

# TEXARKANA POLICE DEPARTMENT

## GENERAL ORDERS MANUAL

<b>SUBJECT</b>	<b>Property and Evidence Control</b>		
<b>NUMBER</b>	<b>1102.02</b>	<b>EFFECTIVE DATE</b>	<b>June 12, 2008</b>
<b>Scheduled Review Date</b>	<b>July 30, 2018</b>	<b>ISSUE DATE</b>	<b>June 12, 2008</b>
<b>Date Reviewed</b>	<b>May 18, 2017</b>	<b>REVISION DATE</b>	<b>May 18, 2017</b>
<b>APPROVED BY</b>		<b>ALEAP Standards</b>	12.01; 12.03; 12.04; 12.05; 12.06 12.07; 12.08; 13.19

### I. Purpose and Scope

- A. The purpose of this policy is to specify the measures for the receipt, handling, security and disposition of property and evidence while in the custody of the Texarkana Police Department. The property and evidence control function shall provide for the security and control of seized, recovered and evidentiary property as well as abandoned, lost or found property in the custody of the Texarkana Police Department.

### II. Policy [ALEAP 12.03](#)

- A. The Texarkana Police Department will ensure that all property in its possession is properly received and promptly recorded, securely stored, readily retrievable and—as soon as possible—disposed of in accordance with applicable laws.
- B. All employees of the Texarkana Police Department shall place all property under the control of the Property and Evidence Control Function, in an approved and prescribed manner, prior to the end of their shift.
- C. All employees shall make an effort to identify and notify the owner or custodian of the property and document such efforts in his or her report.
- D. The personal use of any property in the custody of the Texarkana Police Department is prohibited.
- E. Any items placed into the Texarkana Police Department Evidence Room shall be stored in a manner so as to prevent damage or deterioration.
- F. All property or evidence submitted in a manner not compliant with this policy will not be accepted into the Evidence Room and will be returned to the officer and his/her supervisor notified.

### III. Definitions [ALEAP 12.01](#)

- A. The following terms and their corresponding definitions shall apply for purposes of this policy:
1. **Evidence**—Property that is evidence in an investigation for which an arrest or a crime report has been made.

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- a. For purposes of this policy, once any item—whether the item is evidence, found property, an item secured for safekeeping or any other item—is submitted to the Evidence Locker, it shall be referred to as “evidence”.
2. **Found Property**—Found property is that property which has been found by an officer or a private citizen and is of no apparent evidentiary value.
3. **Safekeeping**—Personal property of an individual that may be taken to minimize the threat of serious physical injury or death to that individual or others. Other items of value may be submitted as “safekeeping” if at the time the submitting employee comes into contact with it there is no other responsible party available to take custody of the property.
4. **Sensitive Items**—Property that because of its value or nature is more appropriately stored separately. Sensitive items may include but are not limited to drugs, firearms, jewelry, and cash.
5. **Chain of Evidence**—The continuity of the custody of physical evidence, from the time of original collection to final disposal, which may be introduced into a judicial proceeding.
6. **Collecting Member**—Any member of the Texarkana Police Department who initially receives the evidence and initiates the chain of custody.
7. **Property and Evidence Custodian**—Member or members of the Texarkana Police Department, appointed by the Chief of Police, accountable for the control and maintenance of all property and evidence accepted by or stored in the Texarkana Police Department's Evidence Room.
8. **Evidence Room**—Facilities designated by the Chief of Police and used by members of the Texarkana Police Department to store evidence or property.
9. **Contraband**—An article possessed under circumstances prohibited by law; any weapon or instrumentality used in the commission or attempted commission of a felony; or any other article designated as contraband by law.

**IV. Procedure** [ALEAP 12.01](#)

**General Provisions Applicable To All Seized Items:**

Members of this department shall only seize items under the following conditions:

1. Officer has probable cause to believe that an item is contraband (contraband is an item that by its very nature is illegal to possess (e.g. illegal narcotics).
2. Officer has probable cause, at the moment of seizure, to believe that the item to be seized is stolen.
3. Officer has probable cause, at the moment of seizure, to believe that the item is evidence of a crime.
4. Officer has lawful reason to store items that have come into his possession until returned to rightful owner or otherwise disposed in accordance with Arkansas law.

**A. Texarkana Police Department Property and Evidence Room hours of operation;**

1. The Texarkana Police Department Property and Evidence Room will be staffed by the Property and Evidence Technician Monday through Friday and operate during the hours of 08:00 a.m. to 5:00 p.m.

