



**TEXAS SOUTHERN UNIVERSITY  
DEPARTMENT OF PUBLIC SAFETY**



## STANDARD OPERATING PROCEDURE

<b>SUBJECT</b> EVIDENCE		<b>NO. OF PAGES:</b> 6
<b>REFERENCE:</b> Education Code, Code of Criminal Procedures	<b>EFFECTIVE DATE:</b> Jan. 1, 2009	<b>REVIEW DATE:</b> N/A
General Order 031	<b>SPECIAL INSTRUCTIONS/SUPERSEDES:</b> N/A	<b>ISSUING AUTH.:</b> CHIEF OF POLICE

### **POLICY**

This directive is for the Texas Southern University Department of Public Safety use only and does not apply in any criminal or civil proceeding. This policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. This will establish a criteria and procedure for evidentiary property thereby accounting for the intake, storage, and disposition of the said property keeping the integrity of the process reducing the possibility of adverse claims of improprieties. Violations of this directive will only serve as the basis for Texas Southern University Department of Public Safety administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

Non-sworn Campus Department of Public Safety officers are not authorized to take custody of such property.

### **Procedure:**

#### **I. General Guidelines:**

1. Evidence – any property that has been taken into the possession, and is in the custody of any Officer, Investigator, Agent, or Representative of the Department of Public Safety and shall be secured at any length of time for the purposes of:
  - a) Notifying the proper owner of the property whereabouts and When, Where, and how and the owner can pick the up property. As well as what the owner would need to bring with them to retrieve the property.
  - b) All incidents where an arrest has occurred and property was seized, subsequent to the arrest.
  - c) All property that has been recovered from a scene where the Department of Public Safety exercised care, custody, and control over that specific area.
  - d) All property that has been properly released to an Officer, Investigator, Agent, or Representative of the Department of Public Safety.
2. Written Notification – verbal notification must have been attempted, by the Officer of initial contact. Subsequent to this attempt written notification shall be sent to the Owner (s) or Administrator (s) of said property, either by the Investigator working the incident or the Evidence Custodian.

3. Written Notification – Subsequent to verbal notification of any of the previously mentioned Types of incidents, written notification shall be sent to the Administrator or Administrators notified by the Investigator working the incident.
  - a) This notification shall contain the following: A brief synopsis of the facts, the names of all persons involved as well as their involvement in the incident.
  - b) This notification can be documented in the form of an official Departmental Police Report, a supplement to the police report, a memorandum containing all required information, or an e - mail (with the exception of those cases that are of sensitive or confidential nature).
4. Weekly Notification – On at least once a week or as required by the Administration a written summary of all cases that are actively being worked or held by the Criminal Investigation Division shall be submitted to the Administration in accordance with the established reporting chain of command. Summary shall include the following below listed items.
  - a) All new cases with brief synopsis of case facts.
  - b) All new follow up information or supplements of on going investigations, information should be in the form of a brief synopsis.
  - c) All cases shall be listed in a manner that will run consecutively from the TSU-DPS assigned case number when available.
  - d) The disposition or pending disposition of all cases worked in the time frame of the Weekly Notification Summary by Investigators (new or re-opened cases).

## II. Intake and reception of evidence.

1. Upon Taking Custody of said evidence, the officer receiving the property shall complete a departmental Evidence/Property Custody Document. This form shall indicate the date, time, reason, and place where the evidence was taken from.
2. The reason for receiving the property shall be listed on the form (i.e. evidence, safekeeping, found property, or property marked for destruction.) A copy of the Evidence/Property Custody Document form shall be attached to the Incident Report with the other documentation.
3. A departmental Property Item Tag shall be completed with the same required information as on the Evidence/Property Custody Document form. This tag shall be affixed and secured to the item or property. An evidence bag of comparable size shall be completed and the item or property shall be placed inside. If the item cannot be placed into an evidence bag then the item should be in a manner that will preserve its state and condition at the time of original intake.
4. Property and evidence shall be placed within the evidence cabinet located inside of the patrol office. The evidence cabinet shall be maintained and secured inside of the patrol office at all times. All accompanying forms and documentation should be thoroughly completed and secured to the specific property.

5. No evidence shall be left unsecured in the dispatch area or sergeants office. The key to the evidence cabinet shall be maintained in telecommunications. This key is only to be signed out by shift supervisors, supervisors and officers in charge. It is the responsibility of these persons to insure that all evidence placed in the evidence cabinet has been properly documented and all form and documentation are completely filled out. So upon placing any evidence in the evidence cabinet they are to log in the evidence.
6. No police officer or non-essential personnel shall be allowed inside the evidence cabinet without the presence of a shift supervisor, supervisor, officer in charge or the evidence custodian.
7. Evidence shall be signed into the evidence cabinet or narcotics evidence receptacle by the officer of record and initialed by the shift supervisor, officer in charge, supervisor, or the evidence custodian. This form shall include the officer's name, case number, date, and type of offense, the district attorney's intake number if charges were filed. The suspects name, date of birth, race, sex, quantity, description of evidence, and the time placed into evidence.

