

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> November 11, 2015		<i>Amended Date</i> November 19, 2024		<i>Directive</i> 11.01.1	
<i>Subject</i> Property and Evidence Management					
<i>Reference</i>			<i>Approved</i> Chief of Police		
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 12.01; 12.03; 12.04; 12.05; 12.06		<i>Review Date</i> November 19, 2024	
				<i>Pages</i> 24	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to establish property room procedures that will protect the integrity of the property and management system.

SECTION 2 POLICY

Proper documentation, collection, preservation, and submission of physical evidence to forensic laboratories may provide the key to a successful investigation and prosecution. Through evidence located at the scene, suspects are developed or eliminated, investigative leads are established, and theories concerning the crime are substantiated or disproved. The purpose of property and evidence management is to maintain those property items coming into the possession of the department in such a manner as to secure them from theft, loss, or contamination, and to maintain them for easy retrieval as needed.

SECTION 3 PROCEDURES

A. ORGANIZATION AND ACCOUNTABILITY

1. The Chief of Police will appoint a primary and an alternate property custodian. The property custodian is responsible for maintaining security and control of property and evidence that the department acquires through normal duties and responsibilities. The alternate property custodian serves as backup when the assigned property custodian is unavailable.
2. The property custodian reports to the Assistant Chief of Support Services, who is accountable directly to the Chief of Police.
3. The property custodian shall satisfactorily complete a Texas Commission on Law Enforcement approved basic course on the management of the property function, on-the-job training, and other related training courses, seminars and/or conferences as appropriate.

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B. DUTIES RESPONSIBILITIES

1. The primary duty of the property custodian is to log, classify, store, dispense, destroy, and release property and evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include but are not limited to the following:
 - a. Maintain evidence or property in such a manner that the individual items are secure from theft, loss, or contamination, and can be located in a timely manner.
 - b. Maintain property reports and other documentation associated with the "chain of custody" for all property.
 - c. Ensure the timely and legally correct notification of owners and release/disposal of property recovered, found, or seized by the police department.
 - d. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property/evidence.
 - e. Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.
 - f. Release of property for court, auction, disposal, or person legally entitled to the item.
 - g. Provide in-service training to department personnel regarding the appropriate logging, packaging, documenting, and storage of property and evidence.
 - h. Provide effective liaison between the department and local, county, state, and federal law enforcement agencies.
 - i. Represent the department while attending state and local associations involved with the management of property and evidence.
 - j. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
 - k. Maintain a clean and orderly property storage facility.

SECTION 4 FACILITIES SECURITY (TPCA 12.04)

A. ACCESS

1. The property room is maintained as a secure location. Access to the property room and all other temporary or long-term property storage areas is restricted to the property custodian and alternate property custodian. All other persons entering the property room will sign in and out on the property room entry log.

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2. Other department personnel do not enter property storage areas unless escorted by a property custodian. Except for the property custodian, all department personnel, visitors, contractors, etc., who enter the property room must be listed on the visitor's log, and the date, duration and purpose of the visit must be noted.
3. Property or evidence is removed from its storage location only by the property custodian or authorized designee.
4. The doors, gates, or other closure devices to any storage area are secured whenever the property custodian or other authorized personnel is not on the premises.
5. Any unusual circumstances involving the property room areas shall be reported verbally and in writing immediately to the Chief of Police via the Assistant Chief of Support Services.

B. KEY CONTROL

1. Two keys are required to open the main property room doors. The property custodian is the only individual with both keys.
2. The keys to all other property storage facilities are kept in the key box located inside the main property room. Both the duplication of keys and the unauthorized possession of keys to secured property storage areas are strictly prohibited.
3. A complete set of other storage facility keys, safe combinations, alarm codes, etc., are in a sealed property envelope, initialed and dated by the property custodian and Criminal Investigation Division Commander. The envelope stays in Support Division Assistant Chief of Police office as a backup for the property room custodian. Inspection of this envelope is part of all property room audits and inventories.
4. Property room custodian may not relinquish property room keys, combinations, or alarm codes to anyone other than authorized personnel.
5. When property custodians leave their assignment, the Chief of Police ensures that all locks, combinations, and codes are changed.
6. New locks are installed in the event that a key is lost or security is otherwise compromised.

C. ALARMS AND OTHER SECURITY SYSTEMS

1. Firearms are stored separately from other property in the property room, secured in the designated storage area.
2. Controlled substances are stored separately from other property in the property room and secured in a designated storage area.
3. Money is stored separately from other property in the property room and secured in a locked safe. The safe remains locked at all times unless property is being stored, removed, or inventoried.

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SECTION 5 CATEGORIES OF PROPERTY

A. For the purpose of these procedures, property in police custody falls into these categories:

1. Evidence

- a. Evidence is property that comes into the custody of a police department employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation. Evidence or assets seized for forfeiture are handled in the same manner as other evidence.

2. Found Property

- a. Found property is property of no evidentiary value that comes into the custody of an agency employee, and whose rightful owner may or may not be known to the finder or the department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Department will dispose of the property in a time and manner prescribed by law.

3. Safekeeping

- a. Safekeeping is property of no evidentiary value surrendered to an employee of the agency for temporary custody. This arrangement comes with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period, unless disposition by the department, in a manner prescribed by law, is requested by the owner(s).