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- B. All items submitted for storage in the Texarkana Police Department Property and Evidence Room shall be accompanied with a completed property record and a CCN number issued by the Texarkana Police Department.
1. All evidence collected will be assigned an evidence number. The number will consist of the collecting officer's first and last initial followed by the corresponding numeric number beginning with the number one (1) and chronologically proceeding to additional numbers that correspond to the number of items collected. All evidence collected by the Crime Scene Unit will be marked CS followed by the corresponding numeric number.
  2. Employees shall fully report the circumstances of all property seizures in the narrative section of their offense or arrest report in the appropriate ADSI reporting module affiliated with the Texarkana Police Department's Records Management System. The submitting officer does not have to enter the items taken for storage or as evidence on the property page of the ADSI generated offense report; instead, the property custodian will enter the item on the property page when it is logged into the Texarkana Police Department Property and Evidence Room.
  3. Officers who are submitting items that are considered *found or abandoned property* will obtain a CCN and complete a property report only, as an Offense Report is not required in cases that are isolated to the *found or abandoned property*. However, if an officer takes property that is deemed "sensitive", i.e, guns, drugs, money, jewelry, etc., must complete an offense report and property report.
- C. All articles of property requiring submission to the Texarkana Police Department Property and Evidence Room shall be placed under the control of the property and evidence control function prior to the end of the shift by the employee collecting and submitting the property.
- D. All temporary evidence/property storage will be locked, secured and function in such a way as to ensure that once seized items have been deposited, only approved evidence custodians have subsequent access to the items. In cases where the seizing officer is not the reporting officer, the seizing officer may turn over the seized items to the reporting officer for temporary evidence/property storage documentation. Otherwise, the seizing officer will ensure that all evidence processing is completed and the initial report is completed regarding the seizure. All items temporarily stored will be transferred to a permanent evidence/property location by an authorized evidence custodian.
- E. A Texarkana Police Department Property Record shall be completed by either the seizing officer or the reporting officer who takes temporary custody of the property for evidence and storage documentation, listing each article of property. The white & yellow copies of the property report will always stay with the property. The pink copy of the property report will be removed and placed into locker thirty (#30)—a fact that will be documented in the narrative portion of the Officer's offense, supplemental or arrest report. At a minimum, all property reports should include the report number, date of seizure, a description of the evidence, seizing officer's name and identification number, and the suspect's name when appropriate, and the location of the seizure.
1. The Property and Evidence Technician shall retrieve the pink copy of the property report from locker thirty (#30) and ensure a white copy of the property record is filed in the Texarkana Police Department Property and Evidence Room. The yellow copy will be forwarded to the Criminal Investigation Division, and the pink copy scanned and the digital image attached to the offense report. Personnel may use an electronic version of the Property Record, but a copy of the electronic form must be routed as indicated above.
  2. In addition to placing the locker number into the narrative of the Officer's report, Officers submitting property/evidence shall ensure the correct locker number that houses the submitted item(s) is placed on both the white and pink copy of the property record.
- F. All property and evidence submitted shall be secured in a locker of appropriate size, if possible.

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1. Large items such as lawn mowers, go-carts, weed eaters and bicycles that are collected after normal hours will be stored in the temporary storage room in the basement of the Bi-State Justice Center or whenever the item is determined to be too large to fit into a regular evidence locker.
  2. The collecting or reporting Officer shall complete a Property Record describing the property and its location and attach the white copy of the form to the item. The yellow copy of the form shall be placed in locker thirty (#30). When deemed appropriate, it shall be the responsibility of the collecting Officer to post signs around the property identifying it as evidence and indicating the need for evidence preservation for fingerprinting purposes.
- F. Whenever possible, all evidence shall be packaged in the smallest appropriate containers (boxes, paper sacks, or envelopes).
1. If the evidence is placed in a box, then the box should be sealed with evidence or packing tape and initialed by the collecting member with half of their initials on the tape and half extending onto the box.
  2. If the evidence is submitted in a paper sack, then the sack should be sealed with evidence tape and initialed by collecting member with half of their initials on the tape and half extending onto the paper sack.
  3. If the evidence is submitted in an envelope, then the envelope should be sealed and initialed. If no adhesive is present, then the flap of the envelope should be taped down and initialed by the collecting officer. In either case, half of the collecting member's initials should be written on the tape and half extending onto the envelope.
  4. *Staples will never to be used to seal a package, as they do not provide a solid seal and can create biohazard issues when the property custodian is cut while removing them.*
- G. If at the time of submission the collecting Officer determines the evidence will require submission to a laboratory for additional analysis, then this particular evidence should be separated from any other evidence and packaged separately from all other evidence to facilitate the Property and Evidence Technician's ability to barcode the evidence separately. The collecting Officer must complete the Arkansas Crime Laboratory Submission Form. An example of this form can be located in Section V of this policy.

