APPROVED: _____
Chief of Police

I. POLICY

It is the policy of the Cedar Park Police Department to maintain the highest level of integrity when it comes to the collection, processing, storage and management of all evidentiary items the agency is entrusted with.

It is the policy of the Cedar Park Police Department that all evidence and property will be collected, processed, and managed in a manner that is consistent with all local, state, and federal laws; as well as, current case law and recognized best practices.

II. PURPOSE

The purpose of this order is to establish the minimum guidelines and protocols for collecting, processing, and managing evidence and property.

III. DISCUSSION

This order is designed to be a general guideline for commonly encountered situations, with flexibility and specific circumstances to be kept in mind. While every potential situation cannot be enumerated, the order will be used for common procedural matters. Deviation from this order is possible with the written approval from a member of executive command staff.

It is necessary to establish guidelines and procedures for receiving, processing, storing and securing evidence and property within the Property and Evidence Division or other designated secure areas. It is also necessary to ensure that the chain of custody is documented from the time the items are collected until final disposition. One way to achieve this is through access control, audits and inspections, which are conducted at specified and non-specified intervals, to confirm the integrity of the Property and Evidence Division.

Law enforcement agencies are responsible for the care, custody, and control of several types of property: seized, recovered, and evidentiary property, as well as, abandoned, lost, or found property. Processing and managing property is a complex process, requiring careful documentation, security, and care. The handling of recovered property and evidence is managed by property and evidence personnel.

The Property and Evidence Division is responsible for the care, custody, and control of the property until final disposition or release. The final disposition of all unclaimed and abandoned property will be done in accordance with the *Texas Code of Criminal Procedures Chapter 18, Article 18.17*.

IV. DEFINITIONS

Ammunition: Consists of any type of projectile that can be propelled or discharged from a gun. It is generally associated with bullets or rounds but can include other types of material.

Chain of Custody: The unbroken trail of accountability from the time of collection until final disposition or destruction, which ensures the physical security of samples, data, and records in a criminal investigation.

Evidence: This classification encompasses all items or property that will be or may be used in the prosecution of a case.

Exigent Circumstances: The call volume, workload or other significant situations that impede the personnel's ability to accurately log evidence before the end of their tour of duty.

Explosives: Consist of any explosive weapon detonated by a predetermined means, such as impact, proximity, or a timing device. It is generally associated with bombs but can include a large variety of crudely made objects.

Found Property: This classification encompasses all items of property that have been found in the field or abandoned.

Property Voucher: The property voucher is a written, working document for the Property and Evidence Division. This document provides a listing of the evidence submitted and establishes a basic legal chain of custody for the evidence. The log shall be kept error free, and any discrepancies shall be reported to the Property and Evidence Division.

Safekeeping: This classification encompasses all items or property that are to be officially retained by the department and will not be used in the prosecution of a case. The reason for safekeeping must be explained in the narrative of the report. Members of the department shall not accept valuables for safekeeping from individuals who merely desire to check them in for that purpose.

Seized: This classification encompasses all items or property confiscated pursuant to controlled substances investigations intended for authorized forfeiture proceedings.

V. PROCEDURES

1. Personnel shall secure all property and evidence before the end of their shift in an approved Property and Evidence storage area.
2. Personnel shall properly log all property and evidence into the property and evidence software before the end of their shift.

3. If exceptional circumstances exist, and personnel have received approval from their supervisor, personnel may retain control only as part of an authorized chain of custody, and all evidence must remain secured in a manner approved by the Property and Evidence Division.
    a. Any delay shall be resolved as quickly as possible.
4. Personnel shall not transfer custody of evidence without proper documentation in order to guarantee the chain of custody.

Once the Property and Evidence Division takes custody of items submitted for evidence, destruction or safekeeping, accurate records are needed to ensure a proper disposition. Items of evidentiary value must withstand legal challenges for admissibility in court and the chain of custody. To accomplish this, procedures need to be in place that provide information as to the whereabouts of all items, when it was received and/or released, what the item is, and who has handled the item(s). At no time will any property or evidence be held or retained by any personnel except as part of an authorized chain of custody, i.e. taking evidence to court, the lab, or to a location for destruction.

