
	ARGYLE POLICE DEPARTMENT	
	Policy 12.1 Property and Evidence Management	
	Effective Date: 01MAR21	Replaces: 21FEB21
	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 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 Chief of Police will appoint a primary Property Custodian by memorandum. The Property Custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The CID Officer serves as alternate when the assigned Property Custodian is unavailable.
- B. The Property Custodian reports to the Criminal Investigations Officer, 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 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 Chief of Police, Property Custodian, and alternate Property Custodian.
- 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 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. Access and Key Control

1. Entry to the property room is controlled by an access control system. This system uses a proximity card issued to the individual and has different levels of access set. This room also has a hasp and padlock in place as a redundant security measure. The Property Custodian, the CID Officer (alternate) and the Chief of Police are the only individuals with access to the property room.
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. Property room personnel may not relinquish property storage keys, to anyone other than authorized personnel.
4. When Property Custodians leave their assignment, the Chief of Police ensures that access control is changed, and all keys are accounted for. The combination of the padlock on the property room door shall also be changed.

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.

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 with the following exceptions:
 - a. In compliance with Chapter 59 of the Code of Criminal Procedure, all property seized must be documented in the form of a sworn statement providing the following:
 - i. Schedule of property received;
 - ii. An acknowledgement that the officer/investigator has seized the property, and;
 - iii. A list of the officer's/investigators reasons for the seizure.
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, seizing or recovering property documents the details in the Report Management System (RMS) in a property voucher upon taking property into 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. A Property and Evidence Form (PE-01) will be filled out on scene and turned in with the property if the property is returned to the owner prior to the end of the officer's shift. The RMS system then tracks chain of custody internally up to release or destruction.

B. 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.

C. 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, and officer's name and ID number properly identifies the property and its origin.
 - b. Chain of Custody for each property container (bag, box, etc), tracking the movement or release of the item, is entered into the RMS property

- voucher by the seizing officer. All transactions after that time are done by the Property Custodian through the RMS System.
- 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 (PE-02). This envelope and a chain of custody 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 envelope (e.g., coins stored in a large piggy bank or bottle, large amount of bills in a briefcase or satchel, etc.) may be submitted in the container as is. However, the need for a money count and money form still applies. Officers submitting the money should 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. Officers shall still use the money form if the currency seized is not US currency. If officers seize non-US currency, they should write "foreign" at the top of the money form. Officers will then write the denominations of the foreign currency, if known, just as they would for US currency. Two-person verification and signatures shall apply just as they would for US currency.
 - vii. If funds are to be civilly forfeited, attach copy of Seizure Affidavit with money envelope.
 - e. Property and Evidence 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. Either the Property and Evidence Form (PE-01) or the Sungard PMS release form may be utilized.

D. Reporting the Seizure of Illicit Beverages, Etc.:

1. "Illicit Beverage" as defined by the Texas Alcoholic Beverage Code, Section 1.04, is an alcoholic beverage:
 - a. Manufactured, distributed, bought, sold, bottled, rectified, blended, treated, fortified, mixed, processed, warehoused, stored, possessed, imported, or transported in violation of the Texas Alcoholic Beverage Code;
 - b. On which a tax imposed by the laws of this state has not been paid and to which the tax stamp, if required, has not been affixed; or
 - c. Possessed, kept, stored, owned, or imported with intent to manufacture, sell, distribute, bottle, rectify, blend treat, fortify, mix, process, warehouse, store, or transport in violation of the Texas Alcoholic Beverage Code.
2. A peace officer may seize without a warrant:
 - a. Any illicit beverage, its container, and its packaging;
 - b. Any vehicle, including an aircraft or watercraft, used to transport an illicit beverage;
 - c. Any equipment designed for use in or used in manufacturing an illicit beverage; or
 - d. Any material to be used in manufacturing an illicit beverage.
3. A peace officer who makes a seizure under Section 103.03 of the Texas Alcoholic Beverage Code (subsection 4.02 above) shall make a report (Report of Seizure of Alcohol) in triplicate which lists each item seized and the place and name of the owner, operator, or other person from whom it is seized. One copy of the report shall be verified by oath (notarized).
 - a. The notarized copy shall be retained in the Records Section in the case file.
 - b. One copy of the form shall be given to the person from whom the seizure is made, by the officer making the seizure.
 - c. The third copy (hard copy) of the form will remain with the seized items when submitted to the Property Custodian as evidence.
4. It is a violation of the Texas Alcoholic Beverage Code for a peace officer to make a false report of the property seized and to fail to report a seizure as required by Section 103.05 of the TABC code (subsection 3 above).
5. Disposition of Illicit beverage evidence