**H. Special Considerations**

**1. Biohazards**

- a. Any property soiled or impregnated with blood or any other possible bodily fluid including but not limited to urine samples, syringes and blood vials will be submitted to the Texarkana Police Department Property and Evidence Room within sealed paper bags or sealed cardboard boxes in a manner consistent with accepted evidence handling procedures. The words "**CAUTION BIOHAZARD**" should be clearly written on the outside of the package by the collecting Officer.

**2. Syringes**

- a. The collecting Officer shall place hypodermic syringes that pose a threat of causing accidental punctures to other personnel in a biohazard syringe container. These containers are available in the Patrol Squad Room. The submitting Officer must document the item's potential for danger on Property Record—as well as on the packaging that contains the item—the words "**Danger Sharp Object**". The submitting Officer must also attach a "Biohazard" sticker to the package's exterior.

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3. **Blood Vials**

- a. Vials of blood shall be placed in a biohazard syringe container prior to being sealed in a plastic evidence bag and placed in the refrigerator. These containers are available in the evidence processing area. The refrigerator shall be kept locked by padlock at all times. The key to the padlock will be available from a Patrol Supervisor. The yellow copy of the Property Record will be placed in locker thirty (# 30).
- b. Blood samples collected in response to a DWI/DUI investigation must be accompanied by either an Arkansas State Crime Laboratory Submission Form or the Blood Alcohol Report Form originating from the Arkansas Department of Health. For more information regarding the completion of these forms, refer to [General Order 1107.01---DWI/DUI Enforcement.](#)

4. **Urine Samples**

- a. Urine sample containers shall be sealed with a biohazard label and then sealed in a plastic evidence bag prior to being placed in the refrigerator. In addition to the Property Record form, an Arkansas State Crime Laboratory submission form shall be completed. Since no chain-of-custody form is incorporated within this form, Officers must document the chain-of-custody information within the narrative of their report and by completing a Property Record. For more information regarding the completion of the submission form in response to urine specimens, refer to *General Order 1107.01---DWI/DUI Enforcement.*
- b. The white copy of the Property Record shall remain with the property, and the yellow copy shall be placed within locker thirty (#30). The refrigerator shall be kept locked by padlock at all times, and the key to the padlock will be available from a Patrol Supervisor.

5. **Sexual Assault Kits**

- a. When a sexual assault kit is collected as evidence, the kit shall receive a bar code separately from any other evidence collected. When a sexual assault kit is collected, it shall be placed in a regular evidence locker since they are no longer required to be refrigerated.
- b. No sexual assault kit will be stored as long term evidence in TAPD Property and Evidence without first being sent to the ASCL for analysis.
- c. **Before December 31 of each year**, all law enforcement agencies that maintains, stores, or preserves sexual assault evidence shall conduct an audit of all untested sexual assault collection kits and any associated evidence being stored by the law enforcement agency and report the information to the State Crime Laboratory, using the sexual assault evidence inventory audit document for a law enforcement agency.

6. **Fingerprints**

- a. Any property the collecting Officer desires to have examined for the presence of fingerprints shall be placed in a paper sack and marked "**TO BE PRINTED**".
- I. No member of the Texarkana Police Department will submit for storage within the Texarkana Police Department Property and Evidence Room any item being stored with the intent to punish or inconvenience any individual whenever the storage such item is clearly unnecessary.
  - J. The Texarkana Police Department Property and Evidence Room **will not** accept for storage any of the following items:
    - 1. Explosives or detonators will not be stored. When an explosive device is found, a Supervisor will be contacted who will determine if a response by trained bomb squad members is necessary. For more information, refer to [General Order 1102.24---Bomb Emergencies;](#)

