

VOLUME 5 - CHAPTER 4

PROPERTY AND EVIDENCE PROCEDURES

5-04/000.00 PROPERTY AND EVIDENCE

All property and evidence coming into the possession of members of this Department shall be accounted for and processed in accordance with policies and procedures set forth in this manual. Any misappropriation, unauthorized destruction or confiscation for personal use, of property or evidence shall be grounds for disciplinary action.

5-04/000.05 SEIZING AND STORING PROPERTY

Department members whose duties involve gathering, handling or storing property and evidence shall constantly evaluate the necessity of maintaining and storing these items within Department facilities. Property/evidence shall not be stored when suitable alternatives are available. Suitable alternatives may include:

- photographs of evidence for court presentation: Whenever possible, evidence will be retained by the victim or an agent acting on behalf of the victim. The ability to produce unadulterated evidence at the time of court proceedings shall determine the use of this alternative;
- only that evidence essential to proving an offense shall be seized. Seizure of evidence shall be scrutinized by supervisory personnel; and
- the need to hold money as evidence shall be closely reviewed by the Watch Commander and approved only if the money is unique or has evidentiary value due to its markings (i.e., buy money, serial numbers, chemical residue, stains, etc.).

Receipt for Seized Property and Notice for Retrieving Property

The Receipt for Seized Property and Notice for Retrieving Property form (SH-R-460) may be used by personnel as a simple receipt when property is seized under circumstances (consensual search, et cetera) other than pursuant to a search warrant or seizure order where a receipt is desired or appropriate. A Receipt for Seized Property and Notice for Retrieving Property form shall be used for all property seized pursuant to a search warrant or seizure order.

The Receipt for Seized Property Continuation form (SH-R-460A) shall be used when items of property seized are too numerous to list in the space provided on the Receipt for Seized Property and Notice for Retrieving Property form.

A copy of the completed receipt(s) shall be left at the location where the seizure occurred and the original receipt(s) shall be attached to the incident report.

5-04/000.10 STATION/UNIT COMMANDER'S RESPONSIBILITIES

The Unit Commander shall be responsible for the security, recordation and disposition of all property and evidence brought into the Station/Unit, including all prisoner property and money. Unit Commanders shall assure that accurate and current records of all items of property/evidence are maintained, that laws and Department policy are complied with and a proper disposition is made as soon as feasible.

A person of at least the rank of Lieutenant shall be designated to manage and supervise the Unit property and evidence system and to coordinate its functions with Central Property, Scientific Services Bureau, other Department Units and outside agencies.

Unit Commanders shall ensure that Property Lieutenants conduct thorough audits of the Station/Unit storage facilities and the safe and master evidence ledgers at least once each month to ensure that items are properly packaged, labeled, stored, described in the ledger and dispositioned.

Unit Commanders shall ensure that thorough quarterly (January, April, July and October) audits are conducted of all property and evidence. Audits shall include vehicles stored at their Units or at local towing companies where items remain their responsibility. Upon completion, a report shall be forwarded to the Division Chief indicating the date of the audit, the persons conducting the audit, any items held over 90 days, including any investigations in progress regarding evidence discrepancies and the date of the most recent safe combination change.

Reports of the audit findings shall be submitted by memorandum to the Unit Commander for follow-up action as appropriate and copies shall be maintained in Unit administrative files for a period of not less than one year from the date of the inspections.

5-04/000.15 RESPONSIBILITIES OF STATION/UNIT PROPERTY LIEUTENANT

The Station/Unit Property Lieutenant shall:

- train personnel to ensure compliance with the policy and procedures of this chapter;
- inspect the storage system to ensure properly maintained records and that disposition time frames are met;
- conduct monthly and quarterly audits of all property and evidence, including vehicles;
- supervise the destruction of property and evidence at the Station/Unit;
- supervise and coordinate with the Central Property Custodian the storage and disposition of bulk items; "Hold" items; long-term storage items, including vehicles and vehicle parts and evidence seized as a result of search warrants;
- ensure that personnel comply with Penal Code section 11108; and

- ensure that bulk prisoner property left at a Station is returned to the prisoner.

5-04/000.20 RESPONSIBILITIES OF STATION/UNIT PROPERTY CUSTODIAN

Each Station/Unit where property and evidence is maintained shall have an assigned property custodian and a trained relief custodian to act in the absence of the property custodian.

Property custodians shall be scheduled to report to work prior to regular court appearance times to handle the withdrawal of property for court.

The Station/Unit property custodian shall have the following responsibilities:

- review the master ledger and property labels of incoming property for accuracy and completeness of description and have corrections made, if necessary;
- place all incoming property from the interim storage room in the proper storage locations and note the changes in the storage change column of the ledger;
- store property in the designated "URN File" sequence as explained in section 5-04/070.15;
- ensure that all property temporarily removed from the Station/Unit for court or for investigative reasons is properly signed out on a Property Interim Removal Record (SH-CR-583), and ensure that returned property is signed in or that a final disposition is entered as explained in section 5-04/030.25;
- separate property to go to court or to Scientific Services Bureau. Ensure that the accompanying Scientific Services Bureau Evidence Receipt (SH-CR-126) is properly completed and attached to all evidence forwarded to Scientific Services Bureau and that the receipt number is recorded as a temporary ledger disposition while the evidence is being analyzed;
- maintain the Property Interim Removal Records in URN sequence on an arch file board. Follow up on the Interim Removal forms and lab receipts which are outstanding. Upon Unit disposition of the property, the completed Interim Removal form shall be filed in the appropriate URN file;
- ensure that all property which has been identified by the Civil Litigation Unit as being relevant to a civil proceeding is properly relabeled. Property held for this reason shall have a completed green property/evidence label (SH-CR-35) placed next to the existing white property/evidence label;
- segregate property which has been held the maximum length of time at the Station/Unit and prepare it for transportation to Central Property;
- make the final disposition entries in the master ledger of all property which has been held in court, transported to Central Property, disposed of by Scientific Services Bureau, released to the rightful owner or disposed of at the Station/Unit;
- assist in the maintenance of proper records and the timely transfer of property and evidence stored in the safe;
- maintain orderly storage areas; and
- verify that all serialized property has been entered into the appropriate automated

property system (see section 5-04/070.10).

5-04/010.00 TYPES OF PROPERTY OR EVIDENCE

The type of property or evidence and the storage location shall determine the ledgers and records used for control purposes, as outlined below:

Money

All money and all counterfeit money, except as noted below, shall be entered in the safe ledger and stored in the safe under the direct supervision of a Watch Commander. The Watch Commander, after acceptance and verification of the item(s), shall ensure that each item is indicated as either "held intact" as evidence, an "intact collectible," "intact as temporary storage," "deposit," or "personal property" in the storage change column of the safe ledger. The need to hold money intact as evidence shall be closely scrutinized by the Watch Commander and approved only if the money is unique or has evidentiary value due to its markings or serial numbers.

Accountability for currency shall be accomplished by either:

1. counting the currency and recording the value of that currency on the evidence label and within the evidence ledger;
2. placing the currency within a sealed, serialized, narcotics evidence bag. The identity of the person(s) placing the currency into the bag, the identity of the person placing the bag into storage, and the serial number of the bag must be recorded on the evidence label and within the evidence ledger. Sealed bags shall not be opened for the purpose of verifying contents unless there is evidence that the integrity of the bag has been violated. If such evidence is present, the bag and its contents shall be secured within a new serialized evidence bag and the Unit Commander shall be notified. The narcotics evidence bag is utilized for this purpose due to its serialized markings. The use of the "sealed bag" protocol for handling currency is not limited to narcotics cases.