- a. Any illicit alcoholic beverage, its container, and its packaging which has been seized by a peace officer, as provided in Section 103.03 of the Texas Beverage Code, may not be replevied and shall be delivered to the commission (TABC) for immediate public or private sale in the manner the commission considers best.
 - b. The Property Custodian will be responsible for the transfer to the Texas Alcoholic Beverage Commission of any illicit alcoholic beverage at a time deemed appropriate by the Property Custodian and the Texas Alcoholic Beverage Commission.
6. When the offense involving the illicit beverage is a Class C misdemeanor, the officer may give the violator the option of pouring out the illicit beverage, in addition to the officer enforcing the violation. Requesting violators to pour out the illicit beverages does not constitute a seizure. The peace officer should not participate in the disposing of the beverages in these circumstances.
 7. Under most circumstances, the only offense where an illicit beverage would be seized for evidence purposes would be an offense of Selling an Alcoholic Beverage to a Minor. The officer's smell and sight will serve as evidence in other violations (Class C misdemeanors), if the officer can testify that the odor and appearance is that of an alcoholic beverage.

VII. LOGGING PROPERTY & EVIDENCE

- E. 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 the District Attorney's office, if necessary, to determine prosecutorial need. If the property can be released in the field, the officer will complete a Property and Evidence Form (PE-01) and have the owner sign for receipt of the property. The form will be turned in to the Criminal Investigations Division officer who shall scan the form and enter it into the RMS system, showing it released in the field. (TBP: 12.06)
- F. Property that is seized by the department and not immediately released to the owner will be entered into the RMS system and secured by the officer in a temporary storage location as soon after seizure as possible. The Property Custodian will process and transfer all property into the property room as soon after seizure and approval as possible. Personal lockers, files, or desks are not approved storage for property or evidence items. Officers will log all property and evidence into a temporary storage location before the end of their shift. (TBP: 12.03)
- G. 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.

H. 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.
4. There are a variety of containers and materials for use in packaging physical evidence and other property. Officers should 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 located in or on the evidence processing counter. 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.
 - b. Ammunition: AMMUNITION WILL BE STORED SEPARATELY IN A BIN AWAY FROM FIREARMS.

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 armorer/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: Hazardous materials, devices, explosives and flammables may not at any time, under any conditions be submitted into property. Photograph and submit the photo as evidence. Contact the Fire Marshal's Office for disposition.
8. Bio-Hazardous Materials: Any item logged into the property room for any reason that might have been exposed to or contaminated with any bodily or unknown fluid must be marked with a bio-hazard label. All items must be

dried before placing in a paper sack or cardboard box. Any item that has been contaminated with fluids must breathe, or they will putrefy in plastic.

9. Money: Itemize all monies by denomination and quantity on the approved money form before placing it into a property locker.
10. Jewelry: Package jewelry items individually in an envelope, box, bag, or other suitable container as appropriate.
11. Motor Vehicles: Motor vehicles requiring retention are stored at either EJ's or All-American Towing. 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 DMV.
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.
14. Items too large for Lockers: Bicycles and other large items will have an aluminum embossed tag tied to them with the case number and they will be stored in the outside fenced storage located on the east side of the police department.

VIII. POSSESSION OF DRUG PARAPHERNALIA AND POSSESSION OF TOBACCO BY MINOR

Under certain, limited, circumstances evidence may be properly destroyed by the officer and not maintained by the Department.

- A. Upon charging an individual for Possession of Drug Paraphernalia, or for Possession of Tobacco by a Minor, officers may properly destroy the evidence of these offenses by completing the following steps:

1. Using the hand-held citation writer, photograph the evidence (Ex: Grinders, pipes, cigarettes, vape pens, container with less than 4g of marijuana, etc.) and save the photograph as part of the citation.
 2. Use the officer's body worn camera to record the destruction of the evidence.
 3. Dispose of the destroyed evidence in a dumpster.
 4. Complete an incident report and include in this report that the evidence was destroyed according to policy.
- B. This policy shall **NOT** apply in instances where an individual is charged with a Class B misdemeanor or higher.
1. If an individual is being charged with a Class B misdemeanor or higher, and is being charged with Possession of Drug Paraphernalia or Possession of Tobacco by a Minor, all evidence must be seized and logged according to policy (Ex: A minor subject is charged with a Class B or higher offense and is in possession of tobacco. If the minor is charged with Possession of Tobacco by a Minor, the tobacco product will be seized and logged into evidence).
 2. If an individual is being charged with Possession of Drug Paraphernalia or Possession of Tobacco by a Minor, and the incident involves any person who is being charged with a Class B misdemeanor or higher, all evidence must be seized and logged according to policy (Ex: The driver of a vehicle is arrested for a Class B misdemeanor or higher charge and the passenger is being charged with Possession of Drug Paraphernalia. The paraphernalia will be seized and logged into evidence, as it is related to the same incident, though there are two separate suspects).
- C. If officers have any questions about whether evidence may be destroyed, they shall contact the Property and Evidence Custodian or CID Officer.