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2. Unless they are evidence in a criminal case that resulted in an arrest, fireworks will not be accepted;
3. Corrosives of any type;
4. Bottled gases;
5. Gasoline or similar flammable substances;
6. Any hazardous material or substance that would pose a health risk to personnel storing or handling the evidence. **ITEMS OF THIS NATURE WILL NOT BE BROUGHT ONTO TEXARKANA POLICE DEPARTMENT PROPERTY;**
7. Power equipment that contains gasoline. Items within this category may temporarily be stored in the temporary storage area in the basement. This area is located along the eastern wall in the basement behind the second (2<sup>nd</sup>) doorway from the basement entry door;
8. Lost or stolen items in such a state of disrepair or damage that would cause a reasonable person to determine the item(s) has been abandoned thereby having no evidentiary value;
9. Animals possessed by persons at the time of arrest will not be accepted into the Texarkana Police Department Evidence Room. The animal should be released to a responsible person at the scene. If this is not possible, then an Animal Services Officer should be contacted. The arresting Officer will advise the Animal Services Officer that the animal should not be destroyed while its owner is in custody and the owner should be notified of the animal's location;
10. Perishable items;
11. Motor vehicles—which are defined as any piece of property containing a motor and capable of transporting a person from one location to another—will not be stored. Motor vehicles are to be stored by an approved wrecker company in accordance with the Texarkana Police Department's rules and regulations regarding wrecker services.
  - a. Motor vehicles will not be submitted as evidence to the Texarkana Police Department Evidence Room, but the yellow copy of the completed Property Record shall be submitted to the Property Technician and placed in evidence locker thirty (#30) whenever a motor vehicle is seized as evidence;
12. Items not packaged according to Department policy; and
13. Unless the evidence is part of an investigation being conducted by the Texarkana Police Department, evidence originating from any other law enforcement agency will not be accepted for storage or safekeeping.

K. Special Procedures for Certain Items

1. Items of Value (Currency, Jewelry, Precious Metals)
  - a. All items of value shall be counted by two persons prior to sealing and submitting the items of value to the Texarkana Police Property and Evidence Room.
  - b. The items of value may be inserted into an envelope; however, if this practice is used, the envelope shall be sealed with evidence tape and the tape must be signed by **both** members who inventoried the items of value. One-half of each officer's signature must be on the tape with the other half extending onto the package/envelope. The names of *both* members should also be included on the Property Record Form.

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- c. All items of value will be treated by the Property and Evidence Custodian as "sensitive" and will be stored in the safe within the Texarkana Police Department Property and Evidence Room. As such, all items of value shall be bar coded separately from all other evidence submitted.
- d. Monetary items related to asset forfeiture will comply with Arkansas Law concerning funds related to asset forfeiture and will typically provide a procedure for maintaining of these monetary items that may differ from this policy. Monetary funds seized pursuant to narcotics criminal investigations are deposited in the asset forfeiture account maintained by the 8<sup>th</sup> South Judicial District Prosecuting Attorney.
- e. Any item of value submitted as evidence that corresponds to an unknown owner or whose owner cannot otherwise be identified—or those items of value submitted as evidence that later find the owner failing to claim the item of value—shall be promptly deposited with the City of Texarkana, Arkansas' Finance Department.

2. Firearms and Weapons

- a. All firearms **MUST** be unloaded prior to placing them into the Texarkana Police Property and Evidence Room. Members shall insert or attach a cable tie—which can be located in the evidence packaging area—in a manner that clearly demonstrates to others that the weapon is not loaded. The zip tie should be positioned through the magazine well on semi-automatics, or in the case of revolvers, with the cylinder open and a zip tie through one of the revolver's cylinders. Do not insert anything in or through the barrel.
- b. In the unlikely event a loaded firearm—or a firearm believed to be loaded with live ammunition—must be placed into evidence, the collecting Officer shall clearly and prominently mark the package with the following words: "**LOADED FIREARM**".
  - (1) The authorization of a Supervisor is required prior to a loaded firearm being placed into evidence. An e-mail shall also be sent to the Property and Evidence Technician that alerts him/her that a possible loaded weapon has been placed in a locker.
- c. Ammunition may be submitted with the firearm but it must be sealed in a separate envelope before being packaged with a firearm. If this is not possible, then separate packing will be required.
- d. Other weapons—such as knives, razors, ice picks, swords, arrows and other similar items—must be covered and packaged as safely as possible prior to their submission to the Texarkana Police Property and Evidence Room.
- e. All firearms used in the commission of a crime and collected by the Texarkana Police Department will be forwarded to the Arkansas State Crime Laboratory pursuant to A.C.A. § 12-12-324 for ballistic testing within 30 days, unless the firearm is being used as evidence. In such cases, delivery to the Arkansas State Crime Laboratory will take place within 30 calendar days from final adjudication of the criminal proceeding.
  - (1) The Property and Evidence Technician—or a member of the Texarkana Police Crime Scene Unit—will prepare an Arkansas State Crime Laboratory Evidence Submission Form *in addition to* the required Property Record. [ALEAP 13.19](#)
- f. In an effort to safely capture and encapsulate an errant round, officers are encouraged to use the "bullet trap" installed in the Patrol Squad Room as a safety precaution when checking a firearm for ammunition or when unloading a firearm.

