

General Order

Houston Police Department



ISSUE DATE:

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NO.

700-01

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 700-01, dated October 20, 2003

SUBJECT: PROPERTY AND EVIDENCE CONTROL REGULATIONS

POLICY

Department regulations and local, state, and federal laws shall govern the maintenance, storage, and disposition of all *property*, whether it is of a probative nature or not, that comes into the custody of the Houston Police Department.

This General Order applies to all employees.

DEFINITIONS

Authorizing Division. Any division authorizing *property* to be placed on *hold* in a *property storage facility*.

Biological Evidence. The contents of a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material that was collected as part of an investigation.

Chain of Custody. A list of each person who has care or custody of property from the time it is taken into custody until it is offered into evidence in court, returned to the rightful owner or caretaker, or disposed of.

Departmental Device. For the purpose of this General Order, any device provided by the department and that is utilized by employees to capture images or record statements. This includes any device owned or leased by the department, as well as devices provided through grants approved by the department or through interagency cooperation agreements.

Digital Evidence. Data pertinent to a criminal investigation that may be contained on *digital media*.

Digital Forensics Unit (DFU). A unit of the Houston Forensic Science Center that is responsible for forensic examination of certain types of digital evidence, most commonly on computers and cellular telephones.

Digital Media. Any electronic device designed or utilized to store electronic data. This includes, but is not limited to, computers, laptops, tablet computers, cellular telephones, GPS devices, removable data storage devices (thumb drives, memory cards), and digital cameras.

Evidence Management System (EMS). The computerized system or its successor system utilized by the HPD Property Division to track and manage all property and evidence submitted for storage.

Evidentiary Property. Any created, purchased, or seized items that may be used as evidence.

Found Property. Property that is not listed as or alleged to have been stolen, does not appear to constitute evidence of a crime, and ownership of the property is not in dispute.

Hazardous Material (HAZMAT). Any item or agent (biological, chemical, radiological, and/or physical) that has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

Houston Forensic Science Center (HFSC). A local government corporation created to provide independent forensic services to the Houston Police Department and others engaged in the justice system.

Laboratory Information Management System (LIMS). The computerized system utilized by the Houston Forensic Science Center to track and manage all evidence submitted for forensic testing.

Lock Box. An approved, secure device that stores property or evidence. Procedures and notifications for the use and submission of property or evidence by means of a lock box shall be the responsibility of the *authorizing division*.

Narcotics Evidence Receiving (NER). A unit of the Property Division responsible for storage and destruction of controlled substances.

Narcotics Operations Control Center (NOCC). An entity of the Narcotics Division that is responsible for the quality control of intake of narcotics, evidence submission, and subsequent controlled transfer of the evidence to the Narcotics Evidence Receiving Unit.

National Integrated Ballistic Information Network (NIBIN). A unit of the Property Division responsible for the entry of fired shell casings into a national database managed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

Off-Site Property Storage Facility. Any *property storage facility* other than the Property Division.

Personal Device. For the purpose of this General Order, any personal recording or data storage device that is utilized by employees during an investigation to capture images or record statements and such device is not issued for use by the department (e.g., personal cameras, recorders, cellular telephones, computers, flash drives).

Primary Division. The *authorizing division* responsible for investigating the most serious offense involved in a criminal investigation. When multiple offenses occur that are of equal offense classification according to the Texas Penal Code, the primary division shall be determined by which offense occurred first.

Prisoner Property. Any property in the legal, physical possession of a suspect at the time of arrest that will not be used as evidence but is taken into protective custody (e.g., billfolds, purses, identification, jewelry, items in the pockets, bicycles, firearms).

Property. For the purpose of this General Order property means any tangible personal property.

Property Acquired By Illegal Means. Any property for which the identity of the owner cannot be determined and probable cause exists to believe the property was acquired by theft or by another manner that makes its acquisition an offense.

Property Disposition Unit (PDU). A unit of the Property Division that works in conjunction with the various investigative divisions to expedite *evidentiary property* disposition and/or disposal.

Property Division. The HPD division responsible for the storage and retrieval of evidence and *found property*.

Property Hold. A division-authorized prohibition against the release of property.

Property Storage Facility. Any location, including the Property Division, authorized by the Chief of Police to house property on a long-term basis.

Secondary Division. Any *authorizing division* other than the primary division.

Stolen Property. Any property stolen or alleged to have been stolen.

Vehicle Examination Building (VEB). An area utilized by the Houston Forensic Science Center to process vehicles for forensic evidence.

Vehicle Impound Lot (VIL). A lot, controlled by the Auto Theft Division, authorized for the storage of vehicles needing follow-up investigations.

1 GENERAL PROCEDURES

Employees obtaining *property* and/or controlled substances are accountable for the overall security and integrity of that property and for submitting the property for storage in accordance with department policy. Evidentiary property shall be collected as outlined in section 5, *Evidentiary Property Procedures*. Employees shall not convert to their own use, alter, conceal, falsify, destroy, remove, tamper with, or withhold any property obtained or held in connection with an investigation or other official action.

When employees or divisions accept responsibility for property and/or controlled substances, they become the responsible party until the property is returned to the owner or lawfully disposed of or responsibility is transferred. Employees may transfer responsibility for property to another employee or division; however, they must indicate the transfer by supplementing the original incident report. Each time property is transferred from one person or location to another, it shall be documented in an original incident or supplement report. The report shall include the reason for the transfer and the name of the person accepting responsibility for the property. When property is transferred to another division, the name of the supervisor authorizing the transfer shall be included.

Employees placing property in or retrieving property from any *property storage facility* shall follow that facility's regulations concerning property handling. Documentation of the employee placing property in or retrieving property from a property storage facility shall be included so that a record of the chain of custody is maintained.

Personnel assigned to the Property Division shall document property and evidence transfers utilizing its computerized property management system.