SECTION 6 DOCUMENTATION AND RECEIPT OF PROPERTY (TPCA 12.01)

A. DOCUMENTATION OF PROPERTY

1. The police employee accepting property writes a report with the following components:

- a. a description of the item;
- b. pertinent details of how the item came into the employee's possession; and
- c. complete information about the person who found the property, or the person from whom it was seized or recovered

B. COMPUTER INQUIRY AND ENTRY

- 1. All employees make the appropriate inquiries to NCIC/TCIC on all serialized or identifiable items collected or seized prior to placing the item into storage. This determines if the property has been reported stolen or has been entered into the statewide system for any reason.
- 2. Communications verifies all "hits" before the item is confiscated. After verification, Communications sends the "locate" information.

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3. The officer will complete an incident/offense report in the department's Records Management System. The officer will enter list the property in the property section of the incident/offense report. The property will reflect the status of the property. It is the originating agency's responsibility to update the NCIC/TCIC information from "stolen" to "recovered" status.

C. PROPERTY FORMS

1. The property and evidence function requires the use of the following forms:
 - a. Evidence Sticker
 - i. The evidence sticker has a listing of the case number, submitting officer's name, date submitted, classification of the property, the category and owner's name.
 - b. Envelopes
 - i. Smaller items can be placed in a manila envelope. An officer who uses an envelope to submit property will place an evidence sticker on the front of the envelope. The envelope shall be sealed with evidence tape and the officer will write his/her initials on the evidence tape.
 - c. Poly Tubing Plastic (Bags)
 - i. Standard clear plastic available in multiple sizes on a roll and customizable to fit a variety of items. Also termed evidence bags.
 - d. Paper Bags
 - i. Items too large and/or bulky for envelopes can be stored in brown paper evidence bags. The bag shall be sealed with evidence tape and the officer will write his/her initials on the evidence tape. An evidence sticker needs to be completed and applied to the paper bag.
 - e. Firearm and Knife Boxes
 - i. Firearm and knife boxes shall be used to store all firearms and knives submitted into property. The firearm does not need to be zip-tied in to the box. An officer who uses a box to submit property will place an evidence sticker on the top of the box and write the offense/incident report number on all four (4) sides of the box(es). An officer who is submitting a firearm shall conduct a TCIC/NCIC stolen check on the firearm and attach a copy of the return in the box. The property custodian will later photograph the firearm to run through e-trace.
 - f. Plastic Tubes
 - i. Needles and other sharp items should be placed in plastic tubes. The plastic tube should be sealed with evidence tape and the officer sign his/her initials on the evidence tape. A completed evidence sticker needs to be completed and applied to the plastic tube.

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- g. Chain of Custody Form
 - i. An officer who submits property will ensure all items are entered in the property tab in Records Management System. The property custodian maintains the Chain of Custody Form.
- h. Property Tags
 - i. Property Tags with completed evidence stickers will be affixed securely to items that do not fit into an evidence bag or box. The property tag designates the case number, date submitted, description of property and the submitting officer's name and identification number.
- i. Money Envelope
 - i. The money envelope serves as the sole method for submitting cash money into the property room. Cash is defined as United States coin and currency. Checks, credit cards or other negotiable items do not require the use of a money envelope. The property custodian will not accept money unless it is packaged and submitted appropriately, according to the following procedures:
 - ii. Itemize money by denomination, listing subtotals and total amounts on the outside of the money envelope. Officer will list the denomination(s) in the narrative and/or the notes field in the property tab.
 - iii. All money submitted into the property room requires at least two officers or employees to verify the count.
 - iv. All money envelopes must contain at least two signatures verifying the amount listed and enclosed. The entering officer and verifying officer sign their names and numbers to the front of the envelope, and seal the envelope with tamper-proof security tape. Both then initial the back of the envelope prior to entering it into the property locker. For accuracy, the officers must conduct two separate counts on large amounts of cash.
 - v. Extremely large amounts of coin and/or currency seized can be difficult to package in a money envelope, (e.g., coins stored in a large piggy bank or bottle, a large amount of bills in a briefcase or satchel.) In those rare cases, it is acceptable to log the container and money as is. However, the need for a money count and money envelope still applies. Officers submitting the money shall secure the container with evidence tape to prevent tampering and tape the money envelope to the container.
 - vi. Suspected counterfeit bills **DO NOT** require a money envelope. Officers can package the suspected counterfeit bills by utilizing the poly tubing. Officers will still notate denomination(s) in the narrative and/or the property field.
 - vii. The money envelope is also used for foreign currency. Officers will indicate on the outside of the envelope that the envelope contains foreign currency. Foreign currency and US currency should be submitted in separate money envelopes.

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viii. The property custodian and the alternate property custodian will conduct a recount before fully logging the currency into property. A Body Worn Camera will be utilized to record the event. The currency counted, along with the original money envelope, will be placed into a new money envelope and sealed.

j. Property Release Form

- i. Property Release Form authorizes the release of property. The property release form can be completed through the department's Records Management System by the property custodian or by a handwritten/typed form by all others. **No property is released without a signed and completed Property Release Form.**

k. Faraday (Electrostatic) Bag

- i. Bag built with a metal "Faraday cage" layer to help shield cellular telephones and other similar devices from electric energy inside and prevent static buildup. Several sizes are available

l. DWI Blood Kits

- i. Kits designed to help collect blood specimen in suspected cases of driving while intoxicated. Completed DWI kits are to be stored in the designated refrigerator for property in the equipment closet. The appropriate lab form is also completed and submitted with the DWI blood kit.

m. Lab Submittal Forms

- i. Digital forms saved in the Department's PD Share folder are utilized to help maintain chain of custody while here at the department and at the appropriate lab. These are utilized when prosecution of charges is sought; forms do not need to be submitted if items are marked for destruction.