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- (1) The bullet trap is not intended to be used by an officer in lieu of manually clearing a weapon containing live ammunition to ensure the loaded weapon is not brought into Texarkana Police Department facilities; however, in those instances when an Officer is uncertain of a weapon's status—or in those situations that find the Officer unfamiliar with the weapon's safe operation—then the bullet trap will enhance the safety of the unloading procedure.
  - (2) The bullet trap is configured to safely trap ammunition in calibers up to a .45 round. **UNDER NO CIRCUMSTANCES SHOULD THE BULLET TRAP BE USED IF THE AMMUNITION EXCEEDS THESE SPECIFICATIONS. IT IS NOT RATED FOR HIGHPOWERED LONG RIFLES. IT IS CAPABLE FOR USE WITH HANDGUNS ONLY.**
  - (3) It is preferred for Officers to clear all weapons—making them safe—in the field, which includes the removal of the weapon's magazine from its well. Notwithstanding this method, Officers must first remove the magazine positioned within the weapon's magazine well prior to placing the barrel of the weapon into the bullet trap. Officers should not manipulate the weapon's action until the barrel has been seated into the bullet trap's enclosure. Should an accidental discharge into the bullet trap occur, Officers must submit the proper memorandum as required by [General Order 1102.03---Use of Force](#). The bullet trap contains a rubber core that can be replaced after several traps by contacting the following vendor:
    - (a) Action Targets Inc.  
3411 S. Mountain Vista Parkway (P.O. Box 636)  
Provo, UT 84603  
(801) 377-8033  
<http://actiontargetbeta.com>
  - (4) Upon removing any firearm from within any evidence locker, the Property and Evidence Custodian shall secure the firearm in the inner room of the Texarkana Police Department Property and Evidence storage area.
- g. All firearms seized by this department that are no longer necessary for evidentiary purposes and are not returned to a rightful owner following a criminal history check, shall be disposed of in accordance with Arkansas law.

### 3. Narcotics

- a. When seized, prescription pills, tablets and capsules will be counted and weighed.
- b. When seized, marijuana will be packaged in paper containers. Officers must list the marijuana's approximate weight and its approximate street value. A scale used to weigh narcotics, as well as a chart depicting the drug's approximate street value, is maintained in the Patrol Debriefing Room.
- c. It is important for Officers to refrain from simply specifying the number of rock-like clusters of crack, methamphetamines or other drugs which are present when processing and documenting this type of evidence in lieu of weighing the drugs. Most of these rock-like clusters can easily separate, break-down into a powdery substance or altogether melt. Because of this, officers will **only** specify the drug's weight at the time the drugs are processed, packaged and recorded as evidence.
- d. Officers processing and packaging this type of evidence shall seal the package with evidence or packing tape and place their signature on the packages' exterior. One-half of the officer's signature will be contained on the tape while the other half extends onto the package itself.

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- e. Officers should place narcotics evidence in the locker labeled “Narcotics”, and should place the package in the narcotics locker that contains an opening at the top of the locker.
  - f. The appropriate evidence custodian, i.e. a narcotics supervisor or detective, shall ensure that a crime lab submission form is completed and submit evidentiary narcotics to the appropriate laboratory for toxicological examination. A member of the crime lab will sign a receipt for the evidence.
  - g. The narcotics supervisor shall be responsible for ensuring that narcotics sent for toxicological testing are returned, properly re-sealed, documented and placed into evidence/property for permanent storage by the property and evidence technician.
  - h. The Property and Evidence Technician shall treat all narcotics submitted as evidence as "**sensitive**", and they will be stored in the high security area located within in the Texarkana Police Department Property and Evidence Room.
4. When submitting a device of an electronic nature as evidence, Officers should remove all batteries contained within the device. Batteries which are removed from the device can be submitted as evidence and placed within the same package as long as they have been removed from the device.
5. Glass Items
- a. All glass “crack pipes” shall be placed within a “**Biohazard Container**” and sealed with tape prior to being placed into an evidence locker.
  - b. Glass “crack” pipes that do not pose any evidentiary value may be disposed of in the large biohazard sharps container located in the Patrol Squad Room. When this container becomes full, the Services Division Commander or his/her designee—who will be responsible removal of the items within the container—should be notified.
  - c. Large pieces of glass shall be placed in a paper sack or wrapped in the heavy paper available within the evidence submission area prior to being placed into an evidence locker.
  - d. Officers will not place glass “crack pipes” or other pieces of glass in sealed plastic bags.

