 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 the Police Department Lot. 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.
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.
13. Alcohol: Open containers of alcohol are not logged into the property room. The investigating officer pours out the contents at the scene. The officer then 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.

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 wall of the property room. Officers lock the property into one of these lockers and deposit the key into the appropriate drop box, which is also for the deposit of small evidence items, undeveloped film, license plates, etc.

2. Large Enclosure: All bicycles, large items, or parts thereof, are temporarily stored in the locked storage area. When items are to be stored in the enclosure, the officer contacts the shift supervisor for key access, then locks the item into the enclosure, and returns the key to the shift supervisor.
3. Refrigerator/Freezer: Items that require refrigeration are to be given directly to the Property Custodian for securing in property. When evidence requiring refrigeration is obtained, the on-call Property Custodian shall be summoned to collect the property from the investigating officer.
4. Hazardous Materials Storage Locker
 - a. Storage drums located in the fenced holding area are available for storing suspected hazardous materials. The officer consults with a member of fire services 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 in the fenced property storage area.
 - c. Fireworks are not stored, but instead photographed. Officers turn over all confiscated fireworks to the Rosenberg Fire Marshal for destruction.

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 complete the following:
 - a. Assigns a bar code label to each property item submitted
 - b. Makes the appropriate entries into the automated 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

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 supervisor then correct the discrepancy.

- 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 Chief of Police, 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 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 a secure area inside the property room. The secure area remains locked at all times unless property is being stored, removed, inventoried, or inspected. NEVER store ammunition with firearms. All ammunition is stored in a separate designated area.

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 a secure area inside the property room. The secure area 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 Finance Department.
- b. The Property Custodian deposits money (over \$100) with the city Finance Department 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 to the city Finance Department when their cumulative total reaches \$100 or more.
- 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 the sealed money envelope and verifies the amount of money when receiving it into evidence. This process shall be witnessed by a second property custodian or supervising Officer. The envelope is then resealed and signed and dated by both property custodians.

- 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.
 - 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 releasing a firearm, detectives 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 that the status of the firearm

G. Electronically stored Evidence (TBP 12.08)

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 or his designee, will have access to these recordings.

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 investigator's supervisor,
- b. The Chief of Police,
- c. A magistrate,
- d. The District Attorney's Office, and
- e. 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 CID Supervisor's approval, the Property Custodian disposes of property on no-lead felony cases after the statute of limitations has passed, according to the rules established in the Texas Code of Criminal Procedures, Statute of Limitations section.
5. The CID Supervisor signs approval of evidence destruction on no-lead misdemeanor cases after two years from the commission of the offense, with the approval of a magistrate.
6. The Property Custodian retains any property requested for civil litigation until approved by the Chief. The Chief of Police 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 CID Supervisor 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 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 CID Supervisor 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. Court Releases

Officers needing evidence or property for court presentation complete a Property Release Form. 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 the close of the business day or after the end of shift, notification is given to the officer who has not returned the property.

XII. DISPOSAL GUIDELINES (TBP: 12.05)

- 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. 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, shotguns, rifles, and assault weapons are destroyed.
 - 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 with the city Finance Department, 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.

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, transports the firearms to a destruction facility. The Property Custodian, officer, and volunteer 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 has final discretion on the means of ammunition destruction.

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. 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 CID Supervisor conducts a random test of the controlled substances scheduled for destruction in the presence of the Property Custodian and observer to ensure its authenticity.
- g. 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 Rosenberg Fire Division's 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 (TBP: 12.07)

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 Criminal Investigations Supervisor will conduct an inspection of the Property Room at least every six months and forwards a report of the inspection to the Chief of Police.

B. The inspection should concentrate on how the policies, procedures and practices are followed. This inspection should be conducted by a supervisor or other

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 Chief of Police 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 (TBP: 12.08)

- 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 CID Supervisor.
 - a. The CID Supervisor 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 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.
 - c. 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, 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.

- 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.
- C. Whenever any firearm, money or controlled substances are discovered missing, the CID Supervisor is notified immediately and an investigation initiated.