IX. TEMPORARY STORAGE FACILITIES

- I. After property is marked for identification and packaged, officers deposit the property into one of the following temporary storage areas:
 1. Storage Lockers: Individual property lockers are located beneath the evidence processing counter. Officers lock the property into one of these lockers and deposit the key into the slot of the designated secured box adjacent to the property lockers. Officers do not have access to this secured box.
 2. Fenced Storage: All bicycles, large items, or parts thereof, are temporarily stored in the fenced area on the east side of the police department.
 3. Hazardous Materials Storage Locker
 - a. There is no hazardous material storage on site. Officers must contact supervisors to determine appropriate measures for storage or

destruction. The Fire Marshal may be contacted to assist with identification and storage of materials.

- J. Fireworks are not stored, but instead photographed. Officers destroy all confiscated fireworks by drowning and physical destruction in view of a video recording device.
 - 1. Refrigerator/Freezer: A refrigerator with freezer is located in the property room but is not accessible by officers.

X. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

K. Property Collection

- 1. On an as needed 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. Approves or rejects the RMS property voucher.
 - b. Assigns a bar code label to each property item submitted,
 - c. Makes the appropriate entries into the automated property system,
 - d. Stores each item in the approved locations.
 - e. Arrange for transportation to the laboratory for examination as required, and
 - f. Arrange for destruction, release to owner, auction or other authorized disposition as appropriate.

L. 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 voucher in RMS to what is found in temporary storage. If any item is physically missing, or is missing from the RMS voucher, the Property Custodian immediately notifies the submitting officer and the officer's supervisor. The submitting officer shall then correct the discrepancy.
 - b. If the Property Custodian cannot find a missing item(s), he/she enters the item into the "Unable to Locate" (UTL) file and notifies the CID Officer and Patrol Sergeant 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.

M. 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.

N. Property Storage

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

1. Firearms

- a. The Property Custodian stores all firearms in containers (boxes) specifically designed for handgun, rifle and/or shotgun. Exceptions can be made for those weapons which, due to size or other considerations, are not compatible for storage in such containers.
- b. The Property Custodian segregates all firearms from other types of property retained. All firearms, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in the weapons safe inside the property room. The safe remains locked at all times unless property is being stored, removed, inventoried, or inspected. NEVER store ammunition with firearms. All ammunition is stored in the ammunition bin.

2. Controlled Substances

- a. The Property Custodian segregates all drugs and narcotics from other types of property retained. All controlled substances, REGARDLESS OF PROPERTY CLASSIFICATION, are stored in Bins D1-D8 inside the property room. Controlled substances may be transferred to destruction bins Z1 and Z2 only after a destruction order has been signed.
- b. Officers should count, verify, test (if available), 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 Bin M or, if over \$100.00, deposited with the Director of Finance.
- b. The Property Custodian deposits money (over \$100) with the Director of Finance 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 with the Director of Finance 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. Seized funds must have a seizure affidavit filed with the court within 72 hours.
- 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 Town employee is present when opening any money envelope.
- f. The Property Custodian secures negotiable stocks, bonds, or bank securities along with other money items in money bin A 4M within the property room. He/she assigns no value to the securities for purposes of showing a recovery value.

4. Electronic Evidence

- a. All evidentiary digital photographs are uploaded by the officer into the corresponding case in the RMS system.
- ~~b. Place all photos in a numbered folder under the appropriate heading. E.g. photos of a burglary would go in the folder name burglaries in a subfolder labeled: 20130123 Burglary of a coin-op machine.~~
- ~~c. Other types of electronic media should be stored in the same manner as the photographs (audio recordings, videos etc.)~~
- d. ~~Videos made with MVR and in-car videos are stored on separate server, located in the PD. Access is controlled by user rights assigned by active directory through the video system.~~ All mobile and body camera video are secured by access rights granted through the Evidence Library program from WatchGuard.
- e. Do not send electronic evidence outside of this agency without consent of your supervisor. The only exceptions to this policy are case filings with the DA's Office, Municipal Court or upon written request from another agency for assistance with an ongoing investigation.