All money in the safe shall be stored in a manner that allows for a 90-120 day transfer to the Central Property custodian or timely deposit to the Department's trust account. Found property and found money shall be handled in accordance with section 5-04/060.10. A Property Interim Removal Record (SH-CR-583) shall always be completed when property or evidence is temporarily removed from the safe (see section 5-04/080.05 for completion and filing instructions).

Money too bulky for storage in the safe (such as a large coin collection) shall be transported to Central Property for storage.

Counterfeit money shall be released to the local office of the U.S. Secret Service as soon

as feasible.

Foreign money, because of its frequently unknown value or intrinsic worth, shall be handled as a collectible and stored in the safe.

For procedures regarding seizures of money and high value property refer to MPP section 5-09/465.40 Seizure of High Value Property During Search Operations.

Collectibles

A collectible includes any currency or coin with a value greater than that negotiable on its face (numismatic value).

Personal Property

All valuables, whether evidence or found personal property, shall be entered in the safe ledger and stored in the safe. Valuables are defined as those items which include, but are not restricted to, jewelry (with or without precious stones), loose precious stones, silver ingots, gold coins, etc. The Watch Commander shall determine if items are of sufficient value for placement in the safe.

Valuables, if not evidence, shall be classified as personal property "P." This would include prisoner's money in excess of \$400. If personal property in the form of currency or coin is held in the safe because it is deemed a collectible, it must be classified as an intact collectible, "INT/C," in the storage change column of the safe ledger, to ensure it is not later reclassified as a deposit.

Found Property

All found property and evidence shall be recorded and controlled through the Department's property and evidence system. All found money and valuables shall be entered in the safe ledger and all other found property shall be entered in the master ledger. Found property shall be stored and processed in accordance with section 5-04/060.00.

Prisoner Property

Certain amounts of money or property of prisoners booked at a Station require additional security. The money/ property shall be entered in the appropriate ledger and stored in the appropriate storage area.

Prisoner or Bail/Fine Monies

All money or valuables pertaining to prisoners and stored in the safe shall be recorded in the safe ledger under the URN or, if no URN exists, under the booking number. Labeling, packaging and storage requirements shall remain the same.

Bulk Prisoner Property

Every effort shall be made by Department personnel to ensure that a prisoner's property accompanies the prisoner upon transfer or release. In those cases where the property does not accompany the prisoner, the following steps shall be taken in accordance with section 5-03/200.00 Property of Prisoners:

- the bulk property shall be entered in the master ledger;
- if still in custody, immediate steps shall be taken to contact and transfer the property to the facility or agency holding the prisoner, or an attempt to release the property to a relative or agent of the prisoner shall be made;
- if released from custody, efforts shall be made to contact the prisoner or a representative to claim the property; and
- if unable to transfer or release the property, store the property in the property and evidence storage room for 90-120 days after which the property shall be transferred to Central Property. Disposition of the bulk property to the central property custodian shall be governed by Government Code section 26642.

Other Items

Any item pertinent to Department business may be stored in the Station/Unit property room or safe with the permission of the Watch Commander of the concerned Unit.

For procedures on alcoholic beverages, illegal fireworks, or other items, refer to section 5-09/460.00 Alcoholic Beverages/Illegal Fireworks - Found/seized - No Prosecution Sought.

5-04/010.05 PROPERTY OR EVIDENCE NOT TAKEN TO A STATION/UNIT

Property or evidence not taken to a Station/Unit because of bulk or quantity shall not be recorded in the master or safe ledger. The originating Unit shall make appropriate references to description and storage location in the original or supplementary report. The central property custodian shall be contacted each time this type of storage is required.

5-04/010.10 BULK PROPERTY OR EVIDENCE

When property/evidence involved in a case is of such bulk or quantity that it is not feasible to store at a Station/Unit and is essential to an investigation, the Watch Commander shall contact Central Property for immediate transfer. Contact the Sheriff's Headquarters Bureau after regular business hours. Records of such property or evidence will be maintained by Central Property. Upon case assignment, the investigator shall contact the central property custodian to arrange for continued storage or release. The

originating Unit shall be responsible for complying with 11108 PC.

5-04/010.15 LONG-TERM STORAGE OF VEHICLES AND VEHICLE PARTS

Vehicles or vehicle parts impounded or held for evidence may require storage at a local towing company. In no case shall these vehicles or vehicle parts be stored at the local towing company for more than 15 days at short-term rates. The investigator, upon case assignment, shall contact the central property custodian to arrange for release or transfer of the property/evidence to the main storage yard. Records of these items shall be maintained by the central property custodian. The approval of the Station/Unit Property Lieutenant is required to place any vehicle or vehicle parts into long-term storage.

The removal of vehicles or vehicle parts from long-term storage shall be made in conjunction with the central property custodian.

5-04/020.00 PROPERTY ACCOUNTABILITY

All items or coherently packaged groups of like items, of property and evidence shall be listed and described in an URN report documenting the circumstances by which it came into the Department's custody. Prisoner's property shall be listed on a B&PR.

After listing property on a report or booking slip, all items not returned to the prisoner, but held for safekeeping, shall immediately be labeled (see section 5-04/020.15) and entered into the master ledger (see section 5-04/030.05) or safe ledger (see section 5-04/030.10).

5-04/020.05 FILE NUMBER SUFFIX IDENTIFIER

All property and evidence items pertaining to a case are listed numerically in a designated section of the Incident Report (SH-R-49). The item number from that summary list shall be added to the URN as the primary property/ evidence identifier to be used on all labels, ledgers, transmittals, and receipts for the purpose of facilitating automated accountability. (Example: In an Incident Report listing multiple items of evidence, the URN identifier for the first item of evidence would read: 490-12345-0111-442-1. For subsequent items, the file number suffix identifier would increase numerically to correspond to the item number as listed in the Incident Report, e.g., 442-2, 442-3, 442-4, etc.).

5-04/020.10 FILE NUMBER CHANGE

In the event that a file number is changed or several cases are consolidated under a master file number, all property under the individual case numbers shall be cross referenced to the master file number. This applies to the property label and all entries in the master and/or safe ledgers (see cross-reference instructions under section

5-04/030.30).

5-04/020.15 PROPERTY LABELS (SH-CR-35)

WHITE LABEL

Property and evidence coming into possession of officers of the Department shall be immediately labeled using pre-formatted, adhesive backed white labels. Information may be handwritten or filled in by microprocessor. Written labels shall be printed legibly using ballpoint pen with indelible ink. Pencil and felt-tip pens shall not be used for this purpose.

GREEN LABEL

Property and evidence seized in connection with a criminal investigation that is later deemed to have relevance in a civil proceeding shall be retained pending change of status and shall be immediately relabeled using pre-formatted, adhesive backed green labels. Changing the status of property from criminal to civil shall be accomplished by placing a completed green label directly next to the existing white label. The green label shall be completed in the same manner as the white label as described above.

5-04/020.20 AFFIXING PROPERTY LABELS

In labeling, consideration shall be given to the type of storage or any subsequent processing that may be involved.

- labels shall not be placed where they may cause damage when removed;
- for items such as clothing that will not retain an adhesive label, the property label shall be placed on a standard card stock tie-on tag and then fixed to the item;
- narcotic evidence shall be placed in transparent narcotic evidence bags. Blood and urine samples shall be placed in the appropriate blood sample envelopes and urine sample jars. Evidence shall be identified by filling in all required information on the envelope or label. **DO NOT** affix property labels to blood and urine samples; and
- handguns, rings, money and other items of similar size shall also be placed in reinforced manila property envelopes. Required information printed legibly or typed on a properly completed property label shall be affixed.

If cash, currency or coins, constitutes the property being labeled, see special instructions under section 5-04/040.00.