If property is lost or damaged due to negligence, the negligent party may be subject to disciplinary action and restitution. Each property storage facility shall maintain current, accurate, and complete information (including a record of the chain of custody) on all property stored or disposed of under its responsibility. All off-site property storage facilities shall comply with any applicable policies and procedures of the *authorizing division* and the Property Division.

2 REPORTS AND FORMS

Original Incident Report

Any employee who originally takes custody of property is responsible for making an original incident or supplement report as appropriate. All original incident reports shall include, but are not limited to, the following information:

- a. Identification of the property as evidence, found, prisoner's, stolen, or undetermined ownership.
- b. Thorough description of each article including all reference numbers.
- c. Name and contact and identification information regarding the person from whom the property was obtained.
- d. Location where the property was obtained.
- e. Name, address, and contact information of anyone claiming ownership of the property.
- f. Circumstances of the acquisition.
- g. Names of all persons in the chain of custody and all divisions authorizing a hold on the property.
- h. Location where the property is stored.
- i. Indication whether the property was checked through TCIC and NCIC.
- j. Indication of the division and employee (including employee number) that authorized the *property hold*.

All stored property shall be tagged under the original incident number. Officers making the original incident report shall ensure all necessary information is forwarded to the authorizing division(s).

Supplement Report

When property or evidence is added to a case, logged in or out for further investigation or court, transferred, or disposed of, the employee handling the property shall make a supplement to the original incident report and include the applicable information listed in the above subsection and complete associated forms.

Forms

Unless stated otherwise, forms utilized for processing property are available on the department's Intranet Portal or from the Property Division.

3 HOLD AND REQUEST AUTHORIZATION PROCEDURES FOR PROPERTY AND EVIDENCE

Before property is placed in a property storage facility, the employee must receive property hold authorization from the responsible division or unit. The name, employee number, and division of the person authorizing the property hold shall be recorded in the incident report and the Evidence Management System (EMS).

The name, employee number, and division of the person authorizing a hold does not need to be on the Narcotics submission form if all that is being submitted is a controlled substance. This information is needed if there is other property submitted in connection with a controlled substance that will need to be transferred to the Property Division after the controlled substance is removed (e.g., suitcase, ice chest).

When incidents are investigated by several divisions, employees shall obtain hold authorizations from each responsible division. Employees tagging property shall determine what property information the responsible division requires.

Primary and secondary divisions (if applicable) shall always give hold authorization for prohibited weapons and controlled substances.

Hold authorizations are not required for the following:

- a. Photographs taken by employees.
- b. Documents produced by employees.
- c. Lifted latent prints and items of evidence submitted for latent processing.
- d. Sexual assault kits.
- e. Other property created by employees or Houston Forensic Science Center (HFSC) personnel (e.g., ballistic testing material and plaster castings).

The property storage facility records shall indicate the character of the property, the incident number, the reason for the hold, and the name of the employee and division authorizing the hold.

Each division that accepts a hold for property and/or controlled substances are responsible for the disposition of that property and employees shall document in an original incident or supplement report the property disposition including any transfer of responsibility to another division.

Special Holds

A "Special Hold" may be requested by HPD's Internal Affairs Division or Office of Legal Services, or the City of Houston Legal Department. Special Hold requests must be forwarded to the administrative lieutenant of the Property Division.

When a Special Hold request is received, the Property Division shall follow all standard operating procedures (SOPs) of the Property Division as it pertains to properly documenting all records for the request of the Special Hold.

Special Holds may be released only upon receipt of written notification, including email, from the original office that requested the Special Hold.

Request by Others to View Evidentiary Property

The *primary division* shall facilitate all requests and court orders to view and/or photograph *evidentiary property* tagged in a property storage facility. When assistant district attorneys or investigators want to view evidentiary property, they must present appropriate identification and authorization to the property storage facility personnel.

When a court order authorizes a person, with the exception of authorized designated District Attorney Office personnel, to view and/or photograph evidentiary property, that person must contact the primary division. An officer from the primary division shall ensure all of the following are accomplished:

- a. Contact the property storage facility and coordinate a date and time for evidence to be viewed.
- b. The authorized person shall be met at the property storage facility by a department representative.
- c. The department representative responsible shall be present and remain with the evidentiary property during any viewing and/or photography.
- d. The department representative shall secure the evidence and return it to the custody of the property storage facility after the viewing and/or photographing of the evidence. The above steps shall be documented in a supplement report.

Temporary Check Out of Evidentiary Property

Property may be temporarily removed from a property storage facility for no more than 14 *calendar days* without the approval of the authorizing division's commander and only for the following reasons:

- a. Court appearance
- b. Further investigation
- c. Submission for analysis
- d. Out to other agency

Property temporarily released from a property storage facility to an *authorizing division* becomes that division's responsibility. If it is known that evidence will not be returned within 14 *calendar days* (e.g., evidence being sent to an outside lab), employees must obtain written approval from the authorizing division's commander before checking out the property.

To remove property, employees shall furnish the incident number and the primary division's authorization. The employee shall complete and sign an appropriate temporary check out form for documentation in the chain of custody. The employee shall supplement the incident report showing the date and time the property was checked out, the reason for checking it out, and the date and time the property should be returned. The supplement shall be completed after the property has been checked out and before the end of the employee's shift. An additional supplement shall be generated when the property is returned.

Other persons wishing to remove property must present appropriate identification to the property storage facility personnel indicating their status with the court and complete and sign an appropriate temporary check out form for documentation in the chain of custody.

Retesting Evidence

The primary division shall assist the Property Division in facilitating court orders for retesting evidentiary property (e.g., blood vials, sexual assault kits, and narcotics) tagged in a property storage facility. When such evidence is required by a court order to be shipped out to a private laboratory, an officer from the primary division shall review the court order and give the division's authorization. The officer shall complete a *Property Shipping Authorization* form designating the location where the evidence shall be shipped for retesting and the quantity or unit of evidence to be shipped. The Property Division shall then ship the evidence as directed by the primary division on the *Property Shipping Authorization* form.

