
	MESQUITE POLICE DEPARTMENT
	306.00 EVIDENCE AND IMPOUNDED PROPERTY
	Effective Date: March, 2013
	Approved: _____ <div style="text-align: center;">  Chief of Police </div>

- I. Purpose

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody on criminal evidence and the management of all impounded property.
- II. Policy

It is the policy of the Mesquite Police Department to ensure that evidence in its custody as well as other impounded property can be properly secured and stored, readily retrieved, and that any changes in its custody have been properly and fully documented.
- III. Definitions
 - A. Chain of Evidence

The continuity of the custody of physical evidence, from time of original collection to final disposal, which may be introduced in a judicial proceeding.
 - B. Impounding Officer

The employee of this law enforcement agency who initially receives the evidence and initiates the chain of custody whether it is criminal evidence or other impounded property.
 - C. Physical Evidence

Any substance or material found or recovered in connection with a criminal investigation.
 - D. Impounded Property

All property other than evidence taken into custody either as found, seized, stolen, destruction or for purposes of safekeeping.
 - E. Property Manual

Book of procedures prescribing the proper methods of impounding property and evidence.
 - F. Property Officer

Department employee accountable for the control and maintenance of all evidence and other property accepted by or stored in the Property Section. This title includes a property clerk, property technician and property sergeant.
 - G. Property Section

Facilities authorized by this department for the storage of evidence and property.
 - H. Standard Operations & Procedures Manual

A guide to improve and maintain the efficiency and/or ensure the integrity of the property system.
- IV. Procedures
 - A. Impounding Evidence or Property
 - 1. Any officer who initially takes evidence or property into police possession shall make an inventory of those items and complete the computerized property application.
 - 2. A service number will be required for all evidence or property impounded.
 - 3. The impounding officer shall properly handle, mark, and package all evidence or property as prescribed in the property manual before depositing items into the property system.

4. The impounding officer is responsible for submitting impounded, seized, or acquired property to the appropriate custodian or designated storage area before the end of his tour of duty.
 5. No property or evidence will be stored at the front desk, in lockers, car trunks (except for transfer), closets, or desks. At no time will evidence be left in the custody of a detention officer who is not assigned to the property function.
 6. No officer shall release any property or evidence to any person, court, or other agency without executing a Property Release form and forwarding that form to the Property Section.
- B. Special Provisions
1. Evidence or property of a hazardous nature shall be appropriately packaged and stored in accordance with established policy. Such substances include but are not limited to items which may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste chemicals.
 - a. Explosives, volatile chemicals, and other hazardous materials shall be evaluated by Fire Department personnel prior to transportation or movement. Method of transportation and storage, if required, shall be determined by the Watch Commander or ranking on-duty officer, in consultation with Fire Department officials. Storage facilities at the police firing range may be used for storage of unstable, dangerous, or volatile substances.
 - b. Chemicals utilized in the manufacture, sale, possession, and/or distribution of controlled substances deemed hazardous and of no evidentiary value will require an order of destruction and immediate disposal.
 - c. Chemicals utilized in the manufacture, sale, possession, and/or distribution of controlled substances deemed hazardous with evidentiary value will require the immediate attention of the narcotics supervisor for disposition.
 - d. Biohazard materials will be handled by wearing gloves and packaging as prescribed by the property manual. All needles and syringes will be enclosed in plastic safety holders provided for that purpose, placed in a narcotics plastic bag and dropped in the narcotics drop safe, whether evidence or not.
 2. Money and jewelry require an extra degree of security. Money will be counted by two officers and documented on the money envelope provided.
 3. Physical evidence taken into custody by CSI/Crime Scene will be inventoried on the computerized property application
 4. Impounded bicycles shall be placed in the property bay by the impounding officer. The impounding officer shall make a property application entry.
 5. Narcotics, Drugs, and other Controlled Substances
 - a. Narcotics, drugs, or other substances believed to be controlled with the exception of marijuana shall be placed in a narcotics evidence plastic bag as prescribed by the property manual. The narcotics will then be placed in a paper narcotics envelope on which the data section will be completed. The evidence shall be listed on the property application and dropped into the narcotics drop safe.
 - b. Marijuana will be placed into a paper narcotics envelope and the data section completed by the impounding officer who shall list the item on the property application and drop the envelope in the narcotics drop safe.

