
ADMINISTRATIVE DIRECTIVE – 111.004
PROPERTY AND EVIDENCE CONTROL

EFFECTIVE DATE: February 15, 1985

REVISION DATE: June 20, 2025

AFFECTS: Sworn, CSI, Property/Evidence, and PSO Personnel

I. PURPOSE

In the course of law enforcement business, it becomes necessary to handle property belonging to non-law enforcement personnel. Depending on the property's nature and use, this directive provides guidance in the handling and disposition of non-agency owned property.

II. POLICY

All property obtained by any means by the department will be maintained and disposed of as directed by departmental procedure and applicable law. These procedures related to the storage and maintenance of property have been developed to ensure that evidence in custody of the department can be properly secured and stored, readily retrieved, and that any changes in custody have been properly and fully documented.

III. DEFINITIONS

- A. Abandoned Property – Property unwanted by the owner that has been left discarded.
- B. Chain of Evidence – The continuity of the custody of physical evidence - from time of original collection to final disposal - which may be introduced into a judicial proceeding.
- C. Found Property – Property deemed abandoned on public streets, rights-of-way, or private property. This property is usually recovered by the law enforcement agency or is turned over to the law enforcement agency by citizens.
- D. Impounding Officer – The member of this department who initially receives the evidence and initiates the chain of custody. The member may be a patrol officer, investigator, public safety officer, crime scene technician, etc.
- E. Physical Evidence – Any substance or material found or recovered in connection with a criminal investigation.
- F. Property Specialist – The agency member accountable for control and maintenance of all evidence accepted by or stored in the department's property/evidence room.
- G. Property Room – The area of department facilities utilized to store evidence and property in the care and custody of the department.
- H. Recovered Property – Property confiscated by law enforcement personnel which is believed to have been stolen.
- I. Non-Expendable Property – Property that is not consumed in use and retains its identity during the period of use. Some examples are furniture, computers and uniforms.
- J. Expendable Property – Property that is consumed in use or loses its identity in use. Some examples are office supplies, paper, and staples.
- K. Durable Property – Property that is not consumed in use but is unique in nature in comparison to expendable items. Some examples are hand tools, baton, handcuffs and items with a cost greater than \$5.00.

IV. PROCEDURES

- A. Property Receipt and Control
 - 1. General Guidelines
 - a. All in-custody and evidentiary property obtained by employees into agency control shall be:

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- 1) Logged into agency records as soon as possible and no later than the end of the employee's tour of duty;
- 2) Placed under the control of the Property Unit before the impounding officer ends his/her tour of duty;
- 3) Identified through the proper forms as to the circumstances by which the property came into agency possession;
- 4) Accurately described and quantified; and
- 5) Properly labeled and packaged for storage.

Note: All property and evidence is to be sealed with tamper proof tape, initialed and dated.

- 6) All firearms and all knives must be boxed, sealed with tamper proof tape, initialed and dated.

Exception: Evidentiary items seized by CSI personnel for additional processing in the CSIU laboratory and evidentiary items that are wet when seized and need to be dried in the evidence drying cabinet(s) in the CSIU laboratory.

- b. Before placing any item of property into agency control, the impounding officer shall attempt to identify and notify the owner or custodian of the item for release in the field, **unless** the item is needed for or being held as evidence, or the nature of the property prohibits its release.
- c. IN ALL INSTANCES, the employee (field personnel, detective, crime scene technician, etc.) who seizes or takes initial custody of the property is responsible for ensuring that each item is properly packaged, marked and inventoried on the appropriate departmental form(s) and the items are either delivered to the Property Unit or a member of the Property Unit has authorized the delivery of the items to an alternate site for secure storage. Items that are not properly packaged, marked and inventoried will not be accepted by the Property Unit.
- d. Each item of property submitted to the Property Unit for storage or processing will be reviewed by a property specialist to ensure the item is properly packaged and the item is individually accounted for on the accompanying Property/Evidence Report. If the property specialist cannot account for the identity of each item submitted, the impounding officer will be notified in writing to report to the Property Unit to correct the Property/Evidence Report. A copy of the notification will also be forwarded to the employee's immediate supervisor.

