



# VIA TRANSIT POLICE DEPARTMENT

## Standard Operating Procedures



### *Procedure 701 Property and Evidence*

Office with Primary Responsibility:	CID	Effective Date: Prior Revision Date:	February 8, 2022 September 23, 2021
Office(s) with Secondary Responsibilities:	COP	Number of Pages:	13
Forms Referenced in Procedure:		Related Procedures:	

#### **.01 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.

#### **.02 PURPOSE**

The purpose of this policy is to establish property room procedures that will protect the integrity of the property and management system.

#### **.03 ORGANIZATION AND ACCOUNTABILITY**

- A. The Chief of Transit Police will appoint a primary and an 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(s) serves as backup when the assigned property custodian is unavailable. The Transit Police Investigator has been appointed as the property custodian. The property custodian designates the alternate property custodian(s) with approval of the Chief of Transit Police.
- B. The property custodian reports to Chief of Transit Police or his designee, who is accountable directly to the Chief of Transit 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

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. Additional duties include but are not limited to the following:

1. 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.
2. Maintain property reports and other documentation associated with the “chain of custody” for all property.
3. Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found, or seized by the Transit Police.
4. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.
5. Coordinate the disposal of unclaimed property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.
6. Release of property for court, disposal, or person legally entitled to the item.
7. Provide any necessary training to department personnel regarding the appropriate logging, packaging, documenting, and storage of property and evidence.



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8. Provide effective liaison between the department and local, county, state, and federal law enforcement agencies.
9. Represent the department while attending state and local associations involved with the management of property and evidence.
10. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
11. Maintain a clean and orderly property storage facility.

#### **.04 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 the alternate property custodian(s). All persons entering the property room will sign in and out on the property room entry log indicating the date, time, and purpose of the entry and must be escorted by the property custodian or alternate property custodian.
2. Property or evidence is removed from its storage location only by the property custodian or the authorized designee(s).
3. The doors, gates, or other closure devices to any storage area are secured whenever the property custodian or other authorized personnel is not on the premises.

##### B. Key Control

1. An access control card is required to open the main property / evidence room doors. The primary and secondary evidence custodians, as well as the Chief of Transit Police are the only individuals with said access cards.
2. The keys to all other property storage facilities are kept inside the main property room. Both the duplication of keys and the unauthorized possession of keys to secured property storage areas are strictly prohibited.
3. A complete set of other storage facility keys are in the main property room on a designated keyring as a backup for property room personnel. Inspection of these keys is part of all property room audits and inventories.
4. Property room personnel may not relinquish property room access codes, keys, combinations, or alarm codes to anyone other than authorized personnel.
5. When property custodians leave their assignment, the Chief of Transit 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. In the event an access code is compromised, all access codes will be reset.

##### C. Additional Security Measures

1. Firearms are stored separately from other property in the property room, secured in a designated firearms storage area.
2. Controlled substances are stored separately from other property in the property room and secured in a safe, locked cabinet, or bin. That safe, cabinet or bin remains locked at all times unless property is being stored, removed, or inventoried.
3. Money is stored separately from other property in the property room and secured in a safe, locked cabinet, or bin. The safe, locked cabinet, or bin remains locked at all times unless property is being stored, removed, or inventoried.

#### **.05 CATEGORIES OF PROPERTY**



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For the purpose of these procedures, property in Transit Police custody falls into these categories:

- A. Evidence. Evidence is property that comes into the custody of a Transit Police Officer 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.
- B. Found Property. Found property is property of no evidentiary value that comes into the custody of a Transit Police Officer, 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.
- C. Safekeeping. Safekeeping is property of no evidentiary value surrendered to a Transit Police Officer 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).

#### **.06 DOCUMENTATION AND RECEIPT OF PROPERTY (TBP: 12.01)**

##### A. Documentation of Property

The Transit Police Officer accepting property writes a report with the following components: (1) a description of the item (2) pertinent details of how the item came into the officers' possession and (3) complete information about the person who found the property, or the person from whom it was seized or recovered.

##### B. Computer Inquiry and Entry

- 1. All Transit Police Officers 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 has been reported stolen or has been entered into the statewide system for any reason.
- 2. Dispatch or the inquiring officer verifies all "hits" before the item is confiscated. After verification, a dispatcher sends the "locate" information or notifies the appropriate agency.
- 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/or boxes. These serve as the primary method for submitting property for storage. A listing of the case number, tag number, date, location, applicable names, description of property, officer's name, and ID number properly identify the property and its origin. This is accomplished by making property entry of the above listed information into the RMS system, then printing and affixing a property / evidence label or sheet.
- b. Chain of Custody. The property / evidence label submitted with each property container (bag, box, etc.) contains a bar code which is used to track the movement of the item, including its release in 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, tag number, date of submission, and name and ID number of the submitting officer.
  - 1. Officers shall place backpacks, tote bags, and sports bags, etc. into plastic bags when possible to insure all contents remain secured. If the item does not fit in a bag for any reason, the officer shall notify the on-duty supervisor.