When retesting requires the splitting of evidence, such as in representative samples taken from relative evidence, the Property Division shall coordinate with HFSC to perform this service. Additionally, the primary division shall complete a *Property Shipping Authorization* form, designating the Property Division to handle the shipment of the evidence accordingly.

Separation of any drugs that are found to be packaged together shall be performed by HFSC at the request of the Property Division.

All costs associated with the shipment of evidence for retesting shall be paid for by the defense attorneys that initiated the court order. Retested evidence will be shipped back to the Property Division by the retesting laboratory.

Representatives of primary divisions shall submit completed *Property Shipping Authorization* forms to the Property Division via interoffice mail, fax, or email and complete a supplement to the original incident report.

Shipping Evidentiary Property

Property Division personnel shall be responsible for packaging, shipping, receiving, and sending all evidentiary property. An employee initiating the shipment or receipt of property that will be used as evidence in an investigation shall complete a supplement to the original incident report detailing the reason for shipping such property.

Property Division personnel shall complete a property release report prior to any shipment of property. This report shall contain the name of the receiving agency and the reason the property is being sent. The receipt for shipment shall be signed by the employee initiating the transaction. A primary division employee initiating property shipments shall complete a *Property Shipping Authorization* form designating the location where the evidence will be sent. If property is shipped for evidentiary examination, the initiating employee shall provide the agency receiving the property with any instructions necessary to conduct the requested testing.

After an employee has been notified by Property Division personnel that property addressed to the requesting employee has been received, the employee shall reply immediately with the required information, the intended disposition of the property, and when the property shall be picked up.

4 TYPES OF EVIDENTIARY PROPERTY

Created Property

Items created by the department for the sole purpose of being used as evidence (e.g., DWI and crime scene videotapes or test fires) to enhance an investigation and that may be needed for future identification shall be stored in a property storage facility.

Evidence created in the process of investigation and/or analysis shall be handled according to the guidelines of the division creating the evidence and/or HFSC.

Video or audio evidence (other than that produced by the Criminal Intelligence Division) shall be handled according to the guidelines established by the Office of Technology Services. Video or audio evidence produced by the Criminal Intelligence Division shall be handled according to the guidelines of that division. Video or audio evidence requiring technical support and forensic analysis by HFSC's Forensic Audio/Video Lab may be submitted directly to HFSC in person if consultation is required. Otherwise, it shall be submitted to the Property Division.

All digital photographs taken by employees and that document a crime scene or possible criminal investigation shall be uploaded to the Digital Crime Scene database. Digital photographs shall be uploaded using designated kiosks or via the system's web software accessed through the department's Intranet Portal.

In addition to photographs, video, and audio recordings, created evidentiary property also includes communications that are sent and/or received (e.g., text messages to and/or from witnesses) while conducting official City business and that could constitute evidence in a criminal investigation.

Purchased Property

Purchased property is any property or props purchased with department approved funds to further an undercover criminal investigation (e.g., clothing, cameras, and video equipment). All property valued at \$250 or more purchased to enhance an investigation and is not illegal to possess shall be listed and fully described in the purchasing division's inventory. Each item listed in the inventory shall have a department inventory number assigned to it. It is not necessary for a department inventory number to be physically attached to the property if the property is being

used in an undercover investigation and the inventory number would compromise the investigation. Officers may make an identifying mark on property to aid in its identification (e.g., to aid in courtroom testimony). The inventory number must be cross-referenced to the property in the division's inventory list.

Property of the City of Houston that becomes evidence in a criminal investigation shall be released to the division to which it belongs when it is no longer needed as evidence. Unless physically impossible, the inventory number tag shall be placed on the property when it is no longer used as an investigative tool or prop.

Property purchased in a "sting" operation shall be handled as seized property and placed in the appropriate property storage facility.

Seized Property

Seized Property is any property that is not purchased by the department, but seized or obtained by an officer during an incident or investigation to further a criminal investigation or for any other law enforcement purpose (e.g., a prohibited weapon found during a family disturbance investigation). Property that has been seized (e.g., narcotics, evidence, money, *found property*) shall be handled and processed as designated by the parameters set forth in this General Order.

Whenever possible, officers who seize property legal to possess shall complete and issue the *Houston Police Department Property Release* form to the rightful or claimed owner. One copy shall be issued to the owner and one copy shall accompany the seized property to the property storage facility. If ownership is claimed without proof, the words "Claimed Ownership" shall be written on the receipt and tag. The owner's receipt is used to claim property through the authorizing division. Officers shall detail recovery information in a supplement to the original incident report.

5 EVIDENTIARY PROPERTY PROCEDURES

Employees shall take precautions to preserve the integrity of and not contaminate any physical or latent evidence at a crime scene.

Evidentiary Property Collection

Responsibility for evidence collection shall be delegated in the following descending order of priority:

- a. Investigative division officer in charge.
- b. Crime Scene Unit personnel.
- c. Arresting officer.
- d. Officer assigned by the dispatcher.

Whenever employees have custody of property seized as evidence, they are accountable for the overall security of that property and for maintaining a credible chain of custody for that property.

All evidence must be properly packaged and sealed for submission into a property storage facility and for laboratory acceptance. A proper seal includes a complete seal of the envelope with evidence tape or similar tape and the initials of the officer sealing the evidence located on the tape seal itself.

Firearms and Munitions

Ordnance and Explosives:

When explosives and related hazardous evidence are recovered, the Bomb Squad shall be notified. This evidence includes, but is not limited to, any explosive device, military ordnance, pyrotechnics, or gas and smoke canisters. This type of evidence shall be handled according to Bomb Squad's SOPs.

Firearms, Ammunition, and Ballistic Evidence:

Employees shall wear nitrile gloves when handling any firearms or ammunition that may be evidential property.

Firearms and Ammunition

Prior to tagging firearms at the Property Division, officers shall ensure that the firearms are unloaded and cleared by utilizing the "red clearing barrel" provided at the Property Division. Firearm slides or cylinders shall be submitted in the open position. However, officer shall *not* remove ammunition from a magazine. Then the magazines, ammunition, and unloaded firearms shall be tagged into the Property Division by following that division's SOPs.