SECTION 7 LOGGING PROPERTY AND EVIDENCE

A. GENERAL INFORMATION

1. Officers who seize property and are able to determine ownership in the field may release the property immediately to the owner if the property is not needed for prosecution in a criminal case. Officers should make contact with the on-duty supervisor or investigating officer to determine prosecutorial need. If the property can be released in the field, **the officer will complete** a Property Release Form and have the owner sign for receipt of the property. The officer will notate the release of the property in the narrative of the incident/offense report. The officer will also enter the property into the property section of the incident/offense report in the department's Records Management System and in the notes section show the property was released to the owner. The officer will drop the signed Property Release Form into the property room. The property custodian will upload the form into the Records Management System. (TPCA 12.06)

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2. Property that is seized by the department and not immediately released to the owner will be entered into the department's Records Management System in the property section under the incident/offense report number and secured in the property room as soon after seizure as possible. Personal lockers, files, or desks are not approved storage for property or evidence items. Officers will submit all property and evidence into the property room before the end of their shift. (TPCA 12.03)
3. Maintaining property/evidence in a case file may be acceptable when it is necessary for the proper investigation of the case by the assigned investigator; however, the property/evidence must first be entered into the department's Records Management System and submitted into the property room. The assigned investigator then can sign the property out for investigation. The investigator signing out the property /evidence is responsible for the evidence until returning it to the property room. The investigator is also responsible for the integrity of the evidence while checked out.

B. MARKING AND PACKAGING

1. All collected property is marked for identification and packaged to avoid contamination.
2. Marijuana shall only be packaged in envelopes, paper bags or boxes when it is still wet. If the marijuana is completely dry it can be packaged in plastic.
3. Property will be packaged using evidence bags or boxes, size permitting. Officers will place an evidence sticker on each evidence bag or box submitted. Officers will complete the required information on the evidence sticker (case number, submitting officer's name, date submitted, classification of the property and the category of the property).
4. Property that is unable to be packaged using evidence bags or boxes will have a property tag with metal ties affixed securely to it. Officers will complete the required information on the evidence sticker affixed to the property tag (case number, submitting officer's name and identification number, date submitted and description of property.)
5. Containers and materials for use in packaging physical evidence and other property come in a variety of shapes and sizes. Officers should strive to use the size and type container appropriate for the type of property. An assortment of packaging materials and supplies are located in the property and evidence packaging area, between the patrol report writing room and the property room. The property custodian is responsible for maintaining property packaging and storage supplies.
6. FIREARMS, MONEY AND CONTROLLED SUBSTANCES shall be packaged separately from other property or evidence items.

C. FIREARMS EVIDENCE

1. It is the responsibility of the officer transporting firearms to the police station to do so safely.
2. The collection of firearms is appropriate for both criminal and non-criminal cases. Due to the very nature of these items, extreme care is taken to ensure the safe handling of all weapons and preservation of their evidentiary value. Officers should unload weapons only after the officer notes the

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position of the bullets, empty cartridges, safety, bolt, breechblock, hammer, cylinder, magazine, etc. Officers will need to include this information in their incident/offense report narrative.

3. All firearms should be packaged in specifically designed handgun, rifle, and/or shotgun evidence boxes. An empty magazine can be packaged inside the evidence box with the firearm along with any ammunition retained with the firearm. The ammunition must be packaged and not loose inside the firearm evidence box.
4. When an officer is unable to safely unload a firearm, the officer is responsible for notifying a supervisor who will either safely unload the firearm or contact a department firearms instructor or armorer to safely unload the firearm.
5. No loaded firearm should ever be put in an evidence storage locker except when:
 - a. a weapon cannot be unloaded due to a mechanical defect. In this type of incident, the officer shall attach a warning note to the weapon indicating that it is loaded. The property custodian will have a department firearms instructor, the range master or qualified designee unload the weapon prior to placing it in storage or transporting it to a laboratory.

D. HAZARDOUS MATERIALS / DEVICES

1. No unexploded device, or a device that is suspected of being one that might explode, will be transported or stored in or about the police facility. No Class A explosive, such as dynamite, desensitized nitroglycerin, large quantities of fireworks, or more than one pound of black powder will be transported or stored in or about the police facility.
2. Any fireworks that are seized will be photographed and released to the Lancaster Fire Marshall for destruction. The officer can drop small quantities of fireworks into a property locker. The officer will complete an incident/offense report in the department's Records Management System and list the fireworks in the property section. **The property custodian will complete a property release form and have the Fire Marshall sign it as receipt of the property.**

E. BIO HAZARDOUS MATERIALS

1. Items contaminated with blood or other bodily fluids should be handled in accordance with proper protection, with the officer avoiding any direct contact.
2. All items should be packaged separately to avoid cross contamination (e.g. shirt, underwear, socks, bra, shoes). Each item packaged will be entered individually into the property field. If the items are later submitted to the lab for further testing, the lab will not accept clothing packaged together.
3. All wet items must be air-dried prior to submission to property. These items will be air dried by a Criminal Investigation Division Investigator, if possible. If a Criminal Investigation Division Investigator is unavailable, officers who collect blood-soaked or other wet evidence should notify the on-duty supervisor for assistance in proper handling, always remembering to handle such items in accordance with bio-hazardous precautions.
4. Such property/evidence is never to be placed in a plastic bag for storage.