- bulk property and money of released prisoners left at a Station shall be labeled by the Station jailer, if not previously labeled and entered into the appropriate ledger and storage area.

5-04/020.25 COMPLETING THE PROPERTY LABEL

SAMPLE:

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT PROPERTY/EVIDENCE LABEL
7/18/21-811-CR-35A Rev. 2/97

Date: ____ / ____ / ____

URN: _____ Evid/Personal/Found

NAME: _____ Subj/Vict/Owner

DESCRIPTION: _____

LEDGER: Safe/Master ____ /
Bk# Pg#

ASSGD: _____ DISPO: Hold-Release-Dispose-6 Mo.

AUTHORIZED: _____ EMP# _____

- Line 1 - Following the preprinted form title, enter the date the property came into custody of this Department using two digits for the month, a slash, then two digits denoting the day, another slash, then the year represented by two digits. (Example: 01/23/90);
- Line 2 - Enter the complete URN, including the suffix identifier which corresponds to the item number as listed in the Incident Report (SH-R-49). Following the URN, circle the designation (Evid/Personal/Found) that appropriately describes the property/evidence;
- Line 3 - Enter the name, last name first, associated with the property/evidence. For automated systems, approximately 20 spaces are allocated for this purpose. Following the name, circle the description (Subj/Vict/Owner) which corresponds to the listed name;
- Lines 4/5 - Enter a description of the property/evidence item. A complete serial number shall always be included as the last element in the item description. For automated systems, approximately 40 spaces are allocated for this purpose. On Line 5 following the word "Ledger," circle the appropriate designation (Safe/Master) and write in the ledger book and page number in the space provided. If the Station/Unit property ledger is automated, the computer generated date-time group will be automatically entered in lieu of a book/page number;
- Line 6 - Following "ASSGD," enter the Unit that will be assigned primary case responsibility and will ultimately authorize a disposition of the item, e.g., PRV DB, HOM, NARCO, etc.;

Following "DISPO" circle the appropriate disposition status:

- circle "HOLD" only if the item is to be retained intact as evidence in a court case, as a collector's item or the item is part of a set. All "HOLD" items shall be reviewed every six months;
- circle "RELEASE" if the property is to be returned to owner. It is the responsibility of the assigned investigator or court Deputy to ensure that the owner is notified that the property is available for release;
- circle "RELEASE" also if the officer handling the arrest authorizes immediate release of the property to the prisoner when the prisoner is eligible to appear and claim it.

No further authorization for release of the property is required, whether the claim is made while the property is still at a Unit or after it has been transferred to the central property custodian's office.

- circle "DISPOSE" when there is no need to retain the item and no other procedure applies;

Property of no value for evidence or for sale such as broken bottles, pieces of wire, open liquor bottles or beer containers, etc. shall be destroyed by the Unit property custodian.

Title 17 of the California Code of Regulations (formerly Administrative Code) requires that blood and urine samples submitted as DUI evidence be saved for at least one year after the date of the arrest. Destruction of these samples shall be accomplished under Scientific Services Bureau guidelines.

The destruction of evidence or property at the Unit shall be under the personal supervision of the Unit Property Lieutenant, who shall oversee the destruction and countersign the ledger final disposition column.

Property Control Cards (SH-CR-37) shall not be issued for property destroyed at the Unit.

- circle "DISPOSE" also when a court has actually ordered the destruction of the specific item of property/evidence. A copy of the court order must be given to the central property custodian;

Property, including firearms, that is the subject of insufficient evidence to prosecute, a DA rejection, or court disposition shall be disposed of as indicated on the property label or in accordance with the provisions of the law. Department members shall not solicit or accept any property or evidence unless the member was the legal owner of the item(s) at the time of seizure.

- circle "6 MO" to dispose of an item after six months automatically when

there is no need for retention of the property as evidence and no other procedures apply. Property so marked will be held by the central property custodian for six months following pickup, after which time it will automatically be disposed of without further contact with the Unit or investigating officer;

- Line 7 - Following "AUTHORIZED," enter the legible signature and employee number of the investigator or other authorized person who has case disposition authority.

ONLY THE ASSIGNED INVESTIGATOR OR INDIVIDUAL RESPONSIBLE FOR CASE DISPOSITION MAY AUTHORIZE THE DISPOSITION OF ASSOCIATED PROPERTY AND EVIDENCE.

5-04/020.30 LABELING EVIDENCE

Procedure governing the attachment of the property label are as follows:

- property shall be labeled in such a manner that the label will not be separated from the item. If the item has no surface to which an adhesive label will adhere, a tag may be tied to it, then the property label affixed to the tag;
- for property placed in an envelope, use a "Columbia Clasp" type of envelope and affix the property label to the envelope in a position most easily read when stored;
- to identify evidence placed in a transparent narcotic evidence bag, a property label shall be affixed to the area imprinted "Property/Evidence Label here;"
- the application of cellophane tape directly on property should be kept to a minimum;
- staples shall not be used to affix property labels to property. Staples are to be used only to affix the laboratory receipt to the red sealed area at the top of the transparent narcotic evidence bag.

5-04/030.00 PROPERTY CONTROL LEDGERS (SH-CR-514)

All property and evidence coming into the possession of Department members shall be recorded in the master or safe ledger. These ledgers constitute the official accountability documents. Master and safe ledgers may be maintained manually using Property Control Ledgers (SH-CR-514) or by means of an automated Property and Evidence Label (SH-CR-35B).

Items shall be fully described as to quantity, size, color, brand, serial number or other identifiable characteristics, and entries in the ledgers shall be written in indelible ink to maintain a permanent document. Entries and dispositions shall be affirmed by employee number and signature. No obliterations shall be made to rectify an error on any entry; all entries shall be given a disposition. Ledgers shall be regarded as public

records and maintained neatly, free of extraneous inventory marks or other notations.

5-04/030.05 THE MASTER LEDGER

The master ledger shall contain a record of all property and evidence stored at the Unit which is not placed in the safe.

For master ledger entries, the Watch Sergeant shall verify the entry description, labeling and packaging of the item, and shall personally ensure that the item was placed into the interim storage room.

The Watch Sergeant shall also confirm the entry description by entering his employee number and signature on the final line of the property description in the "Entered by" column.

Narcotic items shall be entered in the master ledger only if the Station has a "narcotic depository," which is a sturdy, locked tamper-proof container into which narcotic evidence can be dropped.

All property recorded in the master ledger shall be stored in accordance with the guidelines established in section 5-04/070.00.

5-04/030.10 THE SAFE LEDGER

The safe ledger shall contain a record of all money, counterfeit money, foreign money, valuables and property placed in the safe. Ledger page documentation and maintenance shall be the same as for the master ledger.

Watch Commanders shall be responsible for inventorying property, counting currency (unless the currency is sealed within a serialized, tamper-proof, evidence bag per section 5-04/010.00) and for properly packaging the items for storage in the Unit safe. The Watch Commander shall confirm all ledger entry descriptions and enter his employee number and signature on the final line of the property description in the "Entered by" column below that of the recording Deputy.

Abbreviations of "INT/EV" for held intact as evidence, "INT/C" for held intact as collectibles, "INT/TS" for held intact as temporary storage, "DT" for deposit and "P" for personal property shall be used in the storage change column of the safe ledger (See section 5-04/010.00 and section 5-04/040.00).

5-04/030.15 LEDGER COVER

The cover of each ledger shall be maintained as follows:

- Unit Line - enter the name of the Station, Unit or detail;
- Date - the beginning and ending date for the book. When possible, ledgers shall remain in service until all pages are used.

Ledgers shall be retained at the Station/Unit for a minimum of two years following the disposition of the last open entry item.