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- d. Property Receipt Form and Property Release 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. The release form can be printed from the RMS.

#### **.07 LOGGING PROPERTY AND 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, if necessary, the Transit Police Investigator(s) to determine prosecutorial need. If the property can be released in the field, the officer will complete a Property Field Release Form and have the owner sign for receipt of the property. The form will be scanned and attached to the offense / incident report. (TBP: 12.06)
  1. If the owner refuses to sign the Property Field Release Form, the officer shall advise the owner that he/she will not receive the property until the form is signed. If the owner still refuses to sign, the officer shall advise the owner that the property will be deemed as "ABANDONED PROPERTY". If all attempts to obtain the owner's signature fail, the officer shall retain the property and process the property into an intake locker by normal property intake procedures.
- 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 intake lockers or designated intake area as soon after seizure as possible. Personal lockers, file cabinets, or desks are not approved storage for property or evidence items. Officers will log all property and evidence into the intake lockers or designated intake area 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 or investigating officer; however, the property/evidence must first be logged into the property system and then signed out. The detective or investigating officer signing out the property /evidence is responsible for the evidence until returning it to the property room. The detective or investigation officer is also responsible for the integrity of the evidence while checked out. When property / evidence integrity has been compromised, the detective or investigation officer shall immediately notify the property custodian and the on-duty supervisor.
- D. Marking and Packaging
  1. All collected property and evidence packaging is marked for identification.
  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.), the officer must place the item in a vial, envelope, box, bag or other suitable package, then seal and mark the container as instructed in item 2 above.
  4. Containers and materials for use in packaging physical evidence and other property come in a variety of shapes and sizes. Officers strive to use the size and type container appropriate for the type of property. An assortment of packaging materials and supplies for this packaging are near the property intake area. 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. See section IV. C.
  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 all weapons and preservation of their evidentiary value. Weapons are unloaded ONLY after the officer notes the position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc. In all cases



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where a firearms has been placed into an intake locker, the property / evidence custodian shall be notified by the on-duty supervisor.

**NOTE: NEVER PLACE A LOADED FIREARM IN AN EVIDENCE STORAGE LOCKER.**

Exception: If a weapon cannot be unloaded due to a mechanical defect the officer must attach a warning note to the weapon indicating that it is loaded. The property custodian arranges for the range master (or a qualified designee) to unload the weapon prior to placing it in storage or transporting it to a laboratory. Unfired cartridges may be left in the magazine provided the magazine is removed from the gun.

7. Hazardous Materials / Devices: No unexploded device, or a device that is suspected of being one that might explode, will be transported or stored in or about the transit police facility. No Class A explosive, such as dynamite, desensitized nitroglycerin, large quantities of fireworks, or more than one pound of black powder will be transported or stored in or about the transit police facility.
8. Money: All monies will be itemized by denomination and quantity entered into the appropriate section of the RMS before it is placed in a property locker.
9. Bicycles: All bicycles or portions thereof retained by transit police officers are placed into the designated intake area. Different levels of security for the storage of bicycles may be utilized depending on the property classification of the bicycle (Evidence vs. Safe Keeping vs. Found Property).
10. Motor Vehicles: Motor vehicles requiring retention are stored at the designated storage facility of the contracted towing company. Small motorized scooters are stored in the designated intake area. Note: Vehicles may be temporarily stored at the transit police department 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) are secured in the property / evidence room as evidence.
11. License Plates: License plates are the property of the Department of Public Safety (DPS, or appropriate motor vehicle department) 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 must attempt to return a found license plate to its owner. If that is not feasible, the officer logs the plate into property. The property custodian is then responsible for returning the plate to the owner or DPS.
12. 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 submitting large quantities of alcoholic beverages into evidence. In rare situations, such as when a sample of the evidence is necessary for prosecution, one unopened container (bottle, can, etc.) is retained, and a photograph of all of the evidence is attached to the report. A video is made of the destruction of the remainder and this video is attached to the report or otherwise submitted per department video submission policy.

