

Harris County Constable Precinct Two

Standard Operating Procedures

Section: Field Operations

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Subject: **Found, Confiscated, Recovered Property or Evidence**

PURPOSE: To instruct the deputy on the required procedures for handling of evidence (seized controlled substance) or found property

NOTE: All evidence and/or property seized in relation to cases that are within a jurisdiction other than Harris County, shall be handled in the prescribed method set forth by that jurisdiction. MOU (Memorandums of Understanding) are constantly being forged to develop guidelines under which Precinct 2 deputies will operate when performing duties within another jurisdiction inside Harris County. If said MOU is in place, deputies will follow the agreed upon policies and guidelines. In the absence of an MOU and supporting guidelines, the deputy is to operate as if the case is a Harris County case and process the evidence and property accordingly.

I. RESPONSIBILITIES:

A. EVIDENCE – Unincorporated areas of Harris County

1. Evidence (Excluding Narcotics, Latent Prints) recovered as a result of an arrest or investigation shall be locked in an evidence locker identified by the Pct 2 Property Room Custodian.
2. The deputy will tag evidence with the proper Harris County tag, COMPLETELY FILLED IN, and attach a copy of the offense report WITH A PAPERCLIP.
 - a. Evidence will be packaged and tagged in accordance with the posted "Property Room Manual" supplied by the Property Room Custodian.
 - b. The evidence/property county tag and a copy of the offense report will be secured in an evidence locker.

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c. Multiple items in a single case shall be tagged in the same locker when possible and only one (1) copy of the report is required for the entire case.

3. The deputy will show in the offense report which locker the evidence was placed in, including the date and time.
4. The property room custodian(s) taking control of the property will log, in the proper computer, the date, offense number, submitting deputy's name, description of evidence, including serial numbers of all evidence tagged.
5. No Deputy/Supervisor will enter the property room unless authorized.
6. The property room custodian(s) will then place the property in the room designated as the property room and secure the door by locking all appropriate locks.

B. Checking out evidence for court.

1. The deputy will contact the property room custodian(s) and arrange to pick up the evidence.
2. The property room custodian(s) releasing the property will log the evidence out of the property room in the proper computer and provide the Deputy with a property release form to sign.
3. The deputy will sign the release form provided by the property room custodian(s) as well as date and initial the evidence packaging.
4. If the court takes control of the evidence, the deputy shall have the court clerk or person taking custody of the evidence sign the release provided by the property room custodian(s) and also date and sign the evidence packaging. The release will then be returned to the property room custodian(s).
5. The deputy will bring the evidence back everyday to Precinct 2 at to be placed in the property room, each time following the procedures outlined above.

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6. No evidence will be released to anyone except a deputy, if it is needed in court, or under a court order signed by a Judge in a Court of Jurisdiction.
7. Deputies will not keep evidence in their possession or take it home under any circumstances.

II. ABANDONED AND FOUND PROPERTY

- A. Abandoned and found property can be anything that is not evidence, contraband or explosives that comes to the attention of the department.
- B. All firearms and prohibited weapons SHALL be tagged and submitted to the Precinct 2 Property Room. Firearms and prohibited weapons will NOT be returned to a known owner except by Property Room personnel after the proper background checks have been completed.
- C. The deputy will pick up abandoned or found property and:
 1. Make every attempt to locate the rightful owner of the property.
 2. If the rightful owner can be located the property shall be returned to the owner and an offense report will be completed documenting the recovery and disposition of the property.
 3. The deputy will complete a Precinct Two Property Release Form and have the rightful owner sign the form.
 4. If the rightful owner cannot be located, the deputy shall follow the guidelines outlined in the procedures for placing evidence in the property room.
 5. Under no circumstances will a deputy keep property or take it home.

III. VIDEO TAPE EVIDENCE

- A. It shall be the responsibility of each deputy to ensure that any video tape containing evidence or potential evidence (i.e. anything relating to the charge has been recorded whether by voice or video) is brought to the attention of the appropriate supervisor and that it is immediately processed as evidence by:

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1. Completing adhesive evidence property tag. This will be done in the absence of automatic download video capability.
 - a. List all case numbers. Outside Agency and County if applicable.
 - b. Include the video tape number in the description portion of the evidence tag.
 - c. The Supervisor removing the tape (if applicable) should sign the first line in the Chain-of-Custody as the collecting deputy and submitting deputy should sign the second line.
2. The supervisor will provide the deputy with the video secured in a tape removal envelope.
3. Affix the adhesive evidence property tag to the back of the envelope. Do not cover the intake information recorded by the supervisor.
4. Place evidence tape across seal. Date and initial the seal.
5. Drop in videotape drop slot in lockers designated by the Property Room Custodian along with a copy of the report attached by a paperclip.

- B. Video tapes not tagged as evidence are only held for 90 days and then destroyed.

IV. NARCOTICS EVIDENCE AND NARCOTICS DESTRUCTION

- A. It shall be the responsibility of each deputy to submit all narcotics evidence to the Harris County Forensic Laboratory at 1885 Old Spanish Trail in all cases where charges are filed.
- B. The narcotics evidence may be submitted to the Harris County Forensic Laboratory on a 24-hour basis through the use of the Forensic Laboratory drop-box which has been made available at 1885 Old Spanish Trail.
 1. Large containers which will not fit in the Forensic Laboratory drop-box should be submitted in person during regular business hours only.

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- C. All narcotics evidence will contain the following:
 - 1. Precinct 2 evidence tag properly filled out and signed by submitting deputy to maintain the chain-of-custody.
 - 2. Necessary submission forms which are available at the Harris County Forensic Laboratory.
- D. No deputy shall submit narcotics evidence to the Harris County Forensic Laboratory without the entry of a case number on the submission form.
- E. On a periodic basis, the Harris County Forensic Laboratory calls to have submitted narcotics picked up. The narcotics will not be picked up until it can be released to a property room custodian.

Therefore, no deputy will pick up narcotics from the Harris County Forensic Laboratory unless authorized by the Property Room supervisor.

- F. The deputy assigned to pick up the narcotics will:
 - 1. Carefully inventory what is picked up.
 - 2. MAKE CERTAIN IT BELONGS TO PRECINCT 2.
 - 3. Make sure all packages or envelopes are sealed.
 - 4. Get the name of person releasing narcotics.
 - 5. Sign and date the evidence submission form
 - 6. Sign and date the evidence packaging.
- G. Once released to the property room custodian at Pct 2, it will remain in the care and custody of Precinct Two until destruction orders can be obtained.
- H. Any discrepancy in the narcotic inventory shall be immediately reported and documented.
- I. Destruction of narcotics will be in accordance with procedures and guidelines set forth by the Harris County D. A.'s Office.