5-04/030.20 LEDGER SHEETS

Ledger sheets shall be maintained as follows:

- Page - the pages are prenumbered from 1-200. All pages shall be utilized completely and in chronological order. Entries may be continued from one page to the next when the notation "Cont. Next Page" is written below the last line of the Property Description column. When nearing page 200, do not begin an entry unless all of the property for the case can be recorded in the same book;
- Line - line numbers are preprinted. Recording the book and page number of an item on the property label and in the report assists in the auditing and quick retrieval of an item.

Before recording information in the ledger, allow two lines between the last line of the previous entry and the current entry. The blank lines may be used in the event a cross-reference or other notation of the previous entry is needed.

5-04/030.25 LEDGER ENTRY

The following information shall be entered into the ledger either manually or by means of an automated Property and Evidence Label (SH-CR-35B):

- Date Received - at the start of the entry for any one case, fill in the date received. The date column should be used only once for each case entry on each page, no matter how many lines are used when entering the property description;
- URN Number - the complete URN with file number suffix identifier is required. When there is no assigned URN number, a booking number, citation number or receipt number shall be entered (see section 5-04/020.05);
- Quantity - the number of items for the single entry on the line. If the entry is for several items, such as a tape recorder and 3 tapes, the first line would indicate "1" tape recorder and the second line would indicate "3" tapes. Another example is the use of one envelope containing numerous articles; each particular item shall be identified, such as one envelope containing 3 tapes, 1 receipt, 1 handwritten note. Each distinct article in the envelope shall be identified on a separate line;
- Property Description - identification shall be reasonably complete and shall include brand name, model, serial number, color, size, initials, etc. that uniquely characterizes and differentiates the item. Only one item per line shall be entered

in the property description column. This is essential for proper accounting with respect to storage location and final disposition;

- Original Storage - at Stations, only one of the following codes shall be used to represent the original storage locations:

- P/I Patrol Inside;
- P/O Patrol, Outside;
- N Narcotics Depository;
- R Refrigerator;
- S Safe;
- B Boatyard;
- H Haz-Mat Locker.

The codes identify the placement of the property/evidence in an initial storage location.

- Entered by - the person entering the item into the ledger shall enter his employee number and shall sign his last name. In automated systems the individual shall enter his employee number only;
- Storage Change - in the master ledger, the Station/Unit property custodian shall, upon verification and acceptance of an item, enter the storage room code indicating where the item will be stored. The code indicates and verifies movement from the original storage location to a storage change for better security and a verifiable chain of evidence;

To indicate and verify the acceptance and movement of narcotic evidence from the original storage area, a narcotic Deputy shall place an "N" in the storage change column. The narcotic Deputy shall also enter the date, his employee number and signature in the appropriate spaces in the final disposition column.

Units other than Stations shall assign a code to their storage location and enter it in the original storage column.

- In the safe ledger, the Watch Commander, upon acceptance and verification of an item, shall indicate in this column whether the item must be held as "Intact" or "Deposit." Abbreviations of "INT" for intact and "DT" for deposit shall be used (see section 5-04/030.10);
- Final Disposition - This column shall be completed either manually or by means of an automated final disposition label (SH-CR-626) when property and narcotics will not be returned to storage place;

Property sent to the Central Property custodian constitutes a final disposition even though the property may later be returned to the Unit. Upon return to the Unit, the property shall receive a new ledger entry and ultimately a new disposition.

- Date - date final disposition was made. The date the central property custodian, narcotic Deputy, owner or court took possession of the property;
- To - to whom the final disposition was made. If sent to central property, enter the property control card number supplied by central property; if to the miscellaneous bank account deposit, enter the receipt number; if deposited in the bail account, enter the bail receipt number; if to a court, the court name and the court case number; if to owner or his representative, mark "owner" and enter the name of owner or his representative; if to another Departmental Unit or another police agency, enter the name of the Unit or agency and the name of the receiving officer;
- Employee Number - number of the employee entering the final disposition data;
- Signature - signature (last name) of employee entering the disposition. The employee number and signature should be that of the person releasing the property from the storage room or the Unit storage system. In most cases, this will be the property custodian for the master ledger; the Watch Commander for the safe ledger.

Attendant documentation such as receipts, interim removal records and property control cards shall contain the signature of the person who actually released the property. In the case of narcotic evidence, the narcotic Deputy shall enter his signature.

5-04/030.30 CROSS-REFERENCE BETWEEN LEDGERS

All entries shall be cross-referenced when property or evidence is entered in both ledgers or if an item is moved from one ledger to another or if moved from one page to another in the same ledger. A cross-reference notation shall state, on the line below the item(s), "See Master (or Safe) Ledger #____, Page #____," an applicable reason for the transfer and the signature in the final disposition column of the person making the transfer.

No obliteration of an entry shall occur in ledgers to rectify a mistake. A mistaken entry shall be cross-referenced or given a disposition that reflects a true accounting of the item.

5-04/040.00 CASH PROPERTY PROCEDURES – STATIONS/UNITS

Functional management and supervision of the Station safe shall be the direct responsibility of the Watch Commander.

Watch Commanders shall classify and effect the timely disposal of money in accordance with the following procedures where applicable.

5-04/040.05 "HOLD INTACT" MONEY

All currency and coin in possession of this Department which may be introduced as evidence in a court proceeding, or bills and coins which constitute collectors' items as defined in section 5-04/010.00, shall be placed in a manila envelope, affixed with a property label marked "Hold Intact/Evidence," "Hold Intact/Collectible," or "Hold Intact/Temporary Storage."

The Watch Commander shall determine whether an item is evidence and/or a collectible. If an item is a collectible, it shall be marked "Hold Intact/Collectible" in the safe ledger entry description and the description part of the affixed property label. Evidence not considered to be a collectible shall be marked "INT/EV."

All "Hold Intact" money and collectibles shall be transferred to the Central Property custodian within 90-120 days unless a court or case disposition is obtainable. Upon obtaining a court disposition or when an investigation becomes inactive, all "Hold Intact" collectibles shall be returned to the owner. If not returnable to the owner within three weeks, the Station/Unit shall transfer collectors' items to Central Property. "Hold Intact" money, upon similar dispositions, shall be redesignated as "Deposit" money and deposited in the Department's trust fund as soon as feasible.

"Hold Intact" money and collectibles without dispositions, which are transferred to Central Property within the 90-120 days, will be held by the Central Property custodian pending a disposition authorization.

Should "Hold Intact" money or collectibles held by the Central Property custodian be subsequently required in court, it shall be withdrawn from Central Property and given a new entry in the safe ledger.

Withdrawals from Central Property are made only during normal working hours and should be made in sufficient time to ensure availability on the designated court date. The officer making the withdrawal is charged with its safety and security. Should the money or collectibles be returned to the central property custodian as "Hold Intact," a new Property Control Card (SH-CR-37) will be issued.

When final disposition of "Hold Intact" money is made (released to owner, transferred to central property, deposited, etc.), the final disposition shall be recorded in the safe ledger by the concerned Deputy and the entry countersigned by the Watch Commander.

Temporary Storage

Occasionally, authorized personnel may require large amounts of uncounted currency to be placed within a Station/Unit's safe for secure temporary storage (i.e. "flash money"). Authorized personnel wishing to temporarily store currency of this type must package the currency in a sealed, serialized tamper proof narcotic evidence bag. The serial number(s) of the evidence bag(s) shall be entered into the safe ledger.

The sealed bag(s) may later be released to the depositor, or a verified representative of the Unit which originally entered the currency into the safe, by signing it out to that person. Unless there is evidence of tampering or the seal is broken, the Watch Commander in charge of the safe shall not break the seal for the purpose of counting the contents. The ledger shall show the date, name and signature of the Watch Commander releasing and the person re-taking custody of the sealed bags.