Firearms that cannot be unloaded or have a jammed round or casing in the chamber or barrel shall *not* be tagged into the Property Division. Those weapons shall be submitted to the Firearms Section of HFSC. The container shall be clearly marked with "LOADED WEAPON" on at least two sides indicating that the weapon contained therein is still loaded. HFSC Firearms Section personnel shall then make the firearm safe and return it to the submitting officer or designee. If it is after normal business hours for the HFSC Firearms Section, the firearm and a completed submission form shall be submitted using one of the HFSC Firearms Section lockers located at 500 Jefferson. Submission forms are available next to the lockers. After depositing the firearm (in a properly sealed and labeled package) along with the submission form, the locker shall be locked using the lock attached to the locker.

Firearms recovered from water shall be packaged in a water-tight container containing the firearm submerged in the same water from which the firearm was recovered. The container shall be submitted to the HFSC Firearms Section during normal hours of operation. If the firearm is to be submitted outside of normal business hours, it shall be submitted to one of the designated lockers at 500 Jefferson.

Firearms and firearms evidence in high priority investigations may necessitate immediate processing. These items may be submitted directly to the HFSC Firearms Section with prior approval from the HFSC Firearms Section manager.

Ballistic Evidence

Seized ballistic evidence (e.g., spent bullets, shell casings) recovered from any location and that is to be examined by the HFSC Firearms Section shall be submitted to the Property Division. All fired (empty) shell casings will be tagged in the Property Division, attention; National Integrated Ballistic Information Network (NIBIN).

In the event seized ballistic evidence recovered was the result of a police-involved shooting that resulted in injury to any person, unfired cartridges matching the brand discharged shall be collected (15 to 20 unfired cartridges, if possible, from the officers who discharged their firearm) and tagged in accordance with this General Order.

Municipal Prisoner's Firearms

Whenever a firearm is seized from a suspect arrested for only a municipal offense, the arresting officer shall check the firearm's serial number in the computer system to verify that it has a clear history and then generate an original incident report. The incident report shall describe the circumstances of the arrest and the disposition of the firearm. A *Prisoner Property Release* form shall be completed and the firearm shall be tagged and stored in the Property Division as outlined above.

Narcotics

Employees shall wear nitrile gloves when handling any narcotics and should not remove the narcotics from the original packaging. Officers shall **not** conduct drug field tests on any substances.

All officers not assigned to the Narcotics Division who seize narcotics shall take them to the Narcotics Operations Control Center (NOCC) for preliminary identification, weighing, and submission to a Narcotics Evidence Receiving (NER) lock box. Submissions shall be in compliance with submission procedures and standards of the NER Unit. Narcotics Division personnel assigned to the NOCC shall ensure the submission, packaging, and forms are completed and the substance is properly identified and weighed.

Officers assigned to the Narcotics Division are the only personnel authorized to submit any seized narcotics evidence directly to NER during normal operating hours, or into the NER Drop Box at 1200 Travis after NER's normal hours of operation.

Officers shall list all weights and counts as approximate values. HFSC shall indicate the exact weight or count in its final report of analysis.

Officers submitting narcotics evidence without a known suspect or to be destroyed shall clearly articulate this in the submission. Should it be necessary to have the evidence analyzed for intelligence purposes, even though no criminal charges are pending, the officer shall clearly indicate the reason for the analysis.

Biological Evidence

Officers shall wear gloves when handling and processing biological evidence to ensure that the biological evidence is not contaminated and the officer is protected from exposure to biological contaminants.

Toxicology Samples:

Officers shall collect two vials of blood or urine from the same suspect and place the vials in the same envelope or container for lab submission. All biological specimen containers (blood and urine) submitted to HFSC (e.g., Driving While Intoxicated sample) shall have labels affixed directly to the specimen(s). All information on the labels shall correspond exactly with the outer and inner packaging of evidence and submission forms.

Forensic Biology Samples:

All other blood and biological material shall be submitted to the Property Division. All samples shall be submitted as quickly as possible. Any item containing stains of biological origin shall be completely air-dried in the drying room before being stored.

Digital Evidence

HFSC's Digital Forensics Unit (DFU) is responsible for the forensic examination of *digital media* taken into evidence by the Houston Police Department.

No digital evidence shall be submitted to or analyzed by other laboratories without authorization of the supervisor of DFU.

Collection Procedure:

On-scene surveillance recordings of an incident captured by a private surveillance system at a business or residence and provided to an officer to further an investigation shall be tagged into the Property Division.

Whenever digital evidence is seized as the result of a search warrant, consent to search, or being discovered and believed to contain evidence of a crime, employees shall adhere to the following procedures.

Digital evidence shall be treated as a separate crime scene. Unless authorized by DFU, employees shall not access or preview any digital evidence on any digital media device that has been seized. Improper examination or preview of digital media may alter, delete, or destroy evidence files.

Employees shall contact DFU with any questions or if they need instructions concerning the processing of a crime scene that contains digital evidence. Depending on the complexity of the scene and the evidence to be seized, DFU personnel may be required to respond to the scene to assist in evidence identification and collection. The following are general collection procedures for digital evidence:

Computers

Computers should be submitted to the Property Division without the associated peripheral devices (keyboard, mouse, and monitor) as they are of no evidentiary value. However, some all-in-one computers contain internal data storage engineered into the monitor or keyboard. Those should be collected. Care should be exercised to ensure the proper storage media is identified and seized. The following are instructions on how to properly collect common computer devices:

- a. Investigators seizing desktop computers (not servers) that are discovered powered-on should pull the power plug from the back of the chassis to turn off the computer.
- b. For laptop computers, the battery should be removed. Do not "shut down" the computer using the operating system.
- c. For computer servers or for computers with encryptions enabled, investigators should contact DFU for instructions.

