



**OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
POLICY AND PROCEDURE MANUAL**



Subject Evidence Management			Policy Number 1203
Effective Date October 1, 2013	Revision Date May 31, 2022	Reevaluation Date Annually	Number of Pages 6
Reference Standards TPCA: CALEA: Ch. 83 & 84 IACLEA: Ch. 15 University of Texas System Office of General Counsel Texas Health and Safety Code, Sections 481.032		Rescinds or Amends Policy Number	

I. PURPOSE

The purpose of this policy is to establish guidelines for maintaining the documented integrity of the evidentiary chain of custody as well as ensuring appropriate evidence collection and management measures are in place. Physical evidence must be identified, collected and preserved properly and transmitted properly for analysis.

II. POLICY

It is the policy of this agency to ensure that evidence in its custody is properly collected, secured and stored, readily retrievable, and that any changes in custody have been properly and fully documented. The University of Texas System Police shall rely primarily on “Model Policy – International Association of Chiefs of Police, Evidence Control” and the “Physical Evidence Handbook, Texas Department of Public Safety”, as updated, for this policy. This policy is intended to be general guidance to be supported by departmental operating procedures.

III. DEFINITIONS

Chain of Evidence: The continuity of the custody of physical evidence—from time of original collection to final disposal—that may be introduced in a judicial proceeding.

Impounding Officer: The member of this law enforcement agency who initially receives the evidence and initiates the chain of custody.

Physical Evidence: Any substance, samples, technology or material found or recovered in connection with a criminal investigation including latent fingerprints and representations/depictions of crime scenes; also includes but is not limited to biological materials, firearms, bloodstains, hair, fiber, fabric, paint, grass, wood, soil, tool marks, ballistic evidence and marks, DNA, human tissue and fluids, photographs, writings, video/digital/audio recordings, criminal instruments.

Evidence Custodian: Agency member accountable for controlling and maintaining all evidence accepted by or stored in the agency’s evidence facility.

Evidence Storage: Facilities used by this law enforcement agency to store evidence; these areas shall be designated, secure areas with limited access.

IV. PROCEDURES

A. Processing Evidence

1. Any member of this agency who has evidence to be placed in evidence storage shall make an inventory of that evidence at the location it was found or recovered. The inventory shall be witnessed and confirmed by a supervisor and shall include the following information for all items of evidence:
 - a) Description of the item (including make, model number, and serial number, if any)
 - b) Source (from whom or location obtained); and
 - c) Name of person primarily responsible for collecting the item or items.
2. The impounding officer shall properly handle, mark, and package all evidence, and transport all physical evidence to the evidence room, or other authorized secure location as soon as practical.
3. Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with established agency policy and state and federal law. Such substances include but are not limited to items that may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products, explosives or highly combustible products. Where appropriate, the evidence custodian will make arrangements and assume responsibility for storage and control of such substances outside the evidence room.
4. Processing procedures should determine the progression of tasks such as photography, record, sketch/survey, fingerprint, mark and collect.
5. Any officer who is in an assignment that includes the collection of evidence shall be trained/qualified to do so.
6. Evidence collection procedures including the use of photography, both conventional and digital, videotaping, digital recording, computer assisted devices and similar technology shall be developed.
7. Procedures for the recovery and forensic examination of computer technology, similar data storage technologies and other electronic media devices shall be developed.
8. Procedures for the collection and subsequent forensic examination of Deoxyribonucleic acid (DNA) evidence and related materials by recognized laboratories shall be developed.

B. Impounding Evidence

1. The evidence custodian shall be responsible for receiving, storing, maintaining, releasing, and accounting for all evidence in compliance with established agency policy; this includes the preventing of the introduction of foreign materials to evidence storage and otherwise guarding against compromise.
2. When evidence is deposited with the evidence custodian or in an approved storage facility, an evidence receipt shall be completed by the impounding officer. The evidence receipt shall include all information necessary to both document and ensure the integrity of the chain of custody. All drugs should be weighed and kept separately, and monies counted by the evidence custodian and recorded on the evidence receipt.
3. The evidence custodian shall be responsible for developing and maintaining a master file of all evidence invoices and evidence tags completed. This file may be either manual or automated, and shall be cross-indexed with the chain-of-evidence custody file.

C. Storage of Evidence

1. The evidence custodian shall assign a storage location to each item of evidence and record this information on the evidence receipt and evidence tag.
2. Evidence requiring added security, to include money, precious metals, jewelry, gemstones, furs, and related items, shall be stored separately. Weapons, narcotics, and dangerous drugs shall be placed in a separate secure storage area.
3. Perishable items shall be stored in a refrigerator or other suitable container (e.g. sexual assault evidence, DNA evidence, body fluid evidence) to ensure appropriate segregation and preservation as well as compliance with applicable laws.
4. Appropriate tamper proof packaging measures shall be in place.
5. At no time shall evidence be stored in an employee's personal desk, locker, vehicle, home or other places that are not secure or would interrupt the chain of custody; personal use of evidence is prohibited.

D. Access to the Evidence Room

1. Only members of this agency authorized by the Institution Chief of Police may enter the evidence room.
2. A log shall be kept by the evidence custodian that identifies each authorized member entering the evidence room.