5. 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.

6. 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.

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.

O. Computer Entries

Computerized Property System

1. The seizing officer 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. Date and time seized along with date and time placed into a property locker to begin the chain of custody.
 - h. Any lab instructions.

P. Disposition of Property

1. The Property Custodian updates the status of all property retained in inventory as necessary.
2. 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.

VII. SUBMISSION OF EVIDENCE TO CRIME LABORATORIES

- A. Argyle PD employees who request evidence be sent to the Texas Department of Public Safety Laboratory for analysis must note lab instructions on the RMS property voucher when submitting evidence. For Driving While Intoxicated (DWI) lab submissions, the arresting officer shall complete a lab submission form through the Law Enforcement Advanced DUI/DWI Reporting System (LEADRS) and place a copy in the temporary storage location along with the physical evidence. All other evidence to be submitted to the lab must have a lab submission form completed by the Property Custodian.
- B. When submitting evidence to the laboratory by mail, the Property Custodian will submit all such evidence to the Texas Department of Public Safety Laboratory in either Austin, Texas, or Garland, Texas, using Department of Public Safety Laboratory Submission Forms, or to a private laboratory approved by the Chief of Police. The lab submission forms shall be scanned and entered into the RMS system with the corresponding case report(s).
- C. Items (latent prints, DNA, etc) may be sent to the lab for identification purposes.
- D. Only material which is to be introduced as evidence at trial shall be forwarded for laboratory analysis. This includes suspected marijuana which was found and used as the basis for a probable cause search. Material which is not expected to be physically introduced as evidence at trial shall be kept in storage. Material shall not be disposed of prior to any criminal proceeding.
- E. Material may be transmitted through the United States Postal Service to the Texas Department of Public Safety Crime Laboratory Registered Mail (Return receipt requested) in all circumstances which do not require hand carrying of the material to the laboratory.
 - 1. The Property Custodian will take the properly packaged evidence to the United States Post Office for mailing. The Property Custodian will receive PS Form 3806, "Receipt for Registered Mail" from the Post Office which will be filed in the property records.
 - 2. A barcode is placed on the package used to send evidence via registered mail prior to delivery to the laboratory. The Property Custodian shall track the delivery of the package on the United States Postal Service (USPS) website to confirm its arrival.
 - 3. If online tracking through USPS indicates that the evidence has not been received by the laboratory within three (3) business days, the Property Custodian shall contact the last known post officer in which the evidence resided to determine the status of delivery. If the last known post office does not have possession of the evidence, the Property Custodian will

contact all other post offices that at any point has possession of the property, along with the crime lab, to determine if they have possession of the evidence. The CID officers and Chief of Police will also be notified. If it is determined that the evidence is missing and cannot be located, the Property Custodian will notify the CID officer and the Chief of Police and proper documentation of all action taken to locate the property will be entered as a supplement to the case file in RMS.

- F. Materials should be shipped to the DPS Crime Laboratory or other laboratory based upon their current accepted standards for receipt of evidence.
- G. The Property Custodian update the chain of custody within the RMS system to note each step in the delivery process to include checking the property out of the property room, transfer to the post office, delivery to the Texas Department of Public Safety, arrival at the laboratory, and return to the property room.
- H. Following analysis, the Argyle Police department custodian should receive by email a copy of the lab report. A copy of the report will be forwarded to a criminal investigator who will upload the report into the corresponding case in RMS. The criminal investigator will write a warrant where appropriate. The Property Custodian will upload the case, through E-File, to the prosecuting attorney's office.
- I. Crime Scene Unit personnel may hand carry property/evidence to the laboratory for analysis only under the following conditions and only on the approval of the Chief of Police.
 - 1. In the event the evidence collected may spoil or perish.
 - 2. The evidence is too large to fit inside the lock-seal baggie and mailing envelope.
 - 3. The evidence is too heavy for mailing.
 - 4. The evidence is too fragile to be sent by mail or of such composition that it would be dangerous or illegal to send by mail.
 - 5. In an emergency-type situation where the laboratory analysis is needed in the prosecution of a case.
 - 6. In any event where the Chief of Police believes that the hand carrying of the property/evidence to the laboratory would be proper during the investigation of an offense or during the prosecution of a case.
- J. If a laboratory other than the Department of Public Safety is used, APD personnel will follow similar procedures as outlined in this General Order. Exact protocol and forms for an outside laboratory may differ but should be similar and in keeping with the rules of evidence. This analysis may be requested at the discretion of the assigned investigator and/or the Crime Scene Unit Supervisor.