Wireless Networking Devices

Wireless networking devices include, but are not limited to, cellular telephones, tablet computers, and cameras. Wireless networking devices require special handling due to the volatile nature of the storage media and ability to actively connect to a network. These general instructions should be followed prior to submitting the device to the Property Division:

- d. Cellular telephones, tablet computers, and other devices with Wi-Fi™ or other wireless networking capability that are encountered in a powered-on state should be isolated from the network immediately. The potential exists for the device to be accessed remotely and wiped of all evidence stored on the device.
- e. Generally, the device should be placed in airplane mode (if a screen lock is not active) and then powered off as soon as practicable. It should not otherwise be tampered with or previewed. If the battery is accessible, officers should remove it.
- f. If the incident warrants immediate examination of the device by DFU, the device should be left powered on but placed into a faraday container to shield it from wireless network communication signals or placed in airplane mode, if possible. DFU should be contacted for instructions or assistance.

Digital Evidence Submission:

Digital evidence shall be submitted directly to the Property Division. Digital evidence shall not be improperly stored prior to submission.

DFU utilizes the Laboratory Information Management System (LIMS) for property management. Requests for analysis of digital media submitted directly to the Property Division shall be entered into LIMS or its successor system. If the evidence was gathered as the result of a search warrant or consent to search, copies of those documents must accompany the digital evidence so the documents can be properly verified and recorded. DFU shall examine evidence only with proper authorization documentation.

DFU processes evidence on a first in, first out basis, unless a demonstrated exigency exists. Requests for priority processing shall be made to the supervisor of DFU. DFU is solely responsible for decisions made regarding the order in which digital evidence is processed.

Upon completion of the forensic examination, the investigator shall receive a notice via LIMS that the report is ready for review. The original tagged evidence and any created evidence shall be transported by HFSC personnel to the HPD Property Division. Created evidence consists of digital media (e.g., CD, DVD) that contains the requested supporting exported evidence exhibits from the original device. This evidence is used for prosecution. DFU-produced digital media shall be issued a property tag in LIMS by DFU for evidence management purposes. This evidence shall be properly controlled and stored in the HPD Property Division.

Digital Evidence on Personal Devices:

Property created using a personal cellular telephone or other personal recording device (*personal device*) for the purposes of investigating a criminal violation shall be preserved in a manner that it can be readily retrieved. The general rule and preferred practice is to not use a personal device to capture images or record statements, but to instead use a *departmental device*. However, the department recognizes there may be exigent circumstances when an employee may need to use a personal device.

Under no circumstances shall any evidentiary property be permanently stored on a personal device.

In the exceptional circumstances when evidentiary property is created using a personal device the following guidelines shall be followed:

- g. The evidence must be retrieved from the device and properly stored and tagged as set forth in this General Order before the end of the employee's shift.
- h. The evidence should be immediately deleted from the employee's personal device only after the evidence is retrieved and properly stored and tagged.
- i. The employee who created the evidence must generate an original incident report or supplement, as applicable, documenting the employee's actions including, but not limited to, identification and description of the property as evidence, the chain of custody, and the final disposition of the evidence.
- j. If the evidence created cannot be retrieved and properly stored and tagged by the end of the employee's shift, the employee shall tag the personal device into the Property Division until such time that the evidence can be retrieved, stored, and tagged.

Employees with questions regarding evidence created using a personal device shall contact DFU.

Financial Instruments and Identifications

All credit cards, debit cards, driver licenses (DL), identification cards (ID), checks, affidavits, or other financial instruments or identification documents suspected of being stolen or used in the commission of a forgery or fraud, as well as any surveillance recordings of the suspected offense

shall be tagged into the Property Division. Officers shall scan all evidence and attach the scan to the incident report via Intellinetics or its successor system prior to tagging the documents into the Property Division.

Regardless of the circumstances, if an officer finds a suspect to be in possession of articles such as credit cards, debit cards, identifications, social security cards, passports, or documents that contain the identifying information of another, the officer shall conduct a preliminary investigation. The officer shall also attempt to locate the owner of the property via a search of the department's Records Management System (RMS), related databases, or assistance from the 24-hour Crime Center to ascertain if the owner/complainant has reported the item(s) lost or stolen. If the owner of the property is located, the officer should review the case with the District Attorney's Intake Division and file the appropriate charges.

If the article is linked to an HPD incident as lost or stolen property, the officer shall investigate further and supplement the original incident report. If the suspect claims consent to possess the property, the officer shall make an attempt to verify the suspect's claim and document such.

When filing charges with the Harris County District Attorney's Office for a financial crime related offense (e.g., forged check; fictitious DL, ID, or passport), the arresting officer shall fax or scan via email a copy of the instrument to the Harris County District Attorney's Intake Office and ensure that the evidentiary exhibit was received by the Intake Office prior to tagging the property in the Property Division. The incident number and/or defendant's name and date of birth shall be included on the exhibit scan or fax.

When a financial instrument or identification is recovered without an arrest, the officer recovering the property shall complete an original incident report titled Investigation Forgery or shall make a supplement, whichever is appropriate. In addition, the evidence shall be handled as stated above.

Under no circumstances shall the officer seizing a document damage or destroy it. Only the Cyber & Financial Crimes Division can render a document worthless, and only after the investigation is completed, and as determined by the Cyber & Financial Crimes Division.

Passports shall never be destroyed. Passports are the property of the U.S. Department of State. Recovered passports shall initially be treated as any other property and tagged into the Property Division. The investigative division that is responsible for the hold shall do their due diligence to return the property to the owner. The investigator shall document those efforts in the original or a supplement report. If after 90 *calendar days* the owner has not been located or the owner has been notified and has not claimed the passport, the passport (and passport ONLY) shall be transferred to the responsibility of the Criminal Intelligence Division (CID). Upon receipt of the property disposition slip, CID personnel shall retrieve the passport and transfer final responsibility to the U.S. Department of State. CID shall handle the final disposition for passports only.

Counterfeit Currency:

Counterfeit currency, whether seized or purchased, shall be tagged into the U.S. Secret Service evidence lock box located in the evidence room at 1200 Travis on the first floor.