### III. Intake of Narcotics Evidence.

1. All narcotics taken into custody, seized, or found shall be placed into the narcotics Evidence receptacle. This receptacle is for the submission of solid narcotics only. The design of this receptacle prevents tampering and maintains the chain of custody when the sign in procedure is adhered to.
  - a. The evidence receptacle shall be used for solid narcotics only. Other evidence is to be stored in the evidence cabinet until the following weekday when it can be placed into the evidence room or destroyed.
  - b. All narcotics shall be placed within a sealed evidence bag. That evidence that will need to be tested due to pending charges shall be clearly marked and a Harris County Medical Examiner's evidence submission form shall be completed and attached.
  - c. The arresting officer must complete the evidence submission form, in order to submit any narcotics for testing. Incomplete evidence submission forms along with narcotics will be returned to the arresting officer this will delay submission to Harris County Medical Examiner's Office. In addition the officers supervisor will be notified.
    - 1) Officers submitting evidence must complete the following information on the evidence submission form.
      - a) The District Attorney Intake Number (DIMS or JOTS number)
      - b) The suspect descriptors (name, DOB, race, sex, and ect.
      - c) The case number and the arresting officer information
      - d) The item/quantity, and the full description of the evidence.

#### IV. Intake of Weapons.

1. Firearms; handguns, rifles, shotguns, ammunition, explosives and knives.
  - a. All firearms are to be treated as loaded. They will be unloaded before being placed into evidence. By doing this it will greatly reduce the risk of accidental discharge.
  - b. On all handguns the weapon is to be cleared and the action secured in the following manner. On revolvers the cylinders is to have the evidence tag affixed by having the plastic or wire attachment ring extending through the outer most cylinder.
  - c. On the semi-auto pistol the action or slide is to be pulled back and a plastic straw, red evidence slide catch, or an object that will not cause damage to the weapon can be seen extending from the breech or ejection port.
  - d. This same procedure shall be done in the cases of semi – auto rifles and shotguns. In the case of a bolt-action rifle or shotgun, the bolt shall be secured in the ejection position exposing the breech of the weapon. In the case of the pump action rifle or shotgun, the action shall be in the down or ejection position exposing the breech of the weapon. In the case of the lever action rifle or shotgun, the lever shall be opened exposing the breech and a plastic straw or evidence slide catch used. The lever shall be lowered and secured in the half-cocked position.
  - e. Ammunition shall be secured in a cool dry place and the Evidence Custodian shall be made aware as soon as possible of it whereabouts and disposition, so that it can be properly stored.
  - f. All known explosives shall be turned over to an EOD (explosives ordinances unit) bomb disposal unit for safe disposal. At no time will this department store a live munitions designed for storage (regular factory ammunition).
  - g. All knives, hatchets, axes, swords, machetes, and cutting instruments or weapons with the exception of those maintained for safekeeping shall be destroyed in accordance with state statues.
  - h. All firearms with exception of those seized under state statues shall be destroyed in accordance with state statues.

#### V. Storage and disposal of evidence and property.

1. It is the responsibility of the recovering officer to insure that all articles, evidence, contraband, and property are properly and accurately entered into the log by first completing the Evidence/Property Custody Document. They are to notify their shift supervisor who will collect the key for the evidence cabinet or evidence room or the designated secured area where the will be stored. At this time they will both log in the property and forward the original documentation with the report to the records division following approval of the shift supervisor.

2. Under the direction of the Chief of Police The Custodian of Evidence shall give notice of the findings by posting notice with a general description of items or articles. The Notice shall be in two places open to the general public, the E. O. Bell Building and the Student Recreation Building.
3. Once an owner or agent of the item or property has come forward to retrieve the property they shall be required to provide proper identification, they must be able to prove ownership of the item or property. After meeting these requirements they will sign, date and place the time of pickup on a Property Inventory and Release Sheet. A copy shall be provided to person picking up the item or property and the original shall be sent to the Records Division with an approved supplement of the release.
4. In the event that any property becomes the subject of controversy because of rightful ownership, this said property shall not be released to any party except under written order of a Court of Jurisdiction or by order of the Chief of Police.
5. The disposition or sale of unclaimed property, and proceeds thereof shall be subject to the direction of the President of the Texas Southern University, or their designate and in conformity with state statues. (Texas Education Code *Chapter 51.213* added acts 1977, 65<sup>th</sup> Legislature, effective August 29, 1977. Amended by Acts 1195, 74<sup>th</sup> Legislature eff. August 28, 1995.)
6. Property that has been forfeited for all offenses may, if no other provision is made, be seized by a police officer and safely kept by this department as provided in this chapter and properly entered into evidence as previously described.
7. When ever a motor vehicle has been stolen or an unauthorized use has been reported by the owner or agent of said vehicle all pertinent information must be obtained and the vehicle's license plates number, vehicle identification number, description of vehicle to include color, model, size, doors, suspect information if known, and any other information that can be helpful to the recover of said vehicle must be entered into TCIC/NCIC as soon a possible without delay.
8. Whenever a stolen vehicle or one taken as an unauthorized use of motor vehicle has been recovered by a police officer, the shift supervisor shall notify the owner of record. Such notification shall be made by letter or telephone; the call shall include information as to the location of the vehicle and the condition of the vehicle. Release procedure shall remain the same as for all towed vehicle that are released from the Texas Southern University Department of Public Safety Vehicle detention Facility (the Compound). If the vehicle is stored in an off campus facility then they owner must comply with the statues of that facilities jurisdiction.
9. All officers having custody over property or items coming into their possession shall be held strictly accountable for its safekeeping and security pending its return to the property room.
10. The Evidence Custodian shall periodically conduct inventory of all property in the possession of the Texas Southern University Department of Public Safety, and submit a written itemized report to the Chief of Police.

APPROVED:

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Roger D. Byars  
Chief of Police

Date

### Review and Responsibility

Responsibility Party: Texas Southern University Department of Public's Safety's Command  
Staff

Review: Review will be conducted every even numbered

Retention: Original on file in the Office of the Chief of Police

Approval: Roger D. Byars, Director for Public Safety/Chief of Police

Date of Approval: September 1, 2008