L. Security of Evidence Room [ALEAP 12.01; 12.04](#)

1. Authorized Evidence/Property Custodians and Access to Permanent Evidence/Property Storage:

Authorized evidence and property custodians will be approved by the Chief of Police. They will have access to the permanent evidence/property storage area as well as sole access to the keys and combinations required for entry. At no time will an evidence custodian permit any person (including the Chief of Police) to have access to any mechanism required to enter the permanent evidence/property storage area. At no time will any member of the department other than the approved evidence custodian(s), be permitted access to the permanent evidence/property storage area unless accompanied by an evidence custodian. A sign in log will be maintained by the evidence custodian and will include the name, date and times of entry and exit of anyone entering the permanent evidence/property storage area.

Authorized Custodians: -Property and Evidence Technician  
 -Alternate Property and Evidence Technician (CID Secretary/Crime Analyst)  
 -Criminal Investigation Division Commander and Asst. Commander  
 -Narcotics Det. and Supervisors of Narcotics Temporary Storage Lockers

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2. The Texarkana Police Department Property and Evidence Room will be secured during non-business hours and during those periods in which the Property and Evidence Technician is not present.
3. All personnel having business with the Property and Evidence Technician will conduct their business at the Property and Evidence Technician's desk and sign in and out on the log book.
4. During those periods in which non-essential personnel—such as the facility manager, pest control personnel and repair/maintenance personnel—require entry into the Texarkana Police Department Property and Evidence Room, the Property and Evidence Technician will accompany those personnel at all times while within the secured area.
  - a. All entries placed within the Property and Evidence Room log book will be made by the Property and Evidence Custodian—or the entering supervisor—and shall ensure the log contains the date and time of entry, the name of the person(s) that entered the secured area and a brief narrative explaining the circumstances that necessitated entry into the area as well as the actions taken therein.
5. Unless specifically and expressly authorized by the Chief of Police, the high-security nature of the keys allowing access into the Texarkana Police Department Property and Evidence Room will not permit their issue to any person. The duplication and/or possession of these high-security keys is prohibited without permission from the Chief of Police, and all duplicated high-security keys will be maintained within the safe in the Criminal Investigation Division Asst. Commander's Office.
6. All Texarkana Police Department Property and Evidence Room locks will be re-keyed when property personnel are reassigned or at any time the Division Commander believes the security of the room has been compromised.
  - a. As indicated in paragraph one (1) above, the Texarkana Police Department Property and Evidence Room will remain closed and locked at all times. In addition, this secured area is subject to constant monitoring of the areas located within and immediately outside the entry doorway by video/audio equipment.

M. Chain of Evidence [ALEAP 12.01](#)

1. Newly submitted property or evidence—or that property or evidence which was previously submitted and returned after the Texarkana Police Department Property and Evidence Room has closed—will be secured in an appropriately sized evidence locker. As long as the item's original bar code remains attached, no additional evidence submission sheet will be required.
  - a. Any evidence seal that has been broken or penetrated must be resealed and re-initialed by the Officer. Failure to do so will result in the Property and Evidence Technician refusing the item's return to the returning the Texarkana Police Department Property and Evidence Room.
  - b. If any discrepancies are discovered between items listed on the property form and the items being delivered to the permanent evidence/property storage area, the evidence custodian shall ensure that all issues are resolved. In the event an issue cannot be resolved, the evidence custodian shall report this discrepancy, in writing, to the Chief of Police or their designee who shall cause an immediate investigation to resolve the discrepancy.
2. When evidence is needed for court, the officer/detective assigned to the case shall notify the property/evidence custodian. The property/evidence custodian shall retrieve the evidence requested by the court and provide it to the case officer. All appropriate entries will be made in the property/evidence module in ADSi.