Officers arresting suspects for counterfeit currency shall contact the Secret Service 24-hour Duty Desk at 713-868-2299 and ask for the Counterfeit Response Agent to run the bills' serial numbers and verify the bills' authenticity before tagging the counterfeit currency into the Secret Service

lock box and contacting the District Attorney's Office for charges. A Secret Service agent will be available between 0700 and 2200 hours, Monday through Friday. An answering service will have an agent promptly return calls at all other times.

When seized money is believed to be counterfeit, officers shall complete a detailed incident report that shall include a list of the denominations and the associated serial numbers of each bill. This information shall also be listed in the Summary of Facts in the District Attorney Intake Management System (DIMS) if the incident involves an arrest.

Officers shall enter all required information on the counterfeit (CFT) currency envelope and include the correct incident number. Officers shall not photograph, scan, or fax the alleged counterfeit currency. This is a violation of federal law, Title 18, Section 474 of the United States Code.

Stolen Property

Not all stolen property recovered in an investigation is required to be tagged into the Property Division. Stolen property needs to be tagged into the Property Division only if the ownership is in dispute. When the ownership of the stolen property is not contested or in dispute and the rightful owner can be determined, the officer shall confer with an assistant district attorney to determine if photographing the property and returning it to the rightful owner in lieu of tagging it in the Property Division is the best course of action. When property is returned to the owner, the investigating officer shall include the assistant district attorney's name and a complete description of the item in the incident report.

Vehicles

When a vehicle must be held for further investigation, the primary officer shall contact the concerned investigative division to obtain authorization to tow the vehicle and to determine the specific location the vehicle should be placed for further processing. Once authorization is given, the investigating officer shall escort the towed vehicle to the authorized location. Officers shall *not* have "outside stolen" vehicles (vehicles stolen outside the city limits of Houston) towed to the HPD Vehicle Impound Lot or Vehicle Examination Building. See General Order 600-10, **Towing**.

After the vehicle has been tagged for examination, the officer shall enter "EVD" in the Involvement field in the Vehicle tab of the Automated Reporting System (ARS) and enter the designated location where the vehicle has been taken for investigation or examination. The name of the authorizing division personnel who was notified, the name of the person transporting the vehicle, a description of how the vehicle was transported, and the officer's actions in regards to the procedures outlined below shall be included in the officer's original incident report.

Vehicle Impound Lot (VIL):

The Vehicle Impound Lot (VIL) is primarily for the storage of vehicles needing follow-up investigation and is *not* for the examination of forensic evidence, which is addressed later in this subsection. Vehicles that meet the VIL storage requirement shall be towed to 1300 Dart Street and checked in following the procedures listed below:

- a. The tagging officer shall go to the Property Division front desk and complete the Vehicle Impound Log entry. After which, the officer shall receive a key to the VIL.

- b. The officer shall then complete the "Houston Police Department Vehicle Compound Record" envelope, located in the Property Division Officer's Work Room. Once completed, the officer shall place a copy of the wrecker slip and any keys inside the envelope and place the envelope in the tray labeled "Vehicle Impound Lot Drop Off Tray" (*Do not seal the envelope*).
- c. The officer shall then proceed to the VIL, open the west gate located on Hickory Street, and have the wrecker driver place the vehicle on the concrete area of the lot. If the vehicle is a complete burn and has no identifying markings, the officer shall complete a 3X5 evidence tag and attach it to the vehicle. **Officers shall not leave the wrecker driver unescorted at any time during the entire process.**
- d. After dropping off the vehicle(s), the officer shall ensure the gate is locked and then return the key to the Property Division.

Vehicle Examination Building (VEB):

The Vehicle Examination Building (VEB) is managed and utilized by the Houston Forensic Science Center. The VEB is for the examination of forensic evidence. Vehicles requiring forensic examination shall be towed to 1305 Dart Street and checked in following the procedures listed below:

- e. After receiving authorization from the appropriate investigative division, the submitting officer shall complete the Vehicle Examination Log located at the front desk of the Property Division in order for the officer to receive a key to the VEB front gate.
- f. After opening the gate, the officer shall unlock the west side VEB door and raise the bay doors to allow the wrecker driver access to the facility. **Officers shall not leave the wrecker driver unescorted at any time during the entire process.**
- g. The officer shall have the vehicle placed in an available open bay. If all bays are occupied, the vehicle shall be placed in one of the outside covered areas. If all bays and outside covered areas are occupied, the vehicle shall be placed in the parking area *without blocking any gates, bays, or covered areas*.
 1. If the vehicle being tagged is leaking fluids, the vehicle shall be placed in an outside bay or parking area.
 2. If the vehicle is burned, the vehicle shall be placed on the concrete area at the Vehicle Impound Lot (VIL) located at 1300 Dart.
- h. The officer must then complete the VEB Intake Log Book. Note: this is a separate log book from the Property Division. Additionally, the officer shall complete the applicable portion of the *Vehicle Processing Request* form available at the VEB.
- i. Evidence tags shall be attached to any available vehicle keys. Officers shall not place evidence tags on the vehicle. *Officers shall not tag vehicle keys into the Property Division.*
- j. The following shall be placed in the top tray on the table at the VEB:
 1. *Vehicle Processing Request* form

2. Copy of the tow slip
3. Copy of the Apple Towing Co. tow slip, if applicable
4. Vehicle keys, if available

Disposition of Vehicle:

It is the responsibility of the authorizing division to ensure that vehicles that are part of an investigation are correctly inventoried and investigated. Upon completion of their investigation, the authorizing division shall, in a timely manner, send a release form to the VIL advising them of the final disposition.

Any vehicle stored at the VIL and for which the investigation is complete and it is found to be abandoned, shall be sold at police auction by the Auto Dealers Detail. If the vehicle in question has been burned or has no substantial monetary value, it shall also be sold at auction for salvage parts and crushing only. The procurement and asset unit of the City of Houston shall conduct an online auction regarding such vehicles and parts. All monies derived from either auction shall be placed into the City of Houston General Fund.