#### **.08 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. Intake Lockers: Individual intake lockers are located in the Transit Police Department next to the property / evidence room. Officers lock the property into one of these lockers which is also for the deposit of small evidence items, undeveloped film, license plates, etc.
  2. Designated Intake Area: All bicycles, large items, or parts thereof, are temporarily stored in the Designated Intake Area.
  3. Refrigerator/Freezer: A refrigerator and freezer are located in the secured property room. Items that require refrigeration are given directly to a property custodian for securing in property. In the event there is not a property custodian on duty, a supervisor shall call the primary property custodian who will assign a property custodian to secure the evidence.
  4. Hazardous and Flammable Materials Storage



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- a. Hazardous Materials may be stored, on a case by case basis, based on the evidentiary value of the material. In cases where the material is deemed as viable evidence for a case, the primary property custodian will take precautions to store the materials in a manner which is safe to the general public, as well as the employees of the Transit Police Department, while still protecting the evidentiary value and integrity of the materials.
- b. Fireworks are not stored, but instead photographed. Officers destroy all confiscated fireworks by drowning and physical destruction and, when possible, in view of a video recording device.

#### **.09 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 completes 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. Arranges for transportation to the laboratory for examination as required, and
  - e. Arranges for destruction, release to owner, or other authorized disposition as appropriate.
3. If the label makers are not functioning correctly, the officer shall write the case number and item number on the outside of the package and notify the on-duty supervisor.

##### B. Property Inventory

1. The property custodian accounts for every item submitted into the property system. This process begins after initial intake.
  - a. The property custodian or alternate compares items listed in the automated system with those actually found in temporary storage. If any item is missing, the property custodian immediately notifies the submitting officer and on-duty supervisor. The submitting officer and/or the supervisor then corrects 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 Chief of Transit Police via email, explaining the circumstances surrounding the missing property. The primary custodian forwards a copy of the email to the employee's supervisor. Property connected to the case will not be processed until the missing material is 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 procedure.
  - b. Property room personnel SHALL NOT accept any money, jewelry, or controlled substances if the seal, envelope, packaging, or container has been opened, tampered with, or otherwise improperly submitted.
  - c. The property custodian immediately notifies the submitting officer's supervisor, who follows up with the submitting officer.
  - d. All personnel shall immediately correct a breach in safety protocol.

##### D. Property Storage





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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 or designated storage vessel, 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 or designated storage vessel.

#### 2. Controlled Substances

- a. The property custodian segregates all drugs and narcotics from other types of property retained. All controlled substances, **REGARDLESS OF PROPERTY CLASSIFICATION**, are stored in the narcotics safe or designated storage vessel, inside the property room. The safe or vessel 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.
- c. Property custodian only opens sealed containers to facilitate the transportation and/or destruction of the item.

#### 3. Money

- a. The entering officer segregates monies during intake. The property custodian verifies that the monies are segregated from other property items submitted. The property custodian or alternate will then determine if the monies will be stored as evidence or property.
- b. 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.
- c. The property custodian opens sealed containers only to release the money to its rightful owner or to transfer the money to a financial institution, if applicable. At least one other police employee is present when opening any money envelope.
- d. The property custodian secures negotiable stocks, bonds, or bank securities in the safe with other money items. He/she 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 given homicide case together, unless that evidence requires storage elsewhere for additional security, safety, or preservation measures.
- b. Property associated with all homicide cases remain segregated from other types of property retained by the Department.

#### 5. Hazardous Materials

- a. Hazardous Materials may be stored, on a case by case basis, based on the evidentiary value of the material. In cases where the material is deemed as viable evidence for a case, the primary property custodian will take precautions to store the materials in a manner which is safe to the general public, as well as the employees of the Transit Police Department, while still protecting the evidentiary value and integrity of the materials.

#### 6. Photographs

- a. All digital photographs are uploaded to the automated property system or printed and stored the case file.

7. Property Management. Nothing in this procedure prevents the property custodian from organizing property as deemed necessary for the efficient operation of the property function.

#### E. Computer Entries: Computerized Property System



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1. The submitting officer initially enters all property entries in to the automated property system and completes the following information:
  - a. Classification of property
  - b. Type/description of property
  - c. Quantity
  - d. Case number
  - e. Tag number
  - f. Item number
  - g. Officer submitting property
  - h. Location property stored
  - i. Chain of evidence / status tracking
  - j. UCR code
  - k. Article, Brand, Make, Model, Serial number if applicable

#### F. Disposition of Property

1. The property custodian updates the status of all property retained in inventory as necessary.
2. The property custodian maintains a complete electronic file on each piece of property in the automated property system.
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, property custodians 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, property custodians request a “stolen” check through TCIC/NCIC to confirm the status of the firearm.
  - c. **AMMUNITION WILL NOT BE RELEASED WITH A FIREARM REGARDLESS OF STATUS UNLESS OTHERWISE ORDERED BY A COURT OF LAW.**

#### 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. Only authorized personnel, as assigned by the Chief of Transit Police, will have access to these recordings.