VI. Evidence Intake Function

1. The evidence intake process includes inventorying, assigning a storage location, storing and verifying the documentation of evidence. This process will be completed as soon as possible to prevent contamination or tampering. Accuracy during the intake process will ensure that all items of evidence correspond with the proper documentation and can be quickly located. It also guarantees that any special processing is completed as specified on the appropriate paperwork.
    a. The property voucher is a written, working document for the Property and Evidence Division. This document provides a listing of the evidence submitted and establishes a basic legal chain of custody for the evidence.
    b. Responsibility for the accuracy of the Property Voucher belongs to the initiating personnel. It is the responsibility of initiating personnel to enter the items in the property and evidence software and print the voucher. If a discrepancy exists:
        i. Evidence personnel will refuse to accept the document and item(s) until the matter has been corrected.
            1. The evidence personnel will first contact the personnel who submitted the property in an attempt to resolve the discrepancy.
            2. If the discrepancy still exists, then the second request will be sent to the personnel and the personnel's supervisor will be contacted.
                a. If any personnel have consistent second requests, at the discretion of the property and evidence supervisor, the lieutenant will be contacted on all second requests thereafter.
            3. If the matter is still unresolved, the third request will be sent to the personnel, the personnel's supervisor, and the personnel's lieutenant.
    c. The acceptance of the item(s) by evidence personnel is an official act that the evidence corresponds to its written documentation.

d. Once the chain of custody has been established, evidence personnel will keep precise records as to the whereabouts of all items of evidence. Records will reflect the location of the property, as well as who received, released, or destroyed the items.

2. Signing Evidence/Property In and Out
    a. Legal requirements sometimes make it necessary for evidence items to be removed from the Property and Evidence secured areas. The primary reasons for moving and signing out evidence are; laboratory analysis, continuing investigation, examination by the prosecution or the defense, and court presentation. To maintain control and the chain of custody for the evidence and property, the property will be digitally checked out and the chain of custody receipt will be used for signing out the items and returning them to the facility.
    b. Evidence will be signed out only to those who are authorized to remove it from storage. The investigating personnel, his/her supervisors, or the prosecuting attorney and investigators are authorized to sign out evidence or to authorize others in their absence. The prosecutor or a judge may authorize attorneys and investigators for the defense to view and sign out evidence. The evidence personnel will confirm this authorization prior to allowing the evidence to be viewed or signed out. Confirmation can be made by contacting the judge or prosecutor directly. If the authorization is in the form of a court order, evidence personnel will file the order in the case files. If the authorization is verbal, a notation will be made on the chain of custody receipt as to who gave the authorization.
    c. A signature will be obtained from an authorized person for any evidence or property item removed from the Property and Evidence secured areas. The person signing will assume full responsibility for the item. The chain of custody receipt will be retained and reflect the chain of custody for the evidence.
    d. When items are returned to the property and evidence division, the item will be checked in and verified prior to acceptance. Any discrepancies should be addressed at this time. When evidence or property is returned, the evidence personnel will complete the proper chain of custody entry and re-file the item in its assigned storage area.

VII. Property and Evidence Documentation and Forms

In order to maintain accurate records of evidence and property received, and document the chain of custody for these items, the required documentation must be completed by the submitting personnel. This will provide the necessary information to begin a standardized and systematic filing system capable of locating, identifying, and releasing the various items of evidence or property.

1. Property Voucher

    The property voucher is the first written record of items recovered as evidence or property. Every item submitted to the Property and Evidence Division is required to have a property voucher. This voucher will accurately reflect the items taken and all information, if known, as to the owner of the property. It will establish the chain of custody and provide needed information for the evidence personnel. If any of the below

listed required information is not contained on the voucher, evidence personnel will contact the initiating personnel and have them compete the necessary information prior to accepting the item(s).

Information on the voucher is as follows:

i. Cedar Park Police Department case number;
ii. Submitting personnel's name and badge number;
iii. Date and time evidence or property is logged;
iv. A specific description of the evidence or property submitted;
v. Locker # or location that personnel stored evidence

2. Currency and Coin Count Documentation
    a. Every submission of currency and/or coin is required to be submitted in a completed Currency and Coin Count Envelope.
        i. Exception: It is not necessary to put into a currency envelope very large quantities of coins, but a count shall be made regardless of storage method.
    b. The submitting personnel and witnessing personnel need to initial and date the envelope.
3. Lab Submission Forms

    All lab forms should be completely filled out before submitted to the evidence personnel. It is the responsibility of the submitting personnel to ensure the form is complete.

    a. Texas Department of Public Safety Crime (Laboratory Submission Form)
        i. Drug Submissions
            1. Used for the analysis of controlled substances.
            2. This form is not needed when submitting Marijuana unless it is a Felony amount; the offense is Tampering with Evidence, or Delivery.
            3. This form is not needed when a pill can be identified via markings or other methods.
        ii. Toxicology/Blood Alcohol Submissions
            1. Used for the analysis of a blood or urine specimens for drugs, alcohol, or both.
        iii. Physical Evidence Submissions
            1. Used for the analysis of physical evidence such as, DNA, Sexual Assault Kits, trace evidence, ballistics, etc.
    b. Private Lab Submissions

        Contact the lab to ensure proper procedures and submission forms are completed. Submissions to private labs should be requested by the Criminal Investigations Division and approved by a member of command staff on a case by case basis.

        i. Internal Lab/Crime Scene Processing and Analysis
            1. Items that need to be processed/analyzed by the in-house crime lab should be clearly marked "For Processing" (i.e. process for fingerprints, digital evidence, etc.).

a. Any digital evidence that is to be processed must have accompanying court orders or consent forms attached.