Latent Prints

Officers and Property Division personnel shall minimize direct handling of physical evidence and shall use gloves when necessary so that evidence is not destroyed or contaminated with fingerprints from employees.

Officers who lift latent prints from a scene (e.g., burglary of a vehicle or residence) shall submit the latent print lift cards into latent print drop boxes located at patrol divisions or directly to the Property Division. Officers submitting latent print evidence shall use the Property tab in ARS and select "EVD" (Evidence – Item Tagged in Property Division) under Involvement Type to indicate that latent prints have been tagged. Officers shall use the "Send to Property Division" function to complete the submission. Because latent print lift evidence will automatically generate initial requests for latent comparison analysis based on the item type Latent Lift(s), submitting officers are not required to manually request analysis in HFSC's LIMS for latent print lifts.

Physical evidence (e.g., firearms, knives, documents) needing examination for latent prints shall be submitted to the Property Division. Authorizing division personnel shall ensure that lab requests for latent processing are entered in LIMS as necessary for all physical evidence needing to be processed.

For latent print lifts that require follow-up investigations, personnel in authorizing divisions shall verify that an automatic request has been made in LIMS once the case is received by the division. If no request has previously been made, the investigator shall contact the Property Division to ensure the item type is corrected to Latent Lift(s) so that a lab request is generated. All requests for evidence examination shall be documented in the incident report indicating the type of evidence tagged, confirmation that a request for examination was entered into LIMS, and the Lab Case Number.

Hazardous Material (HAZMAT)

Hazardous materials are not to be tagged into the Property Division. Disposal of hazardous materials shall be determined by the Major Offenders Division, the Fire Department, or the investigative agency controlling the scene.

6 LABORATORY ANALYSIS OF EVIDENCE

Evidence shall be uniquely preserved, correctly identified, and protected until the time it is received by HFSC. If it is not, it may be rejected or forensic analysis may be delayed.

Investigators who require laboratory analysis of property stored in a property storage facility shall make a supplement report and submit a request for analysis to HFSC. The requesting party shall obtain (or authorize lab personnel to obtain) the property for analysis. The property storage facility shall record information regarding the chain of custody in its documentation.

For any item submitted as evidence to the various sections of HFSC or a property storage facility, officers shall include all appropriate information pertaining to the analysis request.

Current contact information and the *HFSC Evidence Handbook*, which provides requirements for evidence submission and requests for analysis, is available at www.houstonforensicscience.org.

Known Comparison Samples

Items determined to have value for the purpose of identification or comparison purposes shall be stored in a property storage facility.

Evidence obtained for identification and comparison with materials from a known source (e.g., hair, fiber, paint, glass, wood, soil, a tool mark) shall be submitted to the Property Division.

Items for which comparison samples are not readily available should be placed in the Property Division until a sample can be obtained for comparison. When a suspect is identified, the authorizing division shall ensure an investigator contacts HFSC to determine whether comparison samples (e.g., blood or hair) are needed from the suspect in order to complete the analysis of evidence.

7 FOUND PROPERTY

Found property believed to be less than \$500 in value and for which ownership cannot be determined and that is not considered to be evidence of a crime or contraband may be left at the scene with the person who found the item(s). Found firearms are exceptions to this rule; they shall be recovered and tagged into the Property Division.

The Property Division shall accept found property only if one or more of the following applies:

- a. Ownership of the item(s) has been established and the item(s) are being held for safekeeping until retrieved by the owner and approval for submission to the Property Division has been received from a supervisor in the Burglary and Theft Division. The employee placing such an

item in the Property Division in this situation shall generate an Investigation B&T-Found Property incident report.

- b. Ownership of the item(s) cannot be determined and the property is believed to be valued at more than \$500. The employee placing such an item(s) in the Property Division in this situation shall generate an Investigation B&T-Found Property incident report.
- c. The item or items are considered to be evidence of a crime or contraband. This evidence shall be handled in accordance with this General Order.

Found Bicycles

Found bicycles believed to be valued at less than \$500 and for which ownership cannot be established at the scene and that have not been reported stolen or missing shall be left at the scene with the party making the discovery (i.e., reportee). Officers called to the scene of a found bicycle shall obtain the reportee's information (e.g., name, date of birth, driver license or state ID number, address) and the bicycle's information (make, model, and serial number). This information shall be used by the officer to make a "Lost/Found" incident report. Officers shall exercise due diligence by checking the serial number of the found bicycle against police records (e.g., HPD incident reports, TCIC, and NCIC).

Special Provision for Houston Airports

Officers who come into possession of articles found in public areas at Bush Intercontinental Airport or Hobby Airport shall deposit them at the Office of the Airport Manager. Articles found in leased areas of the airports shall be turned over to an authorized agent of the lessee. If no agent is available or an agent is unable to take custody of the article, officers shall deposit the article at the Office of the Airport Manager. An Investigation B&T-Found Property incident report shall be generated documenting the disposition of the property.

However, evidence, contraband, and *prisoner property* shall be handled as outlined in this General Order.

8 PRISONER PROPERTY

All prisoner property accepted by the jail shall be handled according to the jail's SOP. Certain items cannot be accepted into a jail facility because of space or safety reasons (e.g., bulk items, bicycles). This type of prisoner property shall be taken to the Property Division for storage. When such items need to be stored, the Property Division shall authorize the tagging of the prisoner property as "Safe Keeping."

The arresting and/or transporting officer shall complete a *Prisoner Property Release* form and list the property in the ARS Evidence tab as Safe Keeping in the incident report whenever a prisoner's property is to be stored in a property storage facility.

Property removed from juvenile prisoners shall be handled in accordance with the Juvenile Division's SOP.

9 DISPOSITION AND DISPOSAL OF PROPERTY

Divisions authorizing a hold on property and/or controlled substances are responsible for its lawful disposition. All property placed on hold, returned to the owner or caretaker (hereinafter referred to as owner), or disposed of shall be handled and processed in accordance with the Texas Code of Criminal Procedure. No property shall be released to an owner or disposed of until all authorizing divisions release their holds.