E. Release of Video Recordings of Arrests for Intoxication Offenses

Persons stopped or arrested on suspicion of an offense under Sections 49.04 Driving While Intoxicated; 49.045 Driving While Intoxicated with Child Passenger; 49.07 Intoxication Assault; or 49.08 Intoxication Manslaughter, on or after September 1, 2015 are entitled to receive from a law enforcement agency employing the peace officer who made the stop or arrest a copy of any video made by or at the direction of the officer that contains footage of:

1. The stop;
2. The arrest;
3. The conduct of the person stopped during any interaction with the officer, including during the administration of a field sobriety test; or
4. A procedure in which a specimen of the person's breath or blood is taken.

F. Inspections of the Evidence Room

1. An inspection to determine adherence to procedures used for the control of property shall be conducted semi-annually by the person responsible for the property and evidence control function or his/her designee.
2. Unannounced inspections of evidence storage areas shall be conducted semiannually as directed by the Institution Chief of Police.
3. An annual inventory of evidence held by the agency shall be conducted by a commanding officer (appointed by the Institution Chief of Police) not routinely or directly connected with evidence control. Similar inventories shall be conducted whenever a new evidence custodian is assigned.

G. Recording Transfers of Custody

1. The evidence custodian shall be responsible for developing and maintaining a file that documents all changes in custody of physical evidence. The file shall be capable of readily identifying the individual or organization currently maintaining custody of all evidence.
2. A written record of all transfers of physical evidence shall be made.
3. Members of this law enforcement agency who assume custody of evidence from the evidence room bear full responsibility for ensuring its security, proper storage, preservation and maintenance, as well as for the ready retrieval of such evidence upon demand.

H. Disposal of Evidence

1. When no longer needed for evidentiary purposes, all evidence, with the exception of firearms and contraband, shall be returned to its lawful owner unless title to the evidence is transferred to this or other jurisdictions by court order. If the lawful owner fails to claim the evidence, the agency may, as permitted under state law,
 - a) Destroy it
 - b) Dispose of it by public auction or
 - c) Retain it for use by the jurisdiction.
2. Firearms and other nondrug contraband shall be physically destroyed unless
 - a) Court order authorizes use of the item by this agency; or
 - b) The firearm is required by state law to be returned to its lawful owner or otherwise disposed of.
3. The Institution Chief of Police or his designee shall designate an investigator to monitor the entire drug destruction process. Prior to the scheduled date of destruction, this individual shall
 - a) Select a random sample of the items designated for destruction;
 - b) Have these items quantitatively and qualitatively tested by the agency's laboratory function
 - c) Compare these results with prior testing conducted by the laboratory and, if no discrepancies are found, return the items to the property room.
 - d) If any discrepancies are found before the drugs are destroyed, immediately notify the Institution Chief of Police, who shall immediately initiate an appropriate investigation.
 - e) On the date of destruction, monitor the loading of the items to be destroyed, accompany the items to the destruction site, and observe the destruction process.
 - f) During the destruction process, select a random sample of items to be destroyed and have these items quantitatively and qualitatively tested by the agency's laboratory function, and compare these results with prior test results conducted by the laboratory.
 - g) If no discrepancies are found, return the items to the evidence room to include in the next planned destruction.
 - h) If any discrepancies are found, immediately notify the Institution Chief of Police, who shall immediately initiate an appropriate investigation.

- i) After the completion of the destruction process, submit a report to the Institution Chief of Police that shall include:
 - (1) The date, time, and location of the destruction;
 - (2) An inventory of the items destroyed
 - (3) A list of those present at the destruction; and
 - (4) The results of the random tests made before and after the destruction.

4. Destruction of Marijuana in Misdemeanor Possession Cases

In Texas counties where misdemeanor marijuana possession cases ([Texas Health and Safety Code, Sections 481.032](#)) are rejected or declined for testing by the Department of Public Safety (DPS) laboratory (or other recognized crime laboratory) and where no charges will be filed by the local District Attorney, the institution Chief of Police shall have the discretion to authorize destruction of the marijuana to eliminate an accumulation of property stored in the evidence room which has no prosecutorial or evidentiary value or purpose.

- a) Chiefs may exercise their discretion to test these samples on the date of destruction and prior to transport, using a Sirchie Field test for Marijuana, Hashish and THC (or comparable validated testing tool) to serve as the agencies laboratory function but are not required by this policy to do so.
- b) All other destruction procedures shall be followed as outlined in this policy.



Michael J. Heidingsfield
Director of Police

Changes/Amendments since last publication:

Addition of Paragraph IV. E. Release of Video Recordings of Arrests for Intoxication Offenses. November 11, 2015

Revision to language in Paragraph IV.E.1 to require inspections of the Evidence Room on a semi-annual basis; November 10, 2014.

Addition of Paragraph IV.H.4 provides the institution Chiefs of Police latitude to destroy marijuana seized as evidence in misdemeanor possession offenses (less than 4 oz) with or without laboratory testing in counties where it is rejected for testing by DPS and where no charges will be filed by the local District or County Attorney; May, 31, 2022. This authority is consistent with the advice received by the Office of Director of Police from the University of Texas System Office of General Counsel.