

HOOKS, TEXAS POLICE DEPARTMENT GENERAL ORDERS MANUAL

<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 8.01	
<i>Subject</i> Property and Evidence Chain of Custody			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 5

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

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

SECTION 2 POLICY

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

SECTION 3 DEFINITIONS

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

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

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

Contraband – Any item or article that is illegal.

Defendant - A person charged with a criminal offense.

Disposition - The final transfer of property possession.

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

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

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

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

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

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

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

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

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

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

SECTION 4 PROCEDURES

A. SECURING PROPERTY/EVIDENCE

1. Employees shall place all property/evidence seized, recovered or found in the course of their employment into the Department's property system in accordance with this directive prior to going off duty.
2. In no instance, shall an employee store property/evidence in a department vehicle, personal vehicle, the employee's home, or any other unauthorized location.
3. All property collected as evidence, lost property, found property, or property collected for safekeeping shall be immediately taken to the department for proper storage without delay.
4. Officers shall place small items, together with a copy of the original property report, into the temporary property locker. If it is a large bulky item that will not fit into the temporary property locker the property maybe left outside the locker with a copy of the property report attached to each item. The original property report shall be placed in the file tray attached to the temporary property locker door.
5. Firearms shall have a properly documented identification tag affixed to them. A copy of the property report shall be firmly attached, and the item shall be stored in the temporary property locker.

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B. PROPERTY/EVIDENCE PACKAGING AND SPECIAL HANDLING

1. FIREARMS

- a. It is the responsibility of the officer transporting firearms to the police station to do so safely.
- b. It is the responsibility of officers who confiscate firearms from any person to safely unload them.
- c. Firearms should be unloaded in a safe place prior to bringing the firearm into the Police Department.
- d. When an officer is unable to safely unload a firearm, the officer is responsible for notifying a supervisor who will either safely unload the firearm or arrange to have the firearm safely unloaded.
- e. If the firearm cannot be safely unloaded, the officer shall secure the firearm in the temporary property locker and post to the front of the locker a sign that reads "UNSECURED FIREARM" as a warning that the firearm is not secure.
- f. The officer shall leave a written explanation with the firearm describing the reason it could not be made safe.
- g. Officers will not place weapons in plastic bags, use tape, deface, engrave, or place any permanent markings on any weapons.
- h. Gun boxes should be used for any gun that poses a biohazard threat.

2. FLAMMABLES AND EXPLOSIVES

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

3. BIO HAZARDOUS MATERIALS

- a. Items contaminated with blood or other bodily fluids should be handled in accordance with proper bio-hazard protection, with the employee avoiding any direct contact.
- b. All wet items must be air-dried prior to submission to the department property room. Officers collecting such items should immediately notify their supervisor. Always remember to handle such items in accordance with bio-hazard precautions.
- c. Such property/ evidence is *never* to be placed in a *plastic* bag for storage.

4. PERISHABLE ITEMS

Perishable items should not be collected as evidence as the Department does not have a means to adequately store and maintain such property. Officers should consider alternatives such as photographing the evidence if possible. It should be noted there is no need to refrigerate blood sample kits collected for analysis and they should be placed in the temporary property storage locker.

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5. NARCOTICS

- a. Narcotics will be placed in a clear plastic evidence bag and the bag will be sealed.
- b. Once sealed, the evidence bag should not be opened except by laboratory personnel or for court presentation purposes.

6. CURRENCY

- a. When currency is seized, the officer will count the currency by denominations and placed into an envelope.

7. JEWELRY

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

8. BICYCLES

- a. Bicycles shall be stored in the department's storage building located at rear of the police department.
- b. A copy of the property report shall be securely attached to the bicycle. The original Property Report shall be placed into the attached file tray located on the temporary property locker.

9. SHOPLIFTING EVIDENCE

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

C. PROPERTY/EVIDENCE STORAGE CONTAINERS

1. ENVELOPES

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

2. PLASTIC BAGS

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

3. PAPER BAGS

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

4. PLASTIC TUBES

Needles and other sharp items should be placed in plastic tubes provided by the Department.