If a disposition for property is not determined within 90 *calendar days* after the date it was placed into a property storage facility, the Property Division shall notify the authorizing division and request disposition information. All requests for disposition shall be answered within 30 *calendar days* following the date of the request. If the property must continue to be held, the signature of an authorizing division commander must be placed on the disposition request. The employee detailing the reason for the hold must complete a supplement to the incident report.

While responsibility for the disposition of all tagged property belongs to the authorizing division, property may be disposed of in accordance with state law and Property Division SOP for property purging. This SOP allows Property Division personnel to make disposition decisions for certain found property with strict guidelines and without release authorization from the Burglary & Theft Division. Property may be disposed of in accordance with the investigative guidelines of the Property Division's Property Disposition Unit (PDU).

When the authorizing division or PDU determines the disposition of property, each employee handling the property disposition shall generate a supplement report.

The Property Division commander, after consultation with the division commanders of the authorizing divisions, can dispose of evidence in cases for which a defendant has not been charged, the statute of limitations has expired, and the evidence is non-biological in nature. This shall be done following applicable state law.

Upon written authorization from the Chief of Police, an off-site property storage facility may dispose of property.

Authorizing Division Responsibilities

When a division authorizes the tagging of property, that division is responsible for determining the disposition for that property. Division commanders of authorizing divisions are responsible for assigning those cases for investigation and for ensuring property dispositions are made in a timely manner.

The investigator assigned the case shall check to see if charges have been filed in the case. If charges are filed, the investigator shall contact the prosecuting attorney and request assistance and advice regarding disposition of the property. If no charges are filed, the statute of limitations for the offense has expired, the property is of undetermined ownership or stolen, and the property is not listed in Section 18.17 of the Texas Code of Criminal Procedure, then the investigator shall conduct a diligent investigation to identify and locate all potential claimants who may have claim of ownership of the property. This information shall be documented in a supplement.

When a potential claimant is identified and located, the investigator shall provide the claimant with written notice as outlined in the Texas Code of Criminal Procedure, via certified mail. If

potential claimants or their addresses cannot be fully identified through a thorough investigation or if a mailed notice is returned for want of a valid address, then a notice for property that has a fair market value of more than \$500 shall be published one time in a newspaper of daily circulation in the city. The investigator making this determination as to the disposition of the property must state in the supplement that these factors apply to the property. After the investigator has concluded the investigation to identify potential claimants, the division commander shall be responsible for ensuring the entire file relating to the investigation and notice procedures are formally reviewed.

Division commanders shall ensure a criminal history check is conducted on all persons to whom firearms are to be released. If the person to whom a firearm is to be released has a prior conviction for family violence, only a Special Victims Division supervisor may authorize the firearm's release. The Special Victims Division supervisor must ensure there is no state or federal firearms prohibition related to that person prior to authorizing such a release of a firearm. In addition, the firearm shall not be released unless the person requesting the return of the firearm shows proof of ownership and provides a description of the firearm including the serial number.

After the investigation is formally reviewed, the case shall be assigned to an employee who shall generate a *Petition for Disposition of Property* when necessary. Each division commander shall assign an employee in their division to be responsible for generating and filing the petitions and appearing in court. The investigator may also be required to appear in court. The employee shall take the completed petition and accompanying documentation to HPD's Office of Legal Services for review.

The reviewing attorney shall ensure the petition is completed and the appropriate documentation is attached, and shall sign the petition. The employee shall then take the completed and signed petition to the Office of the Clerk of the Municipal Courts and file the petition. The employee shall supplement the incident report with the cause number, date, time, and location of the hearing. After the case has been heard, the employee shall again supplement the incident report documenting how each piece of property was ordered disposed.

For *property acquired by illegal means*, the required information shall be submitted to the City Prosecutor's office. That office will review the case and file the petition for a property hearing in Municipal Courts. Employees submitting the information shall act as witnesses at the hearings resulting from those cases.

When multiple divisions authorize property to be tagged in ARS and the information is imported into the Property Division's evidence tracking system, the evidence tracking system allows for only one primary division to be listed with the additional authorizing divisions noted in the Details section. By default, all of the tagged property will be listed for disposition under the primary authorizing division. It shall be the primary authorizing division's responsibility to complete a property transfer to the secondary division responsible for the additional property once the primary division's property has been properly submitted for disposition.

Authorizing divisions shall not transfer responsibility for disposition to an employee who has transferred or promoted out of the division, unless there are extenuating circumstances. The responsibility for the disposition of the property remains with the authorizing division.

Restoration Orders and Destruction Orders

Any property seized in connection to an incident in which charges are filed against a suspect require production of either a Restoration Order or a Destruction Order signed by the judge in the court in which charges were filed prior to disposition of the property. This is true even if the charges were ultimately dismissed. Destruction Orders should be submitted to the Harris County District Attorney's Office Property Destruction Coordinator. Restoration Orders should be submitted through the Chief Prosecutor of the particular court.

Citizen Release of Property Request

A citizen presenting a court order that mandates the release of property shall be advised that the release of any property requires the approval of the division that authorized the entry of the property into the Property Division. The person presenting the court order shall be given the option of leaving contact information that will allow the Property Division to contact them when the property has been cleared for release.

The Property Division shall conduct the research necessary to determine which division will have to approve the release of the property. The Property Division shall send a copy of the court order to the division commander of that authorizing division. The division responsible for approving the release of the property shall investigate to see if there are any objections to the release of the property. If there are no objections, the division responsible for approving the release of the property shall notify the Property Division to finalize the release of the property. If there are objections or potential objections, the division responsible for approving the release of the property shall contact the Office of Legal Services for guidance as to how to proceed.

10 DIVISION FILES

Division files and their contents such as statements, confessions, and photo lineups shall be handled according to the SOP of the division that created the file.



Art Acevedo
Chief of Police