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F. MONEY

1. All money will be itemized by denomination, listing subtotals and total amounts on the money envelope. Officers will list the denomination(s) in the narrative and/or the notes field in the property tab.
2. All money submitted into the property room requires at least two officers or employees to verify the count.
3. All money envelopes must contain at least two signatures verifying the amount listed and enclosed. The entering officer and verifying officer sign their names and numbers to the front of the envelope, and seal the envelope with tamper-proof security tape. Both then initial the back of the envelope prior to entering it into the property locker. For accuracy, the officers must conduct two separate counts on large amounts of cash.
4. Extremely large amounts of coin and/or currency seized can be difficult to package in a money envelope, (e.g., coins stored in a large piggy bank or bottle, a large amount of bills in a briefcase or satchel.) In those rare cases, it is acceptable to log the container and money as is. However, the need for a money count and money envelope still applies. Officers submitting the money shall secure the container with evidence tape to prevent tampering and tape the money envelope to the container.
5. Suspected counterfeit bills **DO NOT** require a money envelope. Officers can package the suspected counterfeit bills by utilizing the poly tubing. Officers will still notate denomination(s) in the narrative and/or the property field.
6. The money envelope is also used for foreign currency. Officers will indicate on the outside of the envelope that the envelope contains foreign currency. Foreign currency and US currency should be submitted in separate money envelopes.
7. The property custodian and the alternate property custodian will conduct a recount before fully logging the currency into property. A Body Worn Camera will be utilized to record the event. The currency counted, along with the original money envelope, will be placed into a new money envelope and sealed.

G. JEWELRY

1. Jewelry items will be packaged individually in an appropriate and suitable container such as an envelope, box, or bag. Officers will place an evidence sticker on each evidence envelope, bag or box submitted. Officers will complete the required information on the evidence sticker.

H. BICYCLES

1. All bicycles or portions thereof retained by police services are placed into the vehicle processing bay.

I. MOTOR VEHICLES

1. Motor vehicles requiring retention are stored at the contract wrecker service property. Vehicles needing to be processed during a crime scene search may be temporarily stored at the police station in the

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vehicle processing bay. Any keys for motor vehicles retained as long-term evidence (homicides, fatal traffic accidents or serious hit-and-run offenses) shall be submitted to the property room like other property and evidence. Small motorized scooters are stored in the vehicle processing bay.

J. LICENSE PLATES

1. License plates are the property of the Department of Public Safety or appropriate motor vehicle department from the state of jurisdiction. The public is permitted to use the license plate when the annual fees have been paid. License plates maintained as evidence are submitted into evidence the same as other evidence.
2. Officers must attempt to return a found license plate to its owner. If that is not feasible, the officer will submit the plate into property the same as other property. The property custodian is then responsible for returning the plate to the owner, the agency in which the plate was stolen from for evidentiary needs, or putting for a destruction order since the Department of Motor Vehicles does not mandate return of the license plate to them.

K. ALCOHOL

1. Open containers of alcohol are not submitted into the property room. The investigating officer should take photographs of the container and contents and the pour out the contents at the scene. The officer then describes the condition of the container and its contents in the police report and submits the photographs into property.
2. Officers should attempt to avoid booking large quantities of alcoholic beverages into evidence. In rare situations, such as when a sample of the evidence is necessary for prosecution, one unopened container (bottle, can, etc.) is retained, and photographs of all of the evidence should be submitted into the property room and a detailed description of the evidence are included in the narrative of the incident/offense report. A video will be made of the destruction of the remainder and the video of the destruction should be submitted into the property room and a detailed description of what and how much was destroyed in the narrative of the incident/offense report.

L. CELLULAR TELEPHONES

1. Phones marked as 'Return to Owner' or 'Safekeeping' can be packaged in either the standard clear plastic, a 6"x9" manila envelope, or an electrostatic bag.
2. Phones marked as evidence should be kept powered ON, if possible. If also possible, the phone should be set to airplane mode.
3. If the phone is set to airplane mode, place the phone in one of the phone lockers and plug in to the appropriate charging cable to keep the phone charged. The designated phone lockers are separate from the regular property lockers and have either USB-C or Lightning iPhone charging cables provided. If the phone needs a different charging cable, officers will need to make an effort to collect the needed charging cable with the phone. Officers will have a chance to plug in the phone to keep it charged.

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Once the phone is charging in the locker, lock the locker. Place the key into a small manila coin envelope and seal it. Affix a completed evidence sticker to the envelope (including the phone locker number). The small manila envelope can then be dropped into a regular property locker.