“Authorized Personnel” as used in this section includes Department members assigned responsibility for handling such currency. It also includes members of inter-agency task forces in which the Sheriff’s Department participates.

5-04/040.10 "DEPOSIT" MONEY

All money not classified as “held intact” or personal property shall be classified as "Deposit." Deposit money shall be entered in the safe ledger and the code “DT” shall be noted in the storage change column opposite the entry description.

All deposit money shall be deposited in the Department’s trust fund as soon as feasible. Upon deposit, Watch Commanders shall enter the Miscellaneous Fees receipt number in the final disposition column of the safe ledger entry. Watch Commanders will also date and countersign the disposition below the signature of the person withdrawing the money for deposit.

All found money, except collectibles, shall be classified as "Deposit" and then deposited in accordance with the above procedure as soon as possible, not exceeding 30 days. Money valued as collectible shall be marked and labeled "Hold Intact/Collectible."

5-04/040.15 DEPOSIT OF TRUST FUND MONIES

On the day the miscellaneous bank account deposit is to be made, all accumulated money in the safe, which is tagged and marked or redesignated "Deposit," shall be removed and processed as follows:

- amount of money shall be verified;
- Department of Sheriff Miscellaneous Receipt (76M474C) shall be prepared in triplicate for the total amount of tagged cash items being deposited;

Certain custody facilities, which make direct deposits to the Treasurer and Tax Collector, will use County of Los Angeles Miscellaneous Receipt (76M474A).

- receipts shall be completed as follows:
 - Date - the same date the SH-AD-359 and 359A are prepared;
 - Received From - enter notation to "See SH-AD-359A;"
 - Amount - the amount of money involved;
 - For - entered as "For Deposit to the Department’s Trust Fund;

- Signature - signed by the officer responsible for the security of property stored in the Station/Unit safe.
- Miscellaneous Receipt copies shall be processed as follows:
 - original to be held for forwarding with SH-AD-359A as outlined under section 5-04/040.30;
 - pink copy to be held for processing with SH-AD-359.

The person responsible for the deposit preparation shall also be responsible for the preparation of SH-AD-359 and 359A, and for making the proper attachments and distribution as outlined under the following subsections.

5-04/040.20 PREPARATION OF TRUST FUND DEPOSIT - PROPERTY SUMMARY (SH-AD 359A)

This form is necessary to supplement SH-AD-359 due to the addition of monies for deposit and subsequent transfer by Fiscal Administration to the Department's trust fund.

The original (white) copy of the miscellaneous receipt shall be used in conjunction with the corresponding property labels to prepare this report on SH-AD-359A. The form shall be completed in quadruplicate as follows:

- Date - the date the miscellaneous receipt is prepared;
- From - name of Station/Unit making deposit;
- Miscellaneous Receipt Number - the prenumbered receipt number;
- URN - the URN of the case involved, which is listed on the corresponding property label;
- Safe Property Ledger - the book, page and line number which is shown on the corresponding property label and the receipt;
- Amount - the total of the money being deposited for that particular URN;
 - Should there be more than one separate set of monies for the same URN, each separate labeled amount of money will require a separate entry;
- Total for Deposit - total of all amounts entered.

5-04/040.25 PREPARATION OF TRANSMITTAL FOR MISCELLANEOUS FEES (SH-AD-359)

This form shall be completed with the entry for the trust fund money entered on one of the blank lines following the already identified items.

In the case of trust fund money, the entry shall be made as follows:

- Type of Report - entered as "Trust Fund – Property;"
- Number of Reports - no figure to be entered. Instead, show "attached;"

- Amount - the "Total for Deposit" figure from SH-AD-359A.

5-04/040.30 DISTRIBUTION OF DEPOSIT REPORTS

The reports and records for trust fund deposits shall be distributed as follows:

- To Fiscal Administration
 - original and one copy of both the SH-AD-359 and SH-AD-359A;
 - one stamped duplicate deposit slip for each bank deposit represented in the total fee collection reported on SH-AD-359;
 - pink copies of the miscellaneous receipt forms itemized on both SH-AD-359 and 359A;
 - both the pink and white copies of any voided receipts.
- To be retained at Station/Unit
 - one certified copy of the deposit slip or slips comprising the monies reported on SH-AD-359 and 359A;
 - one copy of SH-AD-359;
 - one copy of SH-AD-359A.

Station/Unit reports and records shall be filed in a secure administrative file.

5-04/040.35 PROPERTY LEDGER DISPOSITION FOR TRUST FUND DEPOSITS

The following entries shall be made under the final disposition column in the ledger:

- Date - the date of the SH-AD-359A;
- To - enter the words "Trust Account" and the miscellaneous receipt number;
- Employee number and the last name signature of the person entering the final disposition date.

The final disposition information shall be verified and countersigned by the on-duty Watch Commander.

5-04/040.40 RELEASE OF TRUST FUND MONEY

Money deposited to the trust fund shall be released to the owner, when possible. The depositing Station/Unit shall prepare an Authority for Release of Property (SH-AD-121) in duplicate. The authorization shall list the miscellaneous receipt number of the money in question, the date on which the money was deposited and the date of the Form SH-AD-359A. It shall also include the claimant's correct name and address so that a County warrant may be prepared and sent to the proper person. The authorization shall be signed by an officer of the rank of Lieutenant or above and sent to Fiscal

Administration.

For money that has been deposited by Central Property, it shall be the requesting Station's/Unit's responsibility to obtain the date of deposit and miscellaneous receipt number from Central Property.

Fiscal Administration will prepare a requisition for a trust warrant and forward it to the Auditor-Controller who will mail a County warrant to the claimant.

When a County warrant is issued, Fiscal Administration shall place the warrant number on one copy of the original authorization.

Fiscal Administration shall dispose of all unclaimed monies deposited in the trust account in accordance with applicable sections of the Government Code.

5-04/050.00 CASH PROPERTY PROCEDURES - UNITS OTHER THAN STATIONS AND THE NARCOTICS BUREAU

Units other than Stations and the Narcotics Bureau shall handle "Hold Intact" money in the manner prescribed in section 5-04/040.05.

Deposit money received by these Units shall be properly recorded in the appropriate evidence ledger and forwarded directly to the Central Property custodian. The Central Property custodian will issue a property control number as the Unit's record and will deposit the money to the Department's trust fund.

When hold intact or deposit money is transferred to the Central Property custodian, the property control number shall be made the ledger final disposition.

The Authority for Release of Property (SH-AD-121) for release of trust fund money transferred to Central Property by Units other than Stations and the Narcotics Bureau shall show the property control number rather than the miscellaneous receipt number.

5-04/050.05 DEPOSIT MONEY PROCEDURES - NARCOTICS BUREAU

The Narcotics Bureau shall process deposits to the Department's trust fund account as prescribed in section 5-04/040.15 through section 5-04/040.40.

5-04/060.00 FOUND PROPERTY

Procedures for processing found property are governed by Civil Code sections 2080 through 2080.4 (see also section 5-04/010.00 and section 5-04/060.10 for found money).

The Receipt for Property (SH-CR-213) shall be completed with the exception of information in the release date section. The release date section shall be completed only when the lawful owner claims the property.

The Station/Unit Commander shall be responsible for the security of all found property remitted to the Station/Unit, the maintenance of accurate records and proper disposition within the established time frames.