B. Required Forms

1. Department Property/Evidence Report

- a. The Property/Evidence Report shall be completed for **all** items confiscated or retained by the department. The completed form in its entirety is to be submitted, along with the item(s) of evidence, to departmental property specialists for storage in the Property/Evidence Room, unless the item is too large for storage in the Property/Evidence Room, or because of its nature cannot safely be stored in the police building. Property personnel should be contacted through dispatch after hours to secure property too large for storage.

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- b. After the property specialist has verified that all items submitted are properly accounted for on the Property/Evidence Report, copies of the report shall be forwarded to Records. Any subsequent changes to the Property/Evidence Report such as corrections, property release verification, etc. are also forwarded to Records.
- 2. Plano Police Department Property Receipt
 - a. The Field Receipt is a multipurpose form to be used in all instances in which the property seized has some monetary or intrinsic value AND is taken from the custody of the owner or person having legal possession of the article.
 - b. The form serves as a signed receipt for the property taken and is designed to protect the departmental employee from false claims which could later be filed, concerning the property's value or amount.
 - c. Completion of the form requires the signature of the property owner or the legal possessor of the property at the time it is taken into police custody.
 - d. The form is completed in duplicate. Distribution of the form is as follows:
 - Original – to Police Records
 - Copy – to person releasing/ released to
- 3. Property Release Authorization
 - a. The form is to be completed by the impounding employee, or any employee authorized to make the determination that an article of property/evidence is ready to be released from police department custody either through release, disposal, auction, etc.
 - b. The completed form is forwarded to the Property Unit.
- C. Field Release of Property
 - 1. The general policy of the department is to release property/evidence at the scene of an incident to the complainant/owner whenever practical. The intent is to avoid unnecessary waste of personnel time and to ensure the expedient return of property to its owner. See exceptions below.
 - 2. The below listed categories of property/evidence will be released in the field upon reasonable identification of the owner/complainant **unless** the articles are needed for further evidentiary processing. When an item related to an offense is released in the field to the owner/complainant, the release must be fully documented in the offense/incident report.
 - a. Property/Evidence related to burglary and theft
 - b. Recovered motor vehicles, unless the vehicle needs to be processed for fingerprints or other evidence.
 - c. Property/Evidence related to municipal court offenses (all City cases)
 - d. Property/Evidence related to criminal mischief or reckless damage offenses will be released to the complainant or simply left at the scene.
 - e. Alcoholic beverages except as outlined in Property/Evidence Handling Manual.
 - f. Found property of very limited value such as old clothes, broken toys, etc. should be left in the field for disposal by the finder, **unless** the item is a safety hazard. If the item is a safety hazard, and the item cannot be removed by the officer, Communications should be notified to request the appropriate city department to remove the item.

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3. The following items may not be released in the field and will be taken into police custody pending court order or release by the assigned detective or field officer:
 - a. Illegal weapons,
 - b. Narcotics/drugs,
 - c. Instruments used in a crime of violence,
 - d. Items requiring a forensic report,
 - e. Contraband (anything illegal in itself to possess),
 - f. Forged or counterfeit instruments,
 - g. Stolen credit cards,
 - h. Items which would normally be released in the field, but cannot be because the owner/complainant cannot take possession, and
 - i. Motorized vehicles which require further processing (If a vehicle is impounded for evidentiary purposes, the Auto Theft Unit will be notified. Auto Theft will notify CSIU if the vehicle is to be fingerprinted.) Do not complete a property/evidence card or notify the Property Unit.

D. Property Holds

1. Impounding Officer

It is the responsibility of the impounding officer to make a speedy disposition of the item.

2. Field Officers

- a. Officers who are not assigned to the investigation of a case will not place "Hold" on evidence/property, unless the property is located in a pawn shop. An officer requesting a "hold" on pawned property must contact CISD for assistance in securing the property hold.
- b. Field officers perceiving a need to hold property should make a notation to that effect in the case offense report.