4. If the phone is not able to be set to airplane mode, the officer should utilize one of the provided portable chargers to plug the phone in to keep it charged as soon as possible. The charging phone and portable charger are to be placed together in a faraday bag. The faraday bag is to be sealed appropriately and the officer will affix a completed evidence sticker to the faraday bag. The phone with the charger can then be dropped into a regular property locker.
5. If the phone is off at the time of collection, **DO NOT turn it on**. The phone is to be packaged in a manila envelope and a completed evidence sticker shall be affixed to it. The packaged phone can then be dropped into a regular property locker.
6. In all situations, document each phone in the PROPERTY field and in the narrative of the report, including details on the manner in which the phone was stored (i.e. the phone was placed into airplane mode and secured in phone storage locker #1, attached to the charging cable. The key was placed into property locker # 7).

***The phone itself will be listed as a property item. The key for the phone locker does NOT need to be entered as well. Officers can document in the narrative which phone locker was utilized and which property locker the key was dropped in to for security.

M. Vape Pens

1. Vape pens are not to be submitted into property with the battery still connected. Exploding vape pens can compromise the safety of all personnel and integrity of other evidence.
2. If the officer believes the vape pen cartridge contains THC, the vape pen and cartridge can be submitted for lab testing. The cartridge can be submitted as usual in poly-tubing and a lab form completed.
3. The submitting officer shall remove the battery. A battery removal kit on the evidence processing desk is available. It includes needle-nose pliers, regular pliers, wire cutters, a flat-tip screwdriver, a knife, a ballpoint pen, and black electrical tape. Several online videos exist to assist the officer with battery removal.
4. Batteries shall be disposed of properly. A metal can is on processing desk close to the battery removal kit to place the batteries in. When it gets full, the property custodian will dispose of the batteries properly at a disposal site.
5. Vape pens shall not be submitted for safekeeping, as the battery removal process involves clipping the wires, so it will deem the pen unusable.

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6. Vape pens can be submitted for “destroy upon receipt.” If an officer has problems with the battery removal, please let the property custodian know, who will make further attempts to remove the battery.

SECTION 8 TEMPORARY STORAGE FACILITIES

- A. After property is marked for identification and packaged, officers shall deposit the property into one of the following temporary storage areas:

1. Metal Storage Lockers

- a. Individual metal property lockers are located in the wall of the property room. Each locker will lock when the door is closed. Lockers vary in size, officers should use the appropriate size locker for property being deposited.

2. Phone Storage Locker

- a. Small metal box located at the north end of the property packaging area. The locker compartments are equipped with either a USB-C or Lightning charging cable. Small coin manila envelopes are provided to drop the key for a locker compartment into a property locker.

3. Refrigerator/Freezer

- a. A refrigerator and freezer unit is located in the patrol equipment closet. Items that require refrigeration are placed into this refrigerator/freezer unit or during normal business hours given directly to the property custodian for securing in the property room.

4. Vehicle Processing Bay

- a. All bicycles, large items or items that will not fit in the metal storage lockers will be temporarily stored in the vehicle processing bay that is located on the south side of the property room next to the patrol report writing room. When items are stored in the vehicle processing bay, the officer will note the storage location in the property section of the incident/offense report. The officer will also send an email to the property custodian to inform him/her of the property.

SECTION 9 PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

- A. PROPERTY COLLECTION

1. On a daily basis, the property custodian or alternate inspects all temporary storage lockers, bins, and annexes to remove and process all property items.
2. The property custodian or alternate also completes the following:
 - a. assigns a bar code label to each property item submitted;
 - b. makes the appropriate entries into the department’s Records Management System;

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- c. stores each item in the approved locations;
- d. arranges for transportation to the laboratory for examination as required; and
- e. arranges for destruction, release to owner, auction or other authorized disposition as appropriate.

B. PROPERTY INVENTORY

1. The property custodian accounts for every item submitted into the property system. This process begins at intake.
2. The property custodian or alternate compares items listed in the department's Records Management System, Property and Evidence Transfer Module (P&E Tran) and the items in the temporary storage areas. If any item is missing, the property custodian will immediately notify the on-duty supervisor. The submitting officer or the on-duty supervisor will correct the discrepancy.

C. IMPROPERLY SUBMITTED PROPERTY – "RIGHT OF REFUSAL"

1. Officers shall submit every item into property in a safe and thorough manner consistent with these guidelines and policy.
2. The property custodian has the authority to refuse acceptance of any property item submitted in an unsafe, incomplete, or otherwise improper manner as defined in this directive.
3. The property custodian shall not accept any money, jewelry, or controlled substances if the seal, envelope, packaging, or container has been opened, tampered with, or otherwise improperly submitted.
4. The property custodian immediately notifies the submitting officer to correct any discrepancies. If the property custodian does not receive a timely response, the property custodian will notify the on-duty supervisor. The on-duty supervisor will then contact the submitting officer's supervisor. The submitting officer's supervisor will then ensure the officer makes the necessary corrections and the property is resubmitted correctly.
5. All personnel will immediately correct a breach in safety protocol.

D. PROPERTY STORAGE

1. The following types of property and evidence are stored separately and according to the listed guidelines. Other miscellaneous types of property may be stored separately as the property custodian determines.

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2. Firearms

- a. The property custodian will store all firearms in specifically designed handgun, rifle, and/or shotgun boxes. Exceptions can be made for those weapons, which due to size or other considerations, are not compatible for storage in such containers.
- b. The property custodian segregates all firearms from other types of property retained. All firearms, **REGARDLESS OF PROPERTY CLASSIFICATION**, are stored in the weapons section inside the property room warehouse. The door leading into the warehouse remains locked at all times unless property is being stored, removed, inventoried, or inspected. Ammunition not submitted with firearms will be stored in a different area of the warehouse and never stored with firearms.