5-04/060.05 FOUND PROPERTY REPORTING

The officer responsible for the preparation of the Receipt for Property (SH-CR-213) shall be responsible for making a found property report and completing the following procedure:

- determine if a loss or theft report is on file. If so, write a supplemental report to the original URN;
- indicate the date the property was remitted to this Department;
- use the appropriate statistical URN code for found property;
- name the finder;
- list the serial number or identifying information;
- indicate the name of the incorporated non-contract city, incorporated contract city or, if in an unincorporated area, the name of the Station/Unit serving the unincorporated area where the property was found;
- name the receiving Deputy and Unit of assignment;
- enter the found property into the storage system;
- designate "Found" as the first word in the property description column of the property control ledger.

5-04/060.10 FOUND PROPERTY PROCESSING AND DISPOSITION

Found property shall be retained at the concerned Station/Unit no longer than 30 days to allow time for investigative procedures or rightful owner to claim the property. If the property is not claimed by the owner within this period, transfer the property to the Central Property custodian. The Receipt for Property (SH-CR-213) and a copy of the case report shall accompany all found property that is forwarded to the Central Property custodian.

If the found property is money, Stations/Units shall deposit it to the Department's trust fund and forward the SH-CR-213 and copy of the case report to Central Property. Units other than Stations shall dispose of found money in accordance with those procedures outlined in section 5-04/050.00. All money of numismatic value shall be forwarded to the Central Property custodian.

In regard to found property, the Central Property custodian shall have the following

responsibilities:

- maintain custody of the property for 60 days in addition to the 30-day period at the Station or Unit;
- publish a notice of found property valued at \$250 or more at least once after the 60 days in a newspaper of general circulation;
- maintain custody of the property for seven days after the publication in addition to the 90 days or until the owner or the finder claims the property;
- if unclaimed by the finder within 23 days after the 97 day holding period, the property will be deemed abandoned and sold at a public auction.

The owner or the finder claiming the property must first pay the publication cost prior to taking possession of the property if the property was valued at \$250 or more.

Department of Sheriff Miscellaneous Receipt (76M474C) for payment of the publication costs shall be issued by the Central Property custodian.

Prior to the public auction of unclaimed/abandoned property, the Department may acquire the property if it can be put to public use (see section 5-04/090.00).

5-04/060.15 PROPERTY FOUND BY PUBLIC EMPLOYEES

Property found by a public employee in the course of employment shall be processed in the same manner as property found by a private citizen, with the exception that such property cannot be claimed by the finder or used for Department purposes. If the owner is not found or the property is unclaimed by the owner within the specified time, the property must be sold at public auction.

5-04/070.00 STORAGE

Station/Unit Commanders shall designate an authorized storage area for property and evidence. Property/evidence shall not be stored in personal lockers or in unauthorized areas.

5-04/070.05 SAFEGUARDING MONEY AND VALUABLES

All money held as evidence, a collectible or counterfeit shall be entered in the safe ledger and stored in the safe.

Only the Watch Commander shall deposit or remove money envelopes or other stored valuables from the Station or Unit safe.

Unit Commanders shall restrict the safe combination to those officers on each shift who

are given responsibility for the security of items in the safe. When personnel allocations permit, the safe combination shall be restricted to the Unit Commander and the personnel designated to perform Watch Commander duties. Combination changes shall be made a least every three years with more frequent changes made when key personnel are reassigned.

Other property and evidence shall always be stored in securely locked areas by the Station/Unit property custodian. Keys to property storage areas shall be the responsibility of the Watch Commander. The Station/Unit property custodian shall have one set of keys to property storage locations and shall give the keys to the Watch Commander in a sealed envelope to be held in the safe at the end of the property custodian's duty shift. No other person shall have, or have access to, the key to any property storage area with the following exceptions:

- when a Station/Unit property custodian is not on duty, the on-duty Watch Sergeant shall be permitted to have a key and shall be responsible for opening and placing property into the interim storage locker. The Watch Sergeant shall obtain the key to the interim storage area from the Watch Commander and return it at the end of each shift. The Watch Sergeant shall be responsible for the interim locker and shall promptly relock it as soon as incoming property has been placed therein. No other person shall have access to the key;
- the Watch Commander of a shift on which a Station/Unit property custodian is not on duty shall personally withdraw property from the main storage room for court, Scientific Services Bureau or for return to the owner. No other person shall be permitted access to the storage room.

5-04/070.10 SERIALIZED AND NON-SERIALIZED PROPERTY

All Units shall comply with Penal Code section 11108 which mandates that "...serialized property which has been reported stolen, lost, found, recovered or under observation be entered directly into the appropriate Department of Justice automated property system for firearms, stolen bicycles, stolen vehicles or other property, as the case may be."

Reports of stolen, non-serialized property which have unique characteristics or inscriptions permitting accurate identification shall be sent directly to the Special Services Section (Department of Justice) by letter or teletype.

A copy of the record status must accompany each piece of property bearing a serial number and non-serialized property having unique characteristics that is transported to Central Property.

5-04/070.15 URN FILE STORAGE SYSTEM

All property and evidence recorded in the master or safe ledgers and stored at a

Station/Unit shall be physically stored in URN file numerical order that allows for a 90-120 day transfer to the Central Property custodian.

The Unit property custodian, under the direct supervision of the Unit Property Lieutenant, shall establish a storage system for all property and evidence entered in the master ledger. All Station/Units shall employ the standard property storage system as follows:

- items will be stored in clasp manila envelopes in numerical order according to the assigned URN sequence number;
- the five-digit URN or a copy of the property label shall be placed on the top portion of the envelope so that it may be viewed in the same manner as an index card;
- all items for each file number shall be placed in the envelopes. Envelopes will remain unsealed;
- items which are too large for the envelopes (stereo components, bicycles, large tools, etc.) that require a specific storage area shall be assigned a location code which shall be noted on the envelope adjacent to the URN. This envelope shall be stored in sequential order with other items of evidence;
- handguns shall be placed and stored in envelopes filed along with other items.

All envelopes shall be filed on shelves or in boxes in URN sequence regardless of whether the envelope contains an item of property or just a notation of where property is stored. (Index cards may be used in place of envelopes). Individual shelves and boxes shall be tagged to note the series of numbers they contain. Storage boxes shall be arranged by calendar month for easy reference to the length of time an item has been held at the Station.

Exception: Alcoholic beverages, blood and urine specimens and rape kits shall be stored separately in sequential order by URN or by citation number. This procedure allows for timely clearance.

5-04/080.00 DISPOSITION OF PROPERTY AND EVIDENCE

Property and evidence shall be disposed of as quickly as feasible. All Units shall institute a policy that prevents property/evidence from being held at the Unit, Central Property, Scientific Services Bureau, etc., when it is no longer required in conjunction with a court case, a legal retention requirement or an active investigation. Those items no longer needed shall be immediately returned to the owner or classified to "Dispose" category.

When property/evidence is classified as "Dispose" and is not stored at the Station/Unit, immediate notification of the change in classification shall be made to the storing Unit.

5-04/080.05 INTERIM REMOVAL, RELEASE OR TRANSFER OF PROPERTY/EVIDENCE

Any interim removal, release or transfer of property/evidence shall be documented by means of a signed receipt. In addition, a release or transfer shall be posted to the master or safe ledger.

The Property Interim Removal Record (SH-CR-583) shall be used to record the temporary removal and return of property sent to court or removed temporarily from the property storage area for investigative reasons. The form shall also be used to record the final disposition information on items retained by the court for disposition. When a final disposition has been entered in the safe or master ledger, the completed property interim removal record shall be maintained in the Unit URN file.

The Property Interim Removal Record requires the following information:

- complete URN, including the file number suffix identifier;
- name of person to whom case is assigned;
- reason for removal;
- property data:
 - ledger book, page and line number;
 - identification of property;
 - storage location from which removed;
- signature, employee number and date by person taking the property;
- signature, employee number and date by person returning the property.