2. It is the submitting personnel's responsibility to package items to be fingerprinted in such a way that it preserves the fingerprints.

4. After evidence personnel have accepted and taken custody of the items, all procedures relating to the storage and maintenance of evidence or property will be followed in compliance with GO 12.04.01 Property and Evidence Storage and Security.

VIII. Property and Evidence Packaging and Submission

When personnel have items to be entered as evidence, property, or for destruction, the personnel shall secure items inside a locker with a property voucher and any additional required documentation.

The temporary evidence holding lockers have been constructed for a temporary storage solution. These lockers are designed to securely hold items of evidence or property until processed into the storage facility by evidence personnel. If at any time any personnel have a large crime scene, items that they need assistance processing or the items will not fit in the areas provided, the on-call crime scene technician can be called in for assistance. Otherwise, personnel shall adhere to the SOP 12.01.02 Collection and Preservation of Evidence.

IX. Evidence Submitted to the Texas Department of Public Safety (DPS)

Requests for submission of evidence to an accredited DPS Crime Lab are generally received when the evidence item(s) are initially placed into evidence. However, a request may be received after the item(s) have been placed into the storage facility when the investigation requires testing or analysis of the evidence. Once a request has been received, Evidence Personnel will adhere to internal procedures regarding regular transport to the DPS Crime Lab and will schedule an appointment for processing as needed. The following steps will then be completed prior to and when taking evidence to the DPS Crime Lab:

1. Evidence item(s) will be digitally logged out to the DPS Crime Lab by Evidence Personnel who will be transporting the items to the lab.
2. Property and Evidence Division Personnel will print and sign the receipt of property and ensure that the original and at least one copy of each lab submission form accompany item(s) submitted to the lab. A copy with DPS lab number will be kept by the department as a record/receipt of the items accepted by the lab.
    a. Property and Evidence Division Personnel will ensure all evidence is in a lab location before submitting evidence to DPS Crime Lab.
3. If prior items have been submitted for the same the CPPD Case Number, notify the DPS Crime Lab so they will assign the proper DPS lab number.

4. Upon receiving the evidence item(s), DPS Crime Lab Personnel will check in each item for submission and place a DPS crime lab number on the return copy of the lab request form. A lab request form will remain with the evidence while the item(s) are at the DPS Crime Lab.
5. The return copy of the lab request form will be filed with case documents and maintained by the department. The laboratory results will be provided in writing from the DPS Crime Lab.
6. Once the evidence item(s) are picked up from the DPS Crime Lab, Evidence Personnel receiving the evidence item(s) will sign for them on the DPS Crime Lab Return Inventory Sheet and get a copy. The Evidence Personnel picking up the items will sign back in all evidence items, store all evidence items in a new location, and update the location in the evidence records management software.

X. EVIDENCE SUBMITTED TO OTHER ACCREDITED NON-DPS LABS

1. The following guidelines will dictate the process for transporting evidence to laboratories, other than the DPS Crime Lab.
2. Submissions may only be made to labs accredited through the Texas Forensic Science Commission.
3. Requests for submission of evidence for analysis are generally received when the evidence item(s) are initially placed into evidence. However, a request may be received after the item(s) have been placed into evidence and the investigation determines the necessity of testing or analysis of the evidence. Once a request has been received, evidence items may be transported by Evidence Personnel or the investigating personnel. Prior to submission, the Evidence Personnel will:
    a. Ensure all evidence is assigned a lab location prior to submitting to the non-DPS lab.
    b. Prepare the evidence item(s) for transfer. This will include any special packaging and handling requirements that may exist for certain types of items or specific lab requests;
    c. Make the proper entries in the Property and Evidence software to document the chain of custody;
    d. Obtain the signature of the person transporting the evidence;
    e. The transporting personnel will deliver the evidence to the laboratory and obtain a signature of the person receiving the evidence on a return copy of the submission form or get a copy of the laboratory receiving sheet. The form will be brought back to the Evidence Personnel and filed; and
    f. The Evidence Personnel picking up the items will sign back in all evidence items, store all evidence items in a new location, and update the location in the evidence records management software.
    g. Laboratory results will be provided in writing to the department.