3. Controlled Substances

- a. The property custodian segregates all drugs and narcotics from other types of property retained. All controlled substances, **REGARDLESS OF PROPERTY CLASSIFICATION**, are stored in the narcotics section inside the property room warehouse. The door leading into the warehouse remains locked at all times unless property is being stored, removed, inventoried, or inspected.
- b. Officers shall count, verify, test and weigh all drugs, narcotics, controlled substances and suspected controlled substances prior to packaging and sealing them. The officer will write the following information on the outside of the packaging:
 - i. Actual drug weight – xxx grams or ounces
 - ii. Bag weight – xxx grams or ounces
 - iii. Total weight – xxx grams or ounces
- c. The officer will also put these weights in the property section under the notes tab in the incident/offense report in the department's Records Management System.
- d. Property custodian will only open sealed containers to facilitate the transportation and/or destruction of the item.

4. Money

- a. The property custodian segregates all money from other types of property retained. All money, **REGARDLESS OF PROPERTY CLASSIFICATION**, is stored in the safe.
- b. The property custodian opens sealed containers only to release the money to its rightful owner or to transfer the money to a financial institution. At least one other police employee is present when opening any money envelope.
- c. The property custodian secures negotiable stocks, bonds, or bank securities in the safe with other money items. The property custodian assigns no value to the securities for purposes of showing a recovery value.

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5. Homicides

- a. The property custodian stores all items of evidence associated with a given homicide case together, unless that evidence requires storage elsewhere for additional security, safety, or preservation measures.
- b. Property associated with all homicide cases remain segregated from other types of property retained by the department.

6. Hazardous Materials

- a. The property custodian transfers and stores all hazardous materials in containers designated for that purpose.
- b. The property custodian segregates all hazardous materials from other types of property retained. All hazardous materials, REGARDLESS OF PROPERTY CLASSIFICATION, remain stored within a hazardous materials storage container, clearly marked and designed for the storage of these materials.

7. Photographs

- a. Officers will download all digital photos into PD share, under the patrol digital photos folder. The officer submitting photos will create a new folder inside the patrol digital photos folder and the name will be the offense/incident report number.
- b. A public service officer (PSO) daily will go into PD share and move all photos from PD share to the assigned report number as well as place them in a secure computer folder.

8. Property Management

- a. Nothing in this manual prevents the property custodian from organizing property as deemed necessary for the efficient operation of the property function.

9. Computer Entries: Computerized Property System

- a. The property custodian transfers all incoming property into the department's Records Management System as soon as possible. Information verified in this system includes the following:
 - i. Classification of property
 - ii. Type/description of property
 - iii. Quantity
 - iv. Case number

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- v. Officer submitting property
- vi. Location property stored
- vii. Chain of evidence

10. Disposition of Property

- a. The property custodian updates the status of all property retained in inventory as necessary.
- b. The property custodian retains a complete "hard copy" file on each piece of property as a back up to the department's Records Management System. The backup files facilitate regular inspections, audits, and inventories.

11. TCIC / NCIC

- a. The property custodian will have computer access to check property items with serial numbers in the TCIC/NCIC system. If for some reason the property custodian does not have computer access to the TCIC/NCIC system, upon request communication personnel will check property items with serial numbers.
- b. In all cases when releasing a firearm, the property custodian will conduct a criminal history check and NICS-FBI check of the person receiving the weapon. This establishes whether restrictions exist that prevent the release of the firearm to that individual.

SECTION 10 PROPERTY AND EVIDENCE RELEASE GUIDELINES

A. PERSONS AUTHORIZED TO RELEASE PROPERTY

1. The following persons may authorize the release of property under the provisions of this manual:
 - a. The investigating officer, assigned investigator, or the investigator's supervisor,
 - b. The Chief of Police,
 - c. A magistrate,
 - d. The district attorney's office,
 - e. In cases of found property and property impounded for safekeeping, the impounding officer.

B. RELEASE AUTHORITY

1. A court order is required for the release or disposal of property seized pursuant to a search warrant.
2. Court action involving all suspects involved must be final, including appeals.