### **.10 PROPERTY AND EVIDENCE RELEASE GUIDELINES**

#### A. Persons Authorized to Release Property

1. The following persons may authorize the release of property under the provisions of this procedure:
  - a. The assigned investigator, or the investigator’s supervisor,
  - b. The Chief of Transit Police,
  - c. A magistrate,
  - d. The district attorney’s office
  - e. In cases of found property and property impounded for safekeeping, the property custodian.

#### B. Release Authority

1. A court order is required for the release or disposal of property seized pursuant to a search warrant as well as for any property the ownership of which is contested.





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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 the incident.
4. Upon the CID supervisor's approval, the property custodian disposes of property on no-lead cases after the statute of limitations is past.
5. The assigned Investigator approves of evidence destruction on no-lead misdemeanor cases after one year from the commission of the offense or earlier if that Investigator can justify otherwise.
6. The property custodian retains any property requested for civil litigation until its release is approved by the CID supervisor. The CID supervisor or the Chief of Transit Police contacts the VIA Legal department prior to disposal of property cases where the organization 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. 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 destruction.
- d. The property custodian processes all unclaimed property for 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 the firearm is stolen, an attempt is made to return it 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. **AMMUNITION WILL NOT BE RELEASED WITH A FIREARM REGARDLESS OF STATUS UNLESS OTHERWISE ORDERED BY A COURT OF LAW.**
- g. 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 Investigator may be destroyed upon completion of the investigation. Examples include, e.g., glass fragments, or a 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.
  - c. In all cases, the person who receives the property must present a photo ID and sign the property receipt. Exceptions can be made by the property custodian when the person who receives the property may be positively identified by other means.



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- d. Persons picking up property on behalf of the property owner must present official paperwork authorizing them to do so. (I.E. – Death certificate, notarized letter from owner, etc.)

#### E. Court Releases – Left of here 04-15-2019

There are times when a court will request property for trial or other purposes. When this occurs, the following steps shall be taken.

1. Officers needing evidence or property for court presentation must notify the on-duty supervisor, who will then notify a property custodian of the request.
2. The property custodian or alternate will then print up a release form for the requesting officer, and then upon releasing it to the requesting officer, the property custodian or alternate will update the automated property system to indicate that the property has been released to the requesting officer as per the directive of the court.
3. The form indicates "temporary release" for court as is retained by the property custodian.
4. Should the court request temporary storage of the item under their care, custody, and control, the officer will notify the on-duty supervisor and a property custodian, who will then indicate that in the chain of custody / status tracking section of the automated tracking system.
5. The officer *shall* create a supplemental report to the primary report indicating such.
6. In all cases, the person receiving the property must present a photo ID and sign the property receipt, when applicable.
7. Upon return from court, the requesting officer will return the property / evidence back to the property custodian or alternate. In the event the property custodian or alternate is not available, the officer will notify the on-duty supervisor and re-secure the property / evidence in an intake locker, completing a supplement to indicate which intake locker the requesting officer re-secured the item.

#### **.11 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, a written request from the district attorney's office, or when the case to which the item is attached has been completely adjudicated and it no longer holds any evidentiary value.
- C. Upon receipt of a court order, the property custodian disposes of property in the manner indicated in that order.
- D. Property to be destroyed is disposed of in the following ways:
  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 the container is disposed of in the trash.
    - c. Property of value (except firearms, money, ammunition, controlled substances, and hazardous materials) is held and a letter will be sent to the owner of the item, specifying they will need to contact the department to assert their claim over the said item. If the owner does not claim the item within ninety days from the date of notice, the items will be considered "abandoned" and destroyed in accordance with state law guidelines.
    - d. Handguns and assault weapons may be destroyed upon identifying that the case is closed, and a court order has been signed allowing for the destruction of the firearms.
      - i. When authorized to destroy the firearm, the property custodian or alternate will destroy the firearm in a manner that renders the firearm permanently inoperable.



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Examples of this are grinding down the firearm completely or cutting it in a manner that renders it inoperable. The parts will then be disposed of as waste metal.