- K. If an analysis is needed for any drug or substance suspected of being used in the commission of a sexual assault, other laboratories in addition to DPS lab may be utilized. This analysis may be requested at the discretion of the assigned investigator and/or the CID Supervisor.

VIII. 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 an order signed by the Municipal Judge of Argyle, Texas, the Property Custodian disposes of property on no-lead cases after the statute of limitations is past. The Statute of Limitations for felonies listed in Chapter 12 of the Code of Criminal Procedure.
5. 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.
6. The Property Custodian retains any property requested for civil litigation until approved by the CID Supervisor. The CID Supervisor or 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. If the officer is still on shift when the

owner arrives, the officer may release the property to the owner only after a PE_01 form has been completed and signed by both the owner and officer releasing the property. The officer will then upload the PE_01 into the corresponding case report in RMS and write in the report that the property was released to the owner.

- b. The Property Custodian will follow CCP Article 18.17 when determining retention and release schedules for found 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 shall place unclaimed property on a destruction order for the Municipal Judge's signature indicating all required steps have been taken, to include a certified letter sent to the owner's last known address, and the owner has failed to claim the property within 90 days from the date that the certified letter was sent.
- 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 unless another legal option is approved by the CID officer and Chief of Police.
- 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

Officers needing evidence or property for court presentation shall notify the Property Custodian. The Property Custodian will then complete the appropriate property release form and the officer shall sign for receipt of the property/evidence. The Property Custodian will then update the chain of custody in RMS system.

IX. 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 notifies the Property Custodian of the need to examine the property or evidence, and the Property Custodian ensures the appropriate need. The officer will give notice to the Property Custodian as soon as possible after being notified that the property or evidence is needed for further investigation, examination, court, etc.
 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. If evidence is to be held by the court, the Officer in possession of the evidence shall have the individual taking custody of the evidence sign and date the chain of custody form, which will be turned in to the Property Custodian. The officer shall then complete a supplement detailing took possession of the evidence and how long they will maintain it. If the court is taking permanent possession, the Property Custodian will update the RMS system to show the item(s) was released to 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. When evidence is unsealed to be examined by the court, the chain of custody form shall be updated and signed by the individual who unsealed the evidence. The chain of custody form will be scanned and uploaded into the RMS system by the Property Custodian who will also update the chain of custody tracking within RMS.

- 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.

X. 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. When property is destroyed, it shall be ensured that it can no longer be used for its original intended purpose. The property will be disposed 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. Firearms shall be destroyed, unless approved for sale or trade by the Chief of Police.
 - e. Ammunition is disposed of through pre-approved appropriate means.
 - 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 an appropriate manner.
 - i. All unclaimed money is deposited in the Town of Argyle General 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 upon written approval of a magistrate. These weapons will become the property of the department and not individual officers and will be tracked and accounted for on inventories and audits. Weapons may be traded or sold to a licensed firearms dealer in

accordance with CCP 18.19 only after approval and documentation from the Chief of Police. 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 transports the firearms to a destruction facility or requests that the Town of Argyle Public Works department destroys the weapon. The Property Custodian and another Town employee 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

All ammunition eligible for destruction shall be destroyed in an appropriate manner.

4. Destruction of Narcotics/Controlled Substances

- a. The Property Custodian destroys controlled substances and narcotic paraphernalia after receiving authorization for such disposal.
- b. If a controlled substance is evidence in a criminal case filed with the District Attorney, destruction may not take place until the case is disposed of and authority for disposal is given by the prosecutor assigned to the court. This authorization must be written and noted on the Request for Disposal form. A signed destruction order shall be required for destruction of other narcotics evidence.
- c. Items to be destroyed are pulled from their storage locations and placed in destruction bins A Z1 and A Z2.
- d. The Property Custodian sets an appointment to utilize the Argyle Police Department's "Drug Terminator" destruction barrel.
- e. The alternate Property Custodian will accompany the Property Custodian for the destruction of narcotics. Each attendee that witnesses the destruction of the controlled substances, 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 Argyle Fire

District's Hazardous Materials Unit for direction and assistance with disposal efforts.

XI. 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 Town or may be auctioned by a private company contracted by the Town.
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.

XII. 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 appoints an individual to conduct an inspection of the Property Room at least every six months and forwards a report of the inspection to the Chief of Police.
- 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 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.

XIII. 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 the following - A complete inventory of all Guns, Drugs and Money and at least five (5) percent or fifty (50) items (Whichever is less) 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 half of the items and locating them in the Property Room. The second part will be done by randomly selecting the other half of the 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 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.