E. Disposition of Property/Evidence

1. Found Property

- a. A Field Receipt must be completed. The impounding officer shall attempt to identify and notify the owner to take possession of the property unless the property is contraband. A Field Receipt must be signed by the owner taking possession of the property.
- b. If the owner cannot be contacted for release of the property in the field, the property shall be properly packaged and tagged by the impounding officer and submitted to the Property Unit for storage.
- c. Property specialists shall forward written notice (registered mail) to the owner's last known address, indicating that the property is in police custody and should be claimed within ninety (90) days from the date impounded.
- d. After the property has been held for ninety (90) days, without a claim of rightful possession, it shall be destroyed (no value) or delivered to the City Warehouse for disposal by auction or donation to charity.
- e. Property with no known owners may be disposed of in 30 days

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2. Recovered Property

- a. Authority to confiscate property believed stolen is found in the Code of Criminal Procedures, Article 18.16 Preventing the Consequences of Theft. Under this article "Any person has a right to prevent the consequences of theft by seizing any personal property that has been stolen and bringing it, with the person suspected of committing the theft, if that person can be taken, before a magistrate for examination, or delivering the property and the person suspected of committing the theft to a peace officer for that purpose. To justify a seizure under this article, there must be reasonable ground to believe the property is stolen, and the seizure must be openly made and the proceedings had without delay."
- b. Property recovered as stolen, or which meets the above criteria, will be evaluated to determine whether it constitutes evidence and whether prosecution of a known offender is possible. This determination will be made by the impounding officer or authorized supervisor.
- c. Stolen property that is not being held for evidentiary purposes will be released when:
 - 1) The officer authorizing release completes a Property Release Authorization form and forwards it to a property specialist; and
 - 2) The officer authorizing the release advises the owner to contact the Property Unit to make an appointment to take custody of the item(s).
- d. In cases where the owner cannot be determined and the property is not being used for evidence, it shall be treated as abandoned and, after holding for 30 days, will be forwarded to the City Warehouse for disposal.

3. Evidence

- a. All property seized and held as evidence will be retained in the custody of the department until the case is disposed of and all appeals exhausted.
- b. Under absolutely no circumstances shall property or evidence be retained by officers.
- c. During a monthly computer inventory of evidence in department custody, property specialists will identify property which may no longer need to be retained. The property specialist will bring this property to the attention of the investigating officer or their supervisor. The officer or the supervisor will decide if the evidence/property should be retained or may be released from custody by completing a Property Release/Disposition form (written or electronically).
 - 1) When it is deemed appropriate to release evidence, the rightful owner, if they are found, shall be notified by the officer authorizing release. The authorizing officer shall complete a Property Release Authorization form and forward it to the property specialist.
 - 2) If the property is of value and no rightful owner can be determined, the item(s) shall be treated as abandoned property.

4. Contraband and Weapons

- a. Under no circumstances will contraband be released for public auction. They shall be forfeited or destroyed pursuant to the Code of Criminal Procedure.
- b. In some cases, weapons may be offered for sale at restricted auctions, but only upon specific authorization by the chief.

5. Taking Money from a Citizen or Arrested Person

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- a. The money is abandoned
 - 1) In this situation the owner may be known, e.g. money found in a wallet with identification; or unknown, e.g. money found in a paper sack. This type of taking is not part of a criminal investigation.
 - 2) If the owner cannot be contacted for release of the money in the field, the property shall be properly packaged and tagged by the impounding officer and submitted to the Property Unit for storage.
 - 3) The money shall be turned in to the Property Unit as abandoned property. The Property Unit shall make the necessary notifications or publications in association with returning the money to the owner or initiating abandoned property proceedings with state law.
 - b. The money is subject to forfeiture pursuant to Chapter 59 of the Code of Criminal Procedure
 - 1) Chapter 59 of the Code of Criminal Procedure, under specific guidelines, allows certain property that is used in the commission of a felony to be confiscated by law enforcement agencies.
 - 2) In addition to the criteria set forth by the state, the various prosecuting entities with which the department files forfeiture cases have set certain minimum amounts that must be met before forfeiture actions will be initiated.
 - Collin County minimum – \$800
 - Dallas County – \$800
 - Denton County – \$800

Note: An amount less than \$800 may be seized in special circumstances. The seizing officer shall immediately contact his supervisor or the asset forfeiture officer for guidance.
 - 3) In every circumstance where money is seized, the officer's first line supervisor shall immediately review the seizure.
 - c. The money has value as evidence
 - 1) There will be limited circumstances in which the actual money itself has evidentiary value. Examples include: marked bills used as part of a sting.
 - 2) Documentation submitted with the money must clearly indicate it is to be considered evidence.
6. Suicides and Attempt Suicides
- a. Personnel will list property and items of potential evidence removed from the scene of a suicide or attempt suicide on a field receipt and a copy of the field receipt will be given to a family member or left at the scene. The other two copies will be submitted with the property and maintained with the paperwork of the items in Property and Evidence.
 - b. Property from suicides and attempt suicides will be maintained a minimum of three years unless the owner or family requests the return at an earlier time. All suicide and attempt suicide cases will be forwarded to the assigned detective or CAPers for approval prior to disposal.