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- a. When evidence is returned from the court, it shall be returned to the property/evidence custodian who shall complete all appropriate entries in ADSi and return the evidence to proper storage.
3. Should property taken out of the Texarkana Police Department Property and Evidence Room be retained by court personnel, the individual who checked-out the property/evidence must obtain either a court order or a receipt signed by the court official detailing the item or items which are being retained by the court for evidentiary purposes.
    - a. Upon its completion, the individual shall deliver the court order or the receipt to the Property and Evidence Technician who will make the proper notations within the evidence tracking system.
  4. Any item checked-out from the Texarkana Police Department Property and Evidence Room which has not returned by the responsible individual within seven (7) calendar days will necessitate the completion of a memorandum documenting this discrepancy which will be forwarded through the appropriate chain-of-command to the employee's Division Commander. Individuals who check-out property or evidence are responsible for ensuring the proper receipts are provided to the Property and Evidence Technician.
  5. No item of evidence shall be removed from the Texarkana Police Department Property and Evidence Room before this transfer has been documented within the computerized evidence tracking system. This transaction shall include the date and time of transfer, the receiving person's name, the location of transfer outside (lab, court, etc) and the reason for transfer.
  6. Upon receiving any property or evidence, the Property and Evidence Technician shall assign the item an appropriate bin number and store the property in that identified location. The Property and Evidence Technician shall also ensure the appropriate bin number is recorded on the Property Record.
  7. The Property and Evidence Technician will enter the Property Record into the evidence tracking computer system and file the original copy within a file specifically intended to maintain this documentation inside the Texarkana Police Department Property and Evidence Room.

N. Disposition of Property [ALEAP 12.01; 12.05](#)

1. It shall be the responsibility of the collecting member to provide to the Property and Evidence Technician—to the greatest degree available to them—accurate information that lists the rightful owner of all property submitted and classified as evidence, found property, property to be maintained for safekeeping or property the seizing Officer has determined meets the criteria found within Rule 15.3 of the *Arkansas Rules of Criminal Procedure* can be released to the property's owner.
  - b. In accordance with Rule 15.3 of the *Arkansas Rules of Criminal Procedure*—entitled as Custody of seized things, freshly stolen goods; perishables—provides for the following: [ALEAP 12.06](#)
    - (1) If the identity of a person having a rightful claim to possession of freshly stolen seized things can be promptly established beyond a reasonable doubt to the satisfaction of the seizing Officer, those things may be promptly returned to the rightful owner.
    - (2) Perishable things seized may be disposed of by the seizing Officers as justice and the necessities of the case dictate. A full report of the facts and circumstances of any seizure and the disposition of the things seized pursuant to this rule shall be made to a judicial officer.

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- (3) The seizing Officer shall ensure he/she completes a report in ADSi and completes a Property Record Form in accordance with Section IV, Paragraph B of this policy. To ensure proper chain-of-custody, and to properly document the disposition of the item(s), the Officer completing the form shall ensure the individual accepting custody of the said property endorses the Property Record Form in the applicable location.
  - (4) Consistent with Section IV, Paragraph D above, the pink copy of the property report will be removed and placed into locker thirty (#30)—a fact that will be documented in the narrative portion of the Officer’s offense, supplemental or arrest report
- c. When it can be established that the items are no longer needed for evidentiary purposes, property submitted to the Texarkana Police Department Property and Evidence Room which has been classified as “**evidence**” shall be disposed of within a period of six (6) months. Evidence shall be returned to its lawful owner unless ownership of the evidence is transferred to the appropriate jurisdiction by a court order, the lawful owner fails to claim the evidence or the evidence has been classified as contraband. In such cases, the Property and Evidence Technician shall ensure the item(s) are properly disposed.
  - d. Property submitted to the Texarkana Police Department Property and Evidence Room which has been classified as “**lost and found**”—or those items which have been retained by the Department for “**safekeeping**”—shall be returned to the lawful owner whenever possible or disposed of in accordance with State law or this policy.
    - (1) Property classified as “**lost and found**” may be released to the individual who found the item(s) in accordance with Department policy and applicable State law. Property which has been retained for “**safekeeping**” may be returned to the owner immediately **unless the collecting member communicates, in writing, to the Property and Evidence Technician the reasons why the item(s) should not be returned.**
  - e. It shall be the on-going responsibility of the Property and Evidence Technician to regularly evaluate the status of items stored in an effort to ensure that they are disposed of as rapidly as possible.
    - (1) Should the Property and Evidence Technician identify property ready for disposal, the Technician shall prepare a memorandum addressed to the employee responsible for originally submitting the property describes the evidence, the date of submission and other pertinent information. Upon receipt of this memorandum, the employee responsible for originally submitting the property shall respond to the memorandum within fourteen (14) days by indicating whether the property can be released, to whom it may be released and the status of the criminal case whenever applicable. The employee responsible for originally submitting the property shall return this memorandum to the Property and Evidence Technician.
    - (2) In all Felony cases, the memorandum will be forwarded to the Criminal Investigation Division Commander or his designee. If the completed memorandum is not returned to the Property and Evidence Technician within fourteen (14) days, a second memorandum will be forwarded to the submitting employee’s unit supervisors.
  - f. When the employee responsible for originally submitting the indicates the **seized or confiscated** property no longer has evidentiary value, an internal form compliant with the requirements set forth by Rule 15.2 of the Rules of Criminal Procedure shall be completed by the Property and Evidence Technician which authorizes the item(s) transfer of ownership of to the Texarkana Police Department.
    - (1) If the item has no useable value or function, then it shall be destroyed. The Rule 15.2 form, the original property report and the property disposition memorandum shall be stapled together and filed.