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3. All evidence or property collected in homicide cases is stored until the death of the defendant(s) or ninety-nine (99) years from the date of the incident.
4. Upon the Assistant Chief of Support Services' approval, the property custodian disposes of property on no-lead cases after the statute of limitations is past. The statute of limitations is as followed:
 - a. No limit: murder, manslaughter, sexual assault of child, aggravated sexual assault of child, sexual assault with DNA, Continuous sexual abuse of young child or children, indecency with a child, fail to stop and render aid that results in death, trafficking of persons (child), continuous trafficking of persons, compelling prostitution under Section 43.05(a)(2) or (3), offenses involving leaving the scene of a collision and the collision resulted in the death of a person, and interference with child custody.
 - b. 10 years: theft of estate by administrator, theft by public servant, forgery, injury to a child, disabled or elderly person (felony 1), sexual assault, arson, trafficking of persons (adult) and compelling prostitution.
 - c. 7 years: misapplication of fiduciary property, motor fuel taxes, false statement to obtain property or credit card, money laundering, credit or debit card abuse, fraudulent use or possession of identifying information, Medicaid fraud and bigamy, and possession or promotion of child pornography.
 - d. 5 years: burglary, theft, robbery, kidnapping, abandoning or endangering a child, injury to child, disabled or elderly person (other than felony 1), insurance fraud, assault family violence, continuous violence against the family, kidnapping, and aggravated kidnapping.
 - e. 3 years: all other felonies.
 - f. 2 years: all other misdemeanors
 - g. 20 years from the 18th birthday of the victim, if victim was younger than 17 years of age at the time of offense: sexual performance by child, aggravated kidnapping (if intent was to violate or abuse victim sexually) and burglary of habitation (intent was to commit a felony other than theft).
 - h. 10 years from the 18th birthday of the victim, if victim was younger than 17 years of age at the time of offense: trafficking of persons, injury to child, compelling prostitution and bigamy.
5. The district attorney approves of property disposed of or released purely in the interest of justice when the statute of limitations has not expired. This applies to any felony or misdemeanor cases.
6. The property custodian retains any property requested for civil litigation until its release is approved by the Assistant Chief of Support Services. The Chief of Police will contact the city attorney prior to disposal of property cases where the city is party to civil litigation.

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C. DISPOSITION INSTRUCTIONS (non-evidence)

1. Found Property

- a. The investigating officer attempts to determine and contact the owner(s) of found property. Officers call that person instructing them to contact the property custodian to schedule an appointment and claim their property.
- b. The owner has ninety (90) days to establish ownership and claim the property.
- c. Exceptions: If sufficient evidence exists to file an asset forfeiture case, property or funds that likely came from illegal activity are retained. Also, if the owner claiming a firearm is not legally entitled to a weapon under the provisions of the law, or is prohibited from possessing a weapon, the Assistant Chief of Support Services determines the type of release or destruction of the firearm.
- d. Any found property having a value of five hundred dollars (\$500) or more and where the owner is unknown will be advertised as "found" in a newspaper of general circulation prior to forfeiture to the city or destruction. Article 18.17, Texas Code of Criminal Procedure
- e. The property custodian processes all unclaimed property for auction, disposal, or transfer for departmental use.

2. Safekeeping

- a. The property custodian returns property held for safekeeping upon the request of the legal owner or by legal mandate. The property custodian disposes of unclaimed property after ninety (90) days.
- b. Prior to release of firearms, the property custodian will conduct a criminal history check and NICS-FBI check on the owner or person who intends to pick up the weapon to ensure the firearm can be released or if it will be denied.
- c. The Assistant Chief of Support Services determines the disposition on firearms if the owner is not legally entitled to the weapon or is prohibited from possessing a weapon.
- d. The property custodian will conduct a TCIC/NCIC "stolen" check on the firearm prior to release.
- e. If the firearm is stolen, an attempt is made to return it to the rightful owner.
- f. If the owner cannot be found, the weapon is disposed of per court order.
- g. When releasing a weapon to the owner, the owner will present photo identification and provide proof of ownership, if requested. The owner must sign the property release form.
- h. All other types of property held for safekeeping are returned to the owner as soon as possible.

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D. NON-ESSENTIAL PROPERTY / EVIDENCE

1. The Criminal Investigation Division Supervisor will work with the district attorney's office in reference to property that is not essential to a prosecution or future prosecution is released to the owner as follows:
2. Property that has no market or investigative value as determined by the district attorney may be destroyed upon completion of the investigation with the district attorney's permission. Examples include, e.g., glass fragments, or a mutilated bullet not suitable for comparison purposes.
3. Property held as evidence but not introduced during the trial is released to the owner upon receipt of a court disposition, provided the prescribed time for appeal has elapsed. In misdemeanor and felony cases, ninety (90) days is the time allowed for an appeal.
4. In all cases, the person who receives the property must present photo identification and sign the property receipt.

SECTION 11 INTERIM RELEASE OF PROPERTY GUIDELINES

- A. To facilitate the need for officers to remove evidence temporarily from the property room for further investigation, examination, court, etc., the following procedures are established:
1. The officer, when possible will provide the property custodian twenty-four (24) hour notice of the need for property. The property custodian will notify the officer when the property is ready. The property custodian will complete a property release form on the department's Records Management System showing who the property is being released to and the reason.
 2. If exigent circumstances exist, property may be released to the officer with less prior notification.
 3. Officers needing evidence or property for court presentation will notify the property custodian of the property needed and the service/incident report number. The property custodian will complete a property release form on the department's Records Management System showing the property is being released to the officer for court purposes.
 4. Officers will return all evidence to the property room promptly unless that evidence is held by the court. **If evidence is held by the court, a chain of custody form needs to be obtained from the court/district attorney.**
 5. Officers are responsible for repackaging or resealing evidence as necessary to ensure the integrity of the item. When evidence is placed in a new evidence bag, the old evidence bag is placed in the new bag along with the evidence.
 6. The property custodian tracks evidence checked out for court and its return. After seventy-two (72) hours, notification is given to the officer who has not returned the property.