To maintain the chain of continuity, evidence removed for court shall be picked up on the court date and a Property Interim Removal Record (SH-CR-583) shall be prepared in duplicate. The carbon copy shall be filed in URN sequence order on an arch file board in the property room and the original copy shall accompany the property. The evidence or interim removal form shall be returned to the property custodian on the same day. When evidence is retained by the court, the Deputy completing and returning the interim removal form shall obtain the verifying court seal and the signature of the court clerk, and shall list the court name, department or division and the court case number.

5-04/080.10 ACCOUNTABILITY FOR RELEASED OR DISPOSED PROPERTY AND EVIDENCE

All released property and evidence shall have a receipt signed by the owner or an agent of the owner. In the instance of release or transfer to another agency or Departmental Unit, a receipt signature shall be obtained from the investigator or a responsible representative. The following two forms shall be considered receipts and shall be maintained in the Unit URN file:

- property Interim Removal Record (SH-CR-583);
- receipt for Property (SH-CR-19).

Miscellaneous receipts and bail form sets shall be secured in an appropriate

administrative file.

For property destroyed at the Unit, the signature of the Property Lieutenant in the ledger final disposition column shall serve as a receipt and confirm that destruction is complete and proper.

The white and yellow copies of the Booking and Property Record form (SH-J-293) shall serve as a receipt for prisoner's property released to that prisoner or to a person designated by the prisoner. These copies of the booking and property record, when forwarded to Records and Identification Bureau, are microfilmed and permanently retained.

5-04/080.15 RELEASE OF PROPERTY

Property not held originally as evidence or no longer needed as evidence shall be released to the legal owner provided doing so does not violate the law or Department policy. The legal owner must also present satisfactory evidence of identification prior to personnel releasing the property.

Property shall be released by the Watch Commander or the property custodian. Investigating Deputies having case responsibility for the seized property may be designated to release the property to the owner. A Receipt for Property (SH-CR-19) shall be completed, but no copy shall be sent to the Central Property custodian for property released at the Station/Unit. The original of the receipt for property form shall be sent to Records and Identification Bureau, and a copy placed in the Unit URN file.

Release of property to the owner by the Central Property custodian requires that the owner present a properly signed and completed Authority for Release of Property (SH-AD-121). Both the property card number and the item number for the items to be released must appear on the release authorization form. The owner must sign the Central Property custodian's copy of the property card to obtain the property.

The procedures for the release of firearms are:

The owner shall be notified in writing when the weapon(s) are eligible for release. A firearm may only be released when the following conditions are met:

- the Authority for Release of Property (SH-AD-121) is signed by either the Detective Bureau Commander, Watch Commander or personnel with the rank of Lieutenant or higher;
- the legal owner of the firearm presents satisfactory proof of identification as well as an official State of California, Department of Justice (DOJ) letter stating they are eligible to possess a firearm;

NOTE: The DOJ letter must be presented within 30 days from the date of issuance.

- the legal owner pays the storage/processing fee(s) required by our Department for each weapon released;
- each firearm shall be checked via the Automated Firearms System (AFS) to confirm ownership and ensure it has not been reported stolen,

NOTE: If the firearm was reported stolen prior to coming into our possession, the fee(s) may be waived.

A court may order the release of a firearm to its registered owner. The owner must still satisfy all of the conditions stated above regarding the release of a firearm.

If DOJ determines the registered owner is prohibited from possessing any firearm, both the individual and the Department will be notified via U.S. mail. If the weapon is otherwise a legal firearm, personnel shall release these weapon(s) only under the following circumstances:

- when a licensed firearms dealer presents satisfactory proof of identification and a Power of Attorney (POA) for Firearms Transfer and Disposal (state form FD 110) which has been signed by the legal owner and notarized; or

NOTE: The POA must be presented within 30 days from the date of execution.

- when an individual presents an official State of California DOJ letter stating they are eligible to possess firearms as well as satisfactory proof of identification;

NOTE: If the firearm is a handgun, DOJ will issue one eligibility letter for each weapon containing specific information about the gun (make, model, and serial number). If the weapon is a long rifle, one, non-specific letter will be issued. Upon processing all eligibility letters, DOJ will update the AFS files concerning each weapon to reflect the (the applicant's name) new legal owner's name. This transaction will be indicated as an "Operation of Law."

- in either case outlined above, each firearm shall be checked via the AFS to confirm ownership and ensure it has not been reported stolen.

In any case, the legal owner must claim, sell, or transfer ownership of the firearm(s) within 180 days of the notice of eligibility for release. Firearms not claimed, sold, or transferred within this time period shall be forwarded to the Central Property custodian for disposal (see section 5-04/080.25).

Property seized as the result of a search warrant shall be released only when the

SH-AD-121 is accompanied by a copy of the court order (see 1536 PC).

5-04/080.20 RELEASE OF STOLEN OR EMBEZZLED PROPERTY

Penal Code section 1411 requires that when the ownership of stolen or embezzled property can be reasonably ascertained, the owner shall be notified by letter of the location of the property and the method by which it may be recovered.

Investigating officers shall be responsible for sending a Property Owner's Notification (SH-AD-616) in the following cases:

- when suitable alternatives to actual storage exist (see section 5-04/000.05);
- upon conviction of the suspect;
- if the District Attorney's office makes a decision not to file the case;
- upon termination of the case proceedings.

Penal Code section 1413 authorizes the release of stolen or embezzled property to the owner by the clerk or person having charge of the property section and outlines the procedures to be followed when returning such property.

This does not apply to any dangerous or deadly weapons, narcotic or dangerous drugs, explosives or any property which is prohibited by law. The person claiming ownership of stolen or embezzled property and who requests the release of such property shall:

- present to the person in charge of the property satisfactory proof of ownership of the property;
- present acceptable personal identification;
- sign, under penalty of perjury, a Declaration of Property Ownership (SH-AD-614).

The clerk or person in charge of the property section shall:

- make two copies of the proof of ownership and return the original to the claimant;
- retain the signed declaration of property ownership;
- advise the claimant to return in 15 days;

Exception: In the cases of vehicles released to registered owners, items which are serialized or have identifying marks where the person has proof of ownership or perishable goods, immediate release is discretionary.

- mail the following to the person from whose custody the property was last removed, either via County mail to the facility at which the person is in custody or to the last known address for the individual if released from custody:
 - a Notice of a Claim of Property Ownership (SH-AD-615);
 - a copy of the proof of ownership accepted.
(Address of claimant to be obliterated on this copy.)

The served person shall be advised in the notice of a claim of property ownership that response must be made within 15 days to the Department listing the reasons for challenging the release of the property.

If the served person requests that the property not be released, the person having charge of the property shall review the reasons given as to why the property should not be released. The clerk or person having charge of the property shall then make the determination as to whether or not the property should be released to the claimant. This decision shall be reviewed and approved by the Watch Commander of the handling Station/Unit prior to releasing the property.

If the decision reached is to release the property to the claimant, the clerk or person having charge of the property shall:

- photograph the property;
- complete a Receipt for Property Form (SH-CR-19) and have the claimant sign it;
- release the property to the claimant;
- notify the person from whose custody the property was taken that the property was released to the claimant, and advise said person that a review of the Department's decision may be obtained by applying to the court. This notification shall be accomplished by sending to the person a copy of the completed notice of a claim of property ownership signed by the Watch Commander. The court, upon proper application, will review the decision to release the property to the claimant;
- enter the disposition of the property into the appropriate master or safe ledger;
- file the photographic record, declaration of property ownership, copy of proof of ownership and Receipt for Property (SH-CR-19) in the URN file.

The file shall be retained for two years from the date the final property disposition was entered into the property control ledger.