- c. Quantities of a controlled substance too large to handle in the above manner shall be protected as directed by the Watch Commander or ranking on-duty officer.
 - d. All narcotics evidence (even if the drugs are to be destroyed), shall be placed in a properly completed narcotics evidence envelope, property application completed, and dropped in the narcotics drop safe.
- C. Access by Department Personnel to the Property Section Facilities
 - 1. Property officers shall be the only persons who shall have access to the Property Section and secured areas within.
 - 2. Other department employees may enter the Property Section provided that a property officer is present and the employee signs and dates an entry log stating reason for admittance.
 - 3. Emergency access to the Property Section can be gained with a key stored in a security glass box located in the Communications Center per General Order 102.00.
 - 4. Instructions for the Property Section safe shall be kept by a person outside the Technical Services Bureau as designated by the chief of police.
 - 5. When any change in assignment of the property officers takes place, all keys and codes shall be changed and an inventory will be conducted.
- D. Management of Property and Evidence
 - 1. The property officer will be responsible for receiving, storing, maintaining, releasing, and keeping records for all evidence and property in compliance with procedures as specified in the Standard Operations Procedures Manual for the Control of Evidence and Property. Any deviation from prescribed procedures shall be considered a violation of this general order. All changes and revisions to the Standard Operations Procedures Manual must be authorized through the chain of command.
 - 2. When evidence or property is deposited for storage, the property officer will verify that the property application includes all necessary information to both document and ensure the integrity of the chain of evidence. The property officer will have absolute right of refusal concerning any property or evidence that is not documented correctly or packaged properly.
 - 3. The property officer shall assign a storage location to each item impounded and items requiring extra security to include money, precious metals, jewelry, gemstones, weapons, narcotics and dangerous drugs shall be stored in secured areas.
- E. Inspection of the Property Section
 - 1. On a quarterly basis the Bureau Commander for Technical Services shall make an inspection of storage facilities and records to ensure adherence to policies and procedures.
 - 2. Unannounced inspections of storage areas shall be conducted semi-annually as directed by the Chief of Police and monitored by a designate of his choice. The monitor should be selected from someone outside the Technical Services chain of command.
 - 3. An annual inventory of all property and evidence shall be conducted and monitored by a lieutenant or above not routinely or directly connected with the control of evidence and property.
- F. Disposal of Evidence and Property
 - 1. When no longer needed for evidentiary purposes, all evidence, with the exception of contraband, shall be returned to its lawful owner unless title to the evidence is transferred to the jurisdiction by court order or the lawful owner fails to claim the property. In such cases the department may, as permitted under state law:

- a. Destroy it;
 - b. Dispose of it by public auction; or
 - c. Retain it for use by the jurisdiction.
 - 2. Non-drug contraband shall be destroyed unless a court order authorized use of the item by the department.
 - 3. Disposal of Weapons
 - a. Weapons will not be released without a court order except those that have been held for safe-keeping. In compliance with federal law, weapons will not be released to convicted felons.
 - b. If the weapon is held for evidence in a criminal case, the magistrate hearing the case shall issue a court order disposing of the weapon in accordance with Article 18.19 of the Texas Code of Criminal Procedure.
 - c. For weapons seized and held for safekeeping or where there was no prosecution for an offense and the owner has not claimed the weapon, a certified letter will be sent to the owner. If the owner does not claim the weapon within 90 days of receipt of the letter, the property officer will obtain the appropriate court order for disposal.
 - d. Weapons and weapon parts that are to be disposed of shall be destroyed in accordance with a destruction order and monitored by an investigator outside of the Technical Services Bureau.
 - e. Weapons that are deemed suitable for department use may be retained by the department in accordance with this directive.
 - 4. No destruction of drugs will take place without a court order signed by a district court judge. When a drug destruction order is carried out, the Chief of Police shall assign an investigator to monitor the entire destruction process.
 - a. The monitor will observe the loading of the items to be destroyed, accompany the items to the destruction site, and observe the entire destruction process.
 - b. During the destruction process, the monitor shall select a random sample of items to be destroyed and have these items quantitatively and qualitatively tested by the department's laboratory and compared to prior test results by the laboratory. If no discrepancies are found, the items should be returned to the Property Section for inclusion in the next planned destruction.
 - c. Upon completion of the destruction process, the monitor shall submit a report to the Chief of Police which shall include:
 - (1) Date, time, and location of the destruction;
 - (2) Inventory of items destroyed
 - (3) A list of persons present at the destruction; and
 - (4) The results of the random tests.
- G. Law Enforcement Use of Impounded Property
- 1. The law provides for the law enforcement use of certain abandoned or forfeited items, with strict adherence to legal guidelines. The policy of the Mesquite Police Department is to ensure that strict control is exercised over decisions to convert property to law enforcement use.
 - 2. Seized or abandoned property shall not be converted to law enforcement use without a signed court order and the personal written authorization of the Chief of Police.
 - 3. Requests for conversion of seized or abandoned property for placement into issue or other police use shall be submitted to the Chief of Police through the chain of command on the application form titled "Request to Use Abandoned or Seized Property".

- a. The request shall fully document the need for the property.
 - b. If the need is temporary, the request shall indicate the date which the item will be returned.
 - c. The request shall include a provision for the personal signature of the Chief of Police.
 - d. The Property Section personnel shall maintain a permanent file regarding all property converted to police use to include full documentation on all property so converted.
 - e. All property converted for police use will be returned to the Property Section when no longer in use.
- H. Personnel Acquisition of Auctioned Property
- 1. Police personnel assigned to the Property Section and police supervisors with supervisory or administrative responsibility over the Property Section shall not bid on or otherwise acquire property auctioned following storage in the Police Property Section.
 - 2. Police personnel subject to provision H.1. (above) shall not knowingly permit family members to bid on or otherwise acquire property auctioned following storage in the Police Property Section.
 - 3. The foregoing provisions are not intended to prevent the listed personnel from purchasing city surplus items made available to police personnel generally.
- I. Field Release of Property
- 1. There will be times when evidence and property may be released in the field. For felony cases, authority to field release a piece of property will be left to the investigating detective or on-scene supervisor.
 - 2. For misdemeanor cases, the officer in charge on scene will determine whether property or evidence may be released at the scene. If possible, photographs should be taken before release and all pertinent information relating to the property will be documented in a report.
 - 3. Documenting the property on in-car video can be done in place of photographs.
 - 4. A Mesquite Police Department Property Release Form will be completed and signed by the person receiving the property. This form should then be turned over to the assigned investigator or logged into the MPD Property Room.
 - 5. The items will be returned to the rightful owner.

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