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SECTION 12 DISPOSAL GUIDELINES (TPCA 12.05)

A. GENERAL PROPERTY

1. Disposal of items held in the property room is made in a manner authorized by statute and as provided by this directive.
2. The property custodian disposes of no property item until receiving a release authorization from the assigned detective, Criminal Investigation Division supervisor, a court order or written instruction from the district attorney's office.
3. Upon receipt of a court order, the property custodian disposes of property in the manner indicated in that order.
4. Property to be destroyed is disposed of in the following ways:
 - a. Property of little or no auction value is disposed of in an appropriate trash receptacle except as otherwise directed below:
 - b. Papers of a sensitive nature will be shredded.
 - c. The property custodian, in the presence of a sworn police officer, will destroy all alcoholic beverage containers that contain any amount of alcoholic beverage.
 - d. Property of value (except firearms, money, ammunition, controlled substances, and hazardous materials) is sold at auction, destroyed, or designated for department use.
 - e. Knives, clubs, BB or pellet guns, or other dangerous weapons are destroyed in the same manner as firearms.
 - f. All unclaimed money is deposited in the City of Lancaster general fund, except rare coins or rare paper money that will be sold at public auction.

B. RECORDS MANAGEMENT SYSTEM (RMS) STATUS CHANGE

1. The property custodian will pull all items that are pending a court order for destruction and place them in a location he/she has designated as the pending destruction area.
2. The property custodian will change the status of the items in the Records Management System to "To Be Destroyed – on Destruction Order." (Ready for Destruction)
3. Once the court order for destruction has been issued the property custodian will change the status of the items in the Records Management System to "Signed DO – Pending Destruction."
4. Once the items are destroyed, the property custodian will change the status of the items in the Records Management System to "Destroyed."

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5. No item shall be listed in the Records Management System as "Destroyed" until the item has been destroyed and is removed from the property room.

C. DISPOSITION OF FIREARMS

1. All firearms will be destroyed unless released to their rightful owner with two exceptions. Firearms that are scheduled for disposal that could be used by the department may be converted to departmental use upon written approval of the city manager. These weapons will become the property of the department and not individual officers and will be tracked and accounted for on inventories and audits.
2. Destruction process for firearms is as follows:
 - a. The property custodian ensures the recording of the make, model, serial number and involved offense/incident report number in the department's Records Management System.
 - b. The property custodian destroys firearms authorized for disposal as necessary to conserve space and security of the weapon(s).
 - c. All firearms are inventoried prior to destruction.
 - d. The property custodian updates the new status on all related documents and in the department's Records Management System.
 - e. The property custodian, accompanied by an armed police officer will transport the firearms to a destruction facility. The property custodian and armed police officer will witness the destruction of each weapon and sign a certificate certifying the destruction.
 - f. The property custodian retains all written documentation of destruction transactions.

D. DESTRUCTION OF AMMUNITION

1. Department Use
 - a. Surplus small arms and rifle ammunition may be retained by the department for official use. The range master has final discretion on whether or not ammunition will be retained by the department for department use.
 - b. Ammunition retained for department use is transferred to the range master. The property custodian will update the status and location of the ammunition in the department's Records Management System, showing it being retained for department use and transferred to the range master.
 - c. No ammunition retained for department use will be used for duty purposes.
 - d. The range master will provide the property custodian a report (memorandum) once the ammunition has been used by the department. Upon receiving the report, the property custodian will update the property in the department's Records Management System showing

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the ammunition has been used by the department. A digital copy of the report will be uploaded into the department's Records Management System.

2. Disposal

- a. If the range master decides not to retain the ammunition for department use, the ammunition will be transported to a destruction facility to be destroyed in the same manner as a firearm.

E. DESTRUCTION OF NARCOTICS / CONTROLLED SUBSTANCES

1. The property custodian destroys controlled substances and narcotic paraphernalia after receiving authorization for such disposal.
2. If a controlled substance is evidence in a criminal case filed with the district attorney, destruction may not take place until the case and all appeals are final. Other controlled substances may be disposed of similarly by the department.
3. Controlled substances that are to be destroyed are pulled from their storage locations and repackaged into boxes labeled "Narcotics Destruction" and the Destruction Order number.
4. The property custodian sets an appointment date and time with the Lancaster Fire Marshall and a police supervisor for disposal (burn).
5. A police supervisor accompanies the property custodian while transporting the controlled substances to the disposal facility. Each attendee who witnesses the destruction of the controlled substances and signs a statement to that effect. The contents of the statement comply with Title 37, Rules 13.159, and 13.163, Texas Administrative Code.

F. DISPOSAL OF HAZARDOUS MATERIALS

1. The disposal of hazardous materials falls under a number of state and federal statutes. In practice, most disposals are regulated by law. Whenever questions arise regarding the proper procedures for waste disposal, the property custodian consults with the Lancaster Fire Department's hazardous materials unit for direction and assistance with disposal efforts.

SECTION 13 AUCTION OF UNCLAIMED PROPERTY

A. DISPOSITION OF UNCLAIMED PROPERTY

1. Found property of value not claimed within ninety (90) days is subject to auction. Stolen or embezzled property is subject to auction if unclaimed by the owner after notification of a ninety (90) day limit to reclaim the item.
2. Unclaimed property not governed by statute after being held ninety (90) days from the date the owner was notified to claim the property is subject to auction, destruction, or diversion to department use.

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B. AUCTION OF UNCLAIMED PROPERTY

1. Unclaimed property may be auctioned by the city or may be auctioned by a private company contracted by the city.
2. To avoid conflict of interest, or any appearance of conflict of interest, no employee of the department may purchase any item at such auction, either personally or through a third party.

C. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.