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Knife boxes are to be used for any knife with an exposed blade that will not fit into a plastic tube.

D. RESPONSIBILITIES OF THE COMMAND STAFF

1. Take control of, properly identify, log, store and be accountable for all property/evidence transferred to the Property and Evidence Room.
2. Make entries in the appropriate control logs, files, and computer databases regarding property/evidence that is received or released.
3. Exercise administrative control over all property/evidence received by the department until a final disposition of the property/evidence is made.
4. Complete a Chain of Custody Affidavit when requested by the prosecuting attorney in a criminal prosecution. (Art. 38.42 of the Code of Criminal Procedure)
5. Properly store property/evidence within designated, secure areas.
6. Monitor offense disposition for evidence being held and check court dispositions on evidence in which cases have been filed.
7. Strive to make final disposition of found, recovered, and evidentiary property after legal requirements have been satisfied.
8. Properly complete the documentation that is necessary when property/evidence is disposed of or transferred from the department.

E. RESPONSIBILITY

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

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<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 8.02	
<i>Subject</i> Property and Evidence Storage Area Security			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 1

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SECTION 1 PURPOSE

The purpose of this policy is to require strict security and limited access to the Property and Evidence areas.

SECTION 2 POLICY

It is the policy of the Department that only authorized persons will be allowed into the Property and Evidence areas.

SECTION 3 PROCEDURES

A. PROPERTY AND EVIDENCE STORAGE AREAS ENTRY DOCUMENTATION

1. No person shall enter the Property Room or the property storage areas except with expressed consent of the Chief of Police.
2. The department Supervisor (Sergeant) has the consent of the Chief of Police to enter the Property Room and the property storage areas until said consent is withdrawn.
3. Any unusual circumstances involving the Property Room or property storage areas shall be reported immediately to the Chief of Police.

B. RESPONSIBILITY

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

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<i>Effective Date</i> January 1, 2021	<i>Amended Date</i>	<i>Directive</i> 8.03	
<i>Subject</i> Field Release of Property			
<i>Distribution</i> All Personnel Mayor City Attorney		<i>Review Date</i> January 1, 2022	<i>Pages</i> 2

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SECTION 1 PURPOSE

The purpose of this policy is to provide guidance to employees regarding the release of property to individuals in the field when such a release can be done without compromising a criminal case.

SECTION 2 POLICY

It is the policy of the Department that property may be released in the field when appropriate and when the release can be done without compromising a criminal case. All property released in the field must be released in accordance with the provisions of this directive.

SECTION 3 PROCEDURES

A. Officers who wish to release property to the rightful owner must do so in accordance with the following procedures:

1. If an officer receives found property, all reasonable efforts should be made to locate the owner. Found property may be released to the owner at any time if the owner can prove ownership. The owner must sign for receipt of the property on the property report to document the disposition of the property.
2. If the owner cannot be contacted during the officer's tour of duty, the officer will complete a property report, properly label and package the property, and place the property into the temporary property locker. If the owner is known a letter will be sent explaining that the subject's property is in the custody of the police department and can be picked up during normal business hours.
3. Property taken for safekeeping may be returned to the owner at any time providing the owner can show proper identification. Safekeeping property is to be released in the same manner as found property, and the owner must sign for receipt of the property on the property report to document the disposition of the property.

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B. RESPONSIBILITY

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

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<i>Effective Date</i> January 1, 2021		<i>Amended Date</i>		<i>Directive</i> 8.04	
<i>Subject</i> Property and Evidence Submission					
<i>Distribution</i> All Personnel Mayor City Attorney				<i>Review Date</i> January 1, 2022	<i>Pages</i> 3

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SECTION 1 PURPOSE

The purpose of this policy is to require the prompt submission of all property and/or evidence to the departments Property and Evidence Storage Areas before the end of the officer's tour of duty.