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O. Asset Confiscations – Narcotics Arrests [ALEAP 12.01](#)

1. **All provisions of applicable state laws and / or federal seizure guidelines must be followed by members of the Police Department.**
2. In accordance with A.C.A. 5-64-505, when any property is seized for forfeiture, the seizing member shall prepare and sign a Confiscation Report. The party from whom the property was seized shall also sign the report, if present, and shall immediately be provided a copy by the confiscating Officer. If the party refuses to sign the report, the report shall be signed by one (1) additional Law Enforcement Officer stating the party refused to sign the report.
3. The Confiscation Report will be submitted to the Narcotics Unit Commander, **not placed into evidence. In all cases, the Confiscation Report must be completed prior to the end of the shift in which the confiscation occurred.** The completed form may be placed into the Narcotics Unit mailbox or may be hand-carried to a Narcotics Unit Supervisor. The Department’s Finance Technician will be provided with a copy of the Confiscation Report if it involves money or a vehicle.
4. The Narcotics Unit Commander will maintain a report of all confiscations and will supply an up-to-date copy of this report to the Property and Evidence Technician.

P. Inspection of the Evidence Room [ALEAP 12.07; 12.08](#)

1. On a monthly basis, the Supervisor of the Property and Evidence Custodian shall inspect the evidence storage facility to ensure adherence to all applicable policies and procedures. Although not inclusive, the following list represents the Supervisor’s responsibility:
  - a. The monthly inspection shall verify that all of the property contained within is being stored in a manner consistent with proper police procedures and—to the greatest extent possible—protected from damage and deterioration;
  - b. The monthly inspection shall verify that proper accountability procedures are being maintained;
  - c. The monthly inspection shall verify that property having no further evidentiary value is being disposed of promptly and properly; and
  - d. The monthly inspection shall verify the cleanliness of the Texarkana Police Department Property and Evidence Room Evidence.
2. Unannounced audits of the evidence storage facility and records system shall be conducted at least once a year, or as deemed appropriate, at the direction of the Chief of Police. Random comparisons of records with actual property will occur during this unannounced audit. The inspection will include a random sampling of 5% or 50 items, whichever is less. The sampling will include an audit of all guns, narcotics, and currency in property/evidence storage. Documentation of the results of this inspection will be forwarded to the Chief of Police.
3. An annual audit of evidence held by the Texarkana Police Department shall be conducted by a Commanding Officer as appointed by the Chief of Police. The Commanding Officers should not be routinely or directly responsible with the evidence control function. Documentation of the results of this inspection will be forwarded to the Chief of Police.
4. In the event of a newly appointed Property and Evidence Technician, a joint inventory with the outgoing Property and Evidence Technician and the new Technician shall be conducted to ensure proper documentation and accountability. The purpose of this inventory is to guarantee the continuity of custody and ensure the integrity and accountability of the system. The incoming

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Property and Evidence Technician shall ensure all records are up to date and properly annotated. All discrepancies shall be documented prior to the transfer of accountability to the new Technician and shall be reported in writing to the Chief of Police.

- a. All entry locks to any doors in the Evidence Room shall be rekeyed; and
- b. All electronic passwords to the computerized evidence tracking system will be reset.

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