XI. Temporary Release of Narcotics and Dangerous Drugs for Laboratory Analysis or Criminal Proceedings

The temporary release of narcotics and dangerous drugs is only permitted for the laboratory analysis of the item or criminal proceedings. If the item is to be released to the lab for analysis, evidence personnel must have all appropriate paperwork from the submitting personnel or investigator. The item can then be released after being properly signed for.

If the item is to be used in court, the item may be released to authorized court personnel. Court personnel must also sign for the item prior to it being released. At no other time will narcotics or dangerous drugs be available for temporary release, unless authorized by the chief of police or designee.

XII. Storage of Evidence

The Property and Evidence Division is responsible for the safekeeping of all items taken until properly released or disposed of by court order. To successfully accomplish this, the items will be stored so as to preserve their condition and prevent contamination. This may require that certain items be stored separate from other items and with special packaging conditions.

All items of evidence will be stored as close together as possible, unless special needs dictate a different manner of storage. General items of evidence, requiring no special handling, will be stored in boxes, envelopes, or bags and kept on shelving units in the property and evidence area with the case number and barcode clearly marked on the packaging. Each barcode will be linked in property and evidence software with the case record that shows, at a minimum, the status of the property and the storage location.

Certain items submitted as evidence may require special storage conditions. In these cases, the following applies:

1. **Drugs:** All types and quantities of drugs and/or controlled substances will be stored in the narcotics storage area within the evidence storage area. Drugs and/or controlled substances for destruction will be stored in the narcotics storage area and clearly marked.
2. **Cash and Jewelry:** All cash and jewelry will be stored inside the firearms storage area within the evidence storage area.
3. **Perishable Items:** Items of evidence that is determined to be perishable, such as blood, urine, or other bodily fluids, as well as items that may lose their evidentiary value if not kept refrigerated or frozen, shall be stored in a refrigerator or freezer. Once evidence personnel take custody of the items, they will be logged and stored in the refrigerator or freezer maintained in the secured area. The following conditions will apply concerning evidence needing to be refrigerated:
    a. The evidence will be securely stored in the refrigerator or freezer in the Evidence Storage Facility; and
    b. If the item needs to be transported for laboratory analysis, every attempt will be made to maintain the integrity of the item.

4. **Explosives/Volatile Fluids:** Fireworks will only be accepted into evidentiary outdoor storage areas. Live ammunition may be placed into the indoor evidence storage areas.
5. **Caustics, Acids, Chemicals, or Hazardous Materials:** The Cedar Park Fire Department Hazardous Materials Team will be called to assist with handling and mitigating these types of substances.
6. **Motor Vehicles:** Motor vehicles will be towed and impounded by an incident management wrecker. Vehicles that are to be processed for evidence will be taken to a secured location for processing. Evidence, or property that is found in the vehicle of significant value, will be inventoried and placed into evidence.
7. **Firearms:** All firearms will be stored in the firearms storage area within the evidence storage area. If overflow space is needed another shelf may be designated. At no time should ammunition be stored or left in the chamber of the firearm.
    a. Any firearm entered into evidence shall be marked with the designated label by affixing the label to the gun box containing the firearm, or zip-tied to the gun case.
8. **Bicycles:** All bicycles will be stored in the outside secured area. Bicycles will be properly tagged by the recovering personnel and placed inside the secured area. Evidence personnel will then secure the bicycles in the designated area. Bicycles can only be released to the owner and any unclaimed bicycles will become the property of the City of Cedar Park in compliance with local, state and federal regulations.
9. **Oversized Items:** Any item(s) that is oversized may require special storage conditions. In these circumstances, the submitting personnel may have discretion to make special arrangements for the secure storage of these items, if the outside secured area is not appropriate for storage. The submitting personnel will ensure all items are properly tagged and recorded for location and chain of custody with Evidence Personnel.
10. **Forfeited Property:** All forfeited property will be handled as any other item in property or evidence. All laws governing the final disposition of these items will be followed.
11. **Seized Property:** All seized property will be held and disposition will be in accordance with laws governing seized property.

XIII. Storage of Found and Personal Property

The primary function of the Property and Evidence Division is to maintain the chain of custody and storage of evidentiary items. However, a secondary function is to safeguard found and personal property until it can be returned to the proper owner(s). Therefore, evidence personnel will keep all found and personal property safe and in the same condition as it was found while the item is in the custody of the Cedar Park Police Department. All reasonable efforts will be made to locate and return the item to its proper owner and if unsuccessful, the item will be disposed of in the appropriate manner.

The final disposition of all unclaimed and abandoned property will be done in accordance with the Texas Code of Criminal Procedures Chapter 18, Article 18.17. Cedar Park Police Department personnel shall not tell any person that they may be awarded the property if the rightful owner is not located in a designated time.