- e. Ammunition is disposed of through pre-approved, designated agencies or in a manner which safely renders the ammunition as inoperable.
- f. Controlled substances are incinerated in an authorized incinerator.
- g. Hazardous materials are disposed of through an authorized, pre-approved hazardous waste disposal firm, or by incineration, if safe to destroy in this manner.
- h. Knives, clubs, BB or pellet guns, or other dangerous weapons are destroyed in the same manner as firearms, by breaking them to a point where they are rendered inoperable.
- i. All unclaimed money is stored in the property room, until such time as it may be stored in a designated account, at the discretion of the property custodian, with the approval of the Chief of Transit Police.

#### 2. Disposition of Firearms

All firearms will be destroyed unless released to their rightful owner.

Destruction process for firearms is as follows:

- a. The property custodian ensures the recording of the make, model, serial number, and involved case report number in the property management computer system.
- b. The property custodian destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).
- c. All firearms are inventoried prior to destruction.
- d. The property custodian updates the new status on all related documents and computer files.
- e. The property custodian, accompanied by an armed police officer and (if possible) a community volunteer, 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, with input from the range master has final discretion on the means of ammunition destruction.
  - ii. If the ammunition can be safely fired from a weapon, the ammunition may be disposed of in this manner at a range where it is safe to do so.
  - iii. Upon destruction of the ammunition, the property custodian or alternate will indicate the ammunition as “destroyed” in the automated tracking system, and must indicate an officer who witnessed the destruction.

#### 4. Destruction of Narcotics/Controlled Substances

- a. The property custodian destroys controlled substances and narcotic paraphernalia in accordance with state law and TAPEIT guidelines.
- 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 *or* authority for disposal is given by the prosecutor assigned to the court. This authorization may be verbal and noted on the request-for-disposal form. Other controlled substances may be disposed of summarily by the department, when legally able to do so.
- c. Items to be destroyed are pulled from their storage locations and placed in boxes labeled “To Be Destroyed.” Upon placing these items in the “To Be Destroyed” box, the evidence custodian or alternate will indicate this change in item location in the automated tracking



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- system. If the items be will destroyed with the box included, then 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 (example: crush, incineration, discard, etc....) and obtains the necessary permits in advance, if needed. In the event
  - f. Another VIA Transit Police Officer, preferably an alternate property custodian or supervisor, will witness the destruction of the items. If a VIA Transit Police Officer, alternate property custodian, or supervisor is not available, an officer from another agency may be used as a witness, with that officer's name and agency indicated in the automated tracking system as a witness to the destruction.
5. Disposal of Hazardous Materials: The disposal of hazardous materials falls under several 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 may consult with the fire department in the jurisdiction where the property will be destroyed for direction and assistance with disposal efforts.

#### **.12 INSPECTIONS (TBP: 12.07)**

For purposes of this procedure, 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 Chief of Transit Police, or his designee, 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 Transit Police, with a copy to the primary evidence custodian.
- B. The inspection should concentrate on how the policies, procedures, and practices are followed. This inspection should be conducted by a supervisor or another officer not involved in the operation of the property room. The person inspecting the property room should become familiar with property room policies 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 five items randomly selected from the property log by the person inspecting, to include at least one weapon, one drug and one money item.
- C. The Chief of Transit Police may personally conduct frequent unscheduled; unannounced inspections / assessments of the property room and property function or assign someone for these inspections, as deemed appropriate. Documentation of these inspections / assessments reflects the date and results of that inspection.

#### **.13 PROPERTY INVENTORIES (TBP: 12.08)**

- A. It is the policy of the Transit Police Department 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 department uses the inspection and inventory process to ensure the integrity of this policy.
- B. For purposes of this procedure, an inventory is defined as a physical inspection and verification of the location of a property item maintained by the department against the agency's records.
  1. A complete inventory is conducted (1) at least once a year, (2) anytime a personnel change is made in the property room, or (3) 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.



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- b. Every item stored in the property system must be accounted for. All property storage areas, rooms, and sites are included in the inventory process.
  - c. All packages, containers, or property tags are inventoried and reconciled with the computer or file 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.
2. 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.

Note: The Agency should select the sampling method in either b or c below and delete the other.

- b. 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, and then locating the items in the property room. The final part of the inventory will be done in two parts. The first part consists of randomly selecting the paperwork for 25 of the 50 items and locating them in the property room. The second part consists of randomly selecting 25 more items in the property room and locating the item paperwork for each item, which tests the record-keeping system.
  - c. A copy of the inventory report is completed after each inventory and forwarded to the Chief of Transit Police. This report includes any discrepancies and lists any missing items. The CID supervisor determines whether an investigation into the loss is warranted.
- C. Whenever a firearm, money, or controlled substances are discovered missing, the CID supervisor is notified immediately, and an investigation initiated.