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7. Items of Historical Value

Occasionally, evidence may be recovered that has significant historical value. Such items may include rare weapons and/or other evidence. The chief of police shall make a final determination whether to destroy or hold these types of items.

8. Voluntary Release of Weapons and Ammunition

The department will, upon request of the owner, accept weapons and/or ammunition for destruction. Upon accepting custody of the weapon, the impounding officer shall complete a Field Receipt. The weapon must be checked for stolen. These weapons may be destroyed without a court order. A Property Evidence Report will be turned in with the weapon/ammo to be destroyed and a Property Release/Disposition form must be attached stating that the item(s) was turned in by owner for destruction.

9. Methods of Disposal

Release; Destruction; Auction or other City of Plano Use; Donation to Charity.

a. Documentation of Disposal

- 1) Regardless of the method of disposal, the Property/Evidence Report for each item of property removed from inventory will be marked to indicate the date of disposal, and the method of disposal the individual taking custody of the item (if other than the property specialist) and the person authorizing disposal.
- 2) The release must list each item separately and must be signed by the member of the department releasing custody and the individual or agency taking custody.
- 3) In the case of destruction of property, the release must be signed by the member of the department authorizing destruction and the department member participating or assisting in the destruction.

b. Control of Property Disposal

- 1) Property/Evidence will not be released or disposed of without a signed disposition from the officer/detective. This paperwork must be turned in with the evidence report at the time the property is logged in. Complete release information should also be provided in the event an owner letter needs to be mailed.
- 2) Property Disposal will be administrated through the property function.

c. Property Release Authorization

Upon the determination by an impounding officer or the assigned detective that an item of property or evidence no longer needs to be held in police custody, that impounding officer shall immediately notify a property specialist the item can be released from police custody or disposed of in the appropriate manner. Notification to the property specialist shall be accomplished through the Property Release Authorization form. The officer/employee authorizing release shall notify the owner of the property (if known) to make arrangements with a property specialist to pick up the items.

F. Withdrawal and Return of Property

1. At times it is necessary for an employee to remove property from the property room for later return. These circumstances include court, viewing by possible owners, the District Attorney's Office, transfer to the lab for processing, etc., it is imperative that the chain of custody be maintained in these circumstances.

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Requests received from defense attorney(s) to view evidence on a case, must make the request via the lead prosecutor on the case. The prosecutor has the responsibility of scheduling an appointment with Evidence Unit personnel who will also be present when evidence is viewed by defense attorney(s) as well as personnel from the District Attorney's office. Defense attorney(s) cannot schedule this appointment, and a discovery order is required. The requirement of a Discovery Order can be waived only by the mayor or the chief of police.

2. Evidentiary property may only be requested for release by the investigating detective, the supervisor of the investigative unit, or as directed by the chief of police. Officers requesting release of property not assigned to the case must have permission communicated to the Property Unit prior to being given evidentiary property by the investigating officer or supervisor of the investigative unit. Officers in need of evidence for court may have property released only when a subpoena is provided to the Property Unit.
3. Evidentiary 90-day recordings may only be released with approval of a sergeant or above. A copy of the recording will be made for release. Any recordings under internal review will not be released to any other personnel without the approval of the chief of police. Property will maintain a log of employees requesting release of evidentiary 90-day recordings. The log will include, at a minimum, the specific tape being requested, employee requesting release of the tape, approving supervisor and the date.
4. Any time an item of property or evidence is removed from the Property Room, the employee taking custody of the item shall sign the chain of custody log on the Property/Evidence Report and clearly state the reason for release of the item(s).
5. In the event the item is being released to another person, such as the DA's Office, lab, etc. the person taking custody from the transporting officer shall sign the appropriate receipt for the article. The signed receipt must be returned to a property specialist to document transfer custody of the item. The following forms will be utilized:
 - a. Court Receipt – utilized for items released to the District Attorney's office, or other court
 - b. Plano Police Department Property Receipt – utilized in all other circumstances

G. Use of Narcotics for Undercover Purposes

From time to time there is an established need for officers to remove narcotics from Property/Evidence custody to conduct undercover operations. In these situations, the following guidelines will apply:

1. Issuance and receiving narcotics used for undercover operations will only be completed by the property and evidence supervisor.
2. Property/Evidence will only release narcotics that are no longer needed for evidentiary purposes.
3. Officers will only request the minimal amount of drugs needed to accomplish the undercover operation.
4. Narcotics used for undercover operations will only be released with prior written approval of the officer's deputy chief or above.
5. The officer accepting custody of the narcotic substance will sign the chain of custody log on the Property/Evidence Report and be responsible for the security of the narcotics.
 - a. Narcotics used for undercover purposes will be returned the same day they are issued unless an extension is granted by the deputy chief due to extenuating circumstances.

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6. The narcotics will be weighed and/or counted at the time they are released to the officer and at the time they are returned to the custody of Property/Evidence personnel. The substance will also be field tested at the time of release and return, if possible. Weight and testing will be done with both the officer and the Property/Evidence technician present.
7. If there is any significant change in weight and/or number, the officer must submit a detailed memo explaining circumstances resulting in the loss of the narcotics. The memo will be immediately forwarded to the Office of the Chief of Police through the officer's chain of command.

H. Use of Narcotics Kits for Public Education and Training

Narcotics kits are utilized for public education events and department personnel training. These kits are permanently issued to the Narcotics Unit, stored in Property and Evidence, and secured in locked transport boxes.

1. Issuance of additional controlled substances to the narcotics kits will be conducted by the property and evidence supervisor. Controlled substances will be weighed and/or counted prior to being added to the narcotics kits and this information will be recorded and maintained by the Property and Evidence Unit. Only narcotics that are no longer needed for evidentiary purposes will be used in the narcotics kit.
2. An officer must receive prior written approval from their lieutenant to check out a narcotics kit.
3. The officer accepting custody of a narcotics kit will sign the chain of custody log on the Property/Evidence Report.
 - a. Once checked out, controlled substances in the narcotics kit will remain in the locked transport box unless actively being used for public education or department training purposes. The kit will be returned the same day it is issued unless an extension is granted by their lieutenant due to extenuating circumstances.
 - b. Narcotics kits will not be left unattended unless they are temporarily stored in the locked Narcotics Unit office.
4. A chain of custody entry will be completed when a narcotics kit is returned.
5. If the property tape seal on the controlled substances within a narcotics kit is broken, the Narcotics chain of command will be notified.

I. Auxiliary Property Procedures

1. Marking and Depositing Property/Evidence
Refer to Property and Evidence Handling Manual.
2. Handling of Property Found in Pawn Shops
 - a. Written Hold Form
 - 1) A hold is placed on any item in possession of a pawn shop.
 - 2) A Written Hold form shall be completed by a member of CISD and shall be given to the pawn shop. The Written Hold form must identify the pawn transaction and the property. The hold is effective for up to 120 days and may be extended by submitting a subsequent hold.
 - 3) The pawn shop will retain custody until final disposition is complete.
 - b. Notification of Complainant

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- 1) The CISD member placing the hold is also responsible for notifying the complainant in the offense that the property has been recovered.
- 2) If the offense occurred outside of Plano, the originating agency is notified, and a copy of the police report is requested. The complainant is notified as soon as possible.
- c. Options for Final Recovery of Property.
Upon notification of the complainant or out of town police agency, the options for recovery of the property include:
 - 1) The complainant may reimburse the pawnshop for the actual amount of the loan (no finance charge) and the merchandise may be picked up immediately;
 - 2) The complainant may bargain with the pawnbroker for a lesser amount and if an agreement is reached, the merchandise may be returned immediately; or
 - 3) The complainant may request a property hearing in a court of jurisdiction and present evidence of proof of ownership for the property. The judge then decides on the "greater right to ownership" and cash monetary amounts due to either party.
3. Film Processing Procedures for Convenience Store Cameras
 - a. The officer responding to a robbery call at a convenience store will determine if photographic evidence has been obtained by the store camera.
 - b. If photographic evidence has been obtained:
 - 1) It is the responsibility of the store management to remove the film from the camera and to give the film to the officer.
 - 2) The officer will properly package the film, complete the necessary forms and submit the film as evidence to the Property Unit.

Property Guidelines moved to Property/Evidence Handling Manual – hardcopies available at all property processing points and within IDS.