SECTION 2 POLICY

It is the policy of the Department that all property regardless of its nature that comes into the custody of an employee of this agency will be immediately submitted, properly packaged, handled, preserved, stored, accounted for and disposed of in accordance with the procedures set forth in this directive and all other directives related to the handling of property and/or evidence. It is also the policy of the Department that all personnel are responsible for the prompt submission of all property and/or evidence to the departments Property and Evidence Storage Areas before the end of their tour of duty.

SECTION 3 PROCEDURES

A. IMMEDIATE SUBMISSION OF PROPERTY AND EVIDENCE

1. In no instance, shall an employee store property/evidence in a department vehicle, personal vehicle, the employee's home or any other unauthorized location.
2. All property collected as evidence, lost property, found property, or property collected for safekeeping shall be immediately taken to the departments Property and Evidence Storage Areas for proper storage without delay.

B. PROPERTY REPORT

1. Officers submitting property/evidence shall complete a Property Report that shall include a detailed description of each item, including serial number if applicable, and shall describe how, what, when, and where the officer came into possession of the property/evidence. Officers should avoid generic descriptions (i.e., various, miscellaneous, etc.)
2. Officers submitting drug related property/evidence shall place it in a sealed evidence package and complete a separate property report **for drugs only** with corresponding page and evidence numbers. The report shall include a detailed description of each item including description, color, weight, and/or pill count of evidence. Information should be included as to results of field testing. Detailed information of owner(s) shall include name, race and sex, date of birth, and drivers' license

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or social security number. Detailed information of where the evidence was located and listed as biohazard if recovered from a body cavity. All other items including paraphernalia, pill bottles and related property/evidence not to be tested shall be placed into evidence in a separate container and listed on the separate property report.

3. Officers shall place a copy of the property report with all other related paperwork to be submitted to their supervisor. An additional copy of the property report shall be affixed to the property prior to being placed into the temporary storage locker. The original property report shall be placed into the file box located outside the temporary property locker door.

C. VERIFICATION OF STOLEN PROPERTY

1. Prior to submitting serial numbered property/evidence to the Property and Evidence Unit, officers shall check the item through TCIC/NCIC to determine if it is reported stolen.
2. The officer will notate on the property report that each item was checked and whether it was clear.

D. RIGHT OF REFUSAL

1. The department supervisor has the right to refuse to accept any property/evidence that is not submitted in the proper manner.
2. When the department supervisor refuses to accept a piece of property/evidence, it will remain secured in a temporary storage locker.
3. The supervisor will ensure that the officer makes the necessary corrections during their next tour of duty and the property/evidence is resubmitted.

E. PROPERTY WITHDRAWAL AND RETURN PROCEDURE

1. Property/evidence may be temporarily withdrawn from the property storage areas for Intra-agency reasons (e.g.; for laboratory or investigation purposes), or Interagency reasons (e.g.; for laboratory examination or use in court).
2. Return of property, as used in this order, means return to the departments Property and Evidence Storage Areas.
3. Only the employee assigned to investigate a case or a person authorized by the department supervisor may withdraw property or evidence.
4. Employees withdrawing property shall sign their names on the Property Record, and number and list each item withdrawn.
5. When items are returned after being checked out, then they shall sign the property report indicating that the item(s) have been returned.

F. SUBMISSION OF EVIDENCE FOR TESTING

1. The Department Command Staff shall be responsible for the submission of all evidence to state or federal laboratories for testing and/or identification.
2. When appropriate, and acceptable to the District Attorney's Office and the receiving laboratory, evidence may be submitted via the United States Postal Service or other parcel delivery service.
3. Evidence submitted via the United States Parcel Service shall be sent by Registered Mail.

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4. Submission and packaging of all evidence sent by any employee shall be accomplished in accordance with the established rules and procedures set forth by the receiving laboratories.

G. RESPONSIBILITY

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