If the decision is not to release the property, the claimant and the person from whose custody the property was taken shall be so advised. The clerk or person having charge of the property shall also advise both parties involved that any further petitions or applications for the release of the property shall be handled directly through the court. This notification shall be accomplished by sending the parties involved a copy of the completed notice of a claim of property ownership, signed by the Watch Commander of the handling Station/Unit.

In those cases where the property has been transported to the Central Property custodian, the claimant shall be issued an Authority for Release of Property (SH-AD-121) and advised to respond to the central property custodian. When presented the signed SH-AD-121 the property custodian shall:

- photograph the property;
- release the property to the claimant;

- file the photographs with the Property Card (SH-CR-37);
- advise the Unit of the date the property was released.

The Unit Property Lieutenant shall notify the concerned parties that the property has been released.

Outlying Stations may request that the Central Property custodian return the property to the Station for release. The Station shall release it to the claimant pursuant to the above procedures.

5-04/080.25 DISPOSAL OF PROPERTY AND EVIDENCE HELD BY STATION OR UNIT

Property/evidence no longer required in instances mentioned above or that cannot be released to the owner shall be marked "Dispose" on the property label and handled as follows:

- property or evidence of no value for resale shall be destroyed at the Unit;
- all property and evidence of resale value that is not released at the Station/Unit shall be transferred to Central Property;
- all contraband not authorized for destruction at the Unit shall be transferred to the Central Property custodian for disposition;
- narcotic contraband, paraphernalia and devices shall be transferred to Narcotics Bureau;
- items for which the owner is unknown, cannot be contacted or does not wish to claim shall be transferred to the Central Property custodian for disposal;
- items which the owner wishes to claim and the owner can be contacted shall be held at the Station/Unit. The owner shall be notified by the case investigator to pick up the property. Property not claimed within 30 days shall be forwarded to the Central Property custodian for disposal;
- the legal owner must claim, sell, or transfer ownership of a firearm within 180 days of being notified the weapon is eligible for release. Firearms not claimed, sold, or transferred within this period of time shall be forwarded to the Central Property custodian for disposal.

Property of value for Department usage may be acquired with proper authorization. No property shall be used by Stations/Units until proper authorization is received.

- Units seeking to acquire unclaimed property shall request the Division budget Sergeant to originate a Request for Property Acquisition (SH-AD-558). Division approval must be by signature of a Division Commander or Chief or Division Director, and Departmentally approved by the Director, Fiscal Administration (see section 5-04/090.10).

5-04/080.27 NON-DIVERSION OF VOLUNTARILY SURRENDERED FIREARMS

Whenever the owner of a firearm voluntarily elects to surrender such firearm to this Department for safekeeping leading toward its destruction, the firearm shall not be diverted to private ownership. Employees shall not suggest, persuade, offer or entice individuals who are volunteering to surrender their firearms to sell, barter, trade or donate such firearms into private party ownership. Antique firearms or unique rare firearms may be diverted to the Department's Scientific Services Bureau's collection, consistent with existing policy and procedures allowing for firearms transactions. (Refer to Penal Code section 12030(b) Firearms; delivery to armed forces or law enforcement agency.)

5-04/080.30 TRANSFER OF PROPERTY AND EVIDENCE TO CENTRAL PROPERTY

Property and evidence shall be maintained at decentralized facilities a minimum of time. The collective repository for items shall be Central Property. Found property shall be transferred to Central Property within 30 days in accordance with section 5-04/060.10; property and evidence items, intact monies and valuables shall be transferred to Central Property within 90-120 days, or sooner, after coming into the possession of the Unit (see section 5-04/040.05). Deliveries should be scheduled with the Central Property custodian.

The 90-120 day requirement for transfer of property from the Station/Unit to Central Property signifies the following:

- maximum time property should be held at a Station/Unit is 120 days;
- property can be transferred to Central Property prior to the 120-day maximum; however, processing of property for transfer to central property shall commence no later than 90 days from the time the property is held to ensure transfer within the 120-day maximum.

Each month the Unit property custodian shall gather property/evidence items stored at the Unit for 90-120 days for transfer to central property. The storage of items by monthly increments in URN sequence with location codes will facilitate the operation.

Only those items which are needed for a specified court appearance or a continuing active investigation-blood and urine specimens, opened alcoholic beverages or samples and sexual assault kits-shall be excluded from transfer to Central Property.

Property and evidence excluded from transfer to Central Property for a pending trial date or an active investigation shall be authorized by the Unit Property Lieutenant. Exclusion shall require a written document subject to review at the end of each 30-day period.

5-04/080.35 PROPERTY CONTROL CARD (SH-CR-37)

The Property Control Card (SH-CR-37) documents the transmittal of property and evidence and collateral accountability from a Station/Unit to Central Property. The form may be completed manually or by microprocessor.

Property delivered to, or picked up by, the Central Property custodian for storage or disposal shall be recorded on a property control card. Each article of property shall be itemized on the property control card. A copy of the form is the Unit's receipt. Copies should be maintained in numerical sequence by URN or property control card number at both the Unit to verify ledger dispositions and at Central Property.

The property control card number is an essential accountability reference and shall be promptly and correctly entered in the Unit ledger.

Units providing microprocessor-prepared hard copy property control transmittal documents shall either electronically transmit to the Central Property computer the itemized description of property being transferred or send the data on an IBM-compatible floppy disk.

5-04/080.40 "HOLD" PROPERTY CLEARANCE LISTS

Property marked "Hold" is stored by the Central Property custodian for six months following pick up. After six months, a clearance list requesting disposition update will be sent to the appropriate Station/Unit. (Homicide evidence shall be reviewed annually; Civil Litigation evidence shall be reviewed every two years). Unit Commanders shall be responsible for prompt attention to the list so that property can be disposed of and removed from Sheriff's custody as rapidly as possible. Clearance lists sent by Central Property to Station/Units for review of hold items shall require written justification by the Property Lieutenant for each continuation to hold and are to be returned to Central Property within 14 days of receipt.

5-04/090.00 ACQUISITION OF UNCLAIMED PROPERTY

Personnel shall make a reasonable effort to locate and return to its rightful owner any property which has come into the possession of the Department. Acquisition procedures on unclaimed property may be initiated only after the legal holding period and legal publication. Acquisition shall be made only through the Central Property custodian. Only the County Purchasing Agent is authorized to retain any unclaimed property which can be put to public use.

5-04/090.05 NOTIFICATION OF AVAILABLE UNCLAIMED PROPERTY

The Central Property custodian shall maintain useful unclaimed property that is available

for Department acquisition. The property will be available for viewing by the budget representatives for the executive offices, the Divisions and the Director of Medical Services.

5-04/090.10 ACQUISITION REQUEST AND RELEASE OF UNCLAIMED PROPERTY

Budget representatives may request unclaimed property items to assist them in accomplishing their assigned missions. Only those items that would normally be requested through the budgetary process are to be requested. Property acquisition requests will be limited to those Units which would have to purchase the particular item were it not for its availability through this source. Items of a recreational or frivolous nature are not to be requested.

Requests for unclaimed computer equipment shall be submitted to the Computer Steering Committee for consideration and disposition.

All Unit requests shall be coordinated by the respective budget representatives. Acquisition and release of property shall be as follows:

- budget representatives will prepare four copies of the Request for Property Acquisition (SH-AD-558), with carbons. The following information shall be included:
 - description of property, including make and model;
 - serial and model numbers, if available;
 - a statement of justification and intended use.
- the item number from the property list shall be placed next to the property description; the space entitled "County Inventory Number" shall be left blank;
- the form shall be signed by an Area Commander or executive of a higher rank. Budget representatives will forward the original and two copies of the signed form to the Director, Fiscal Administration, and retain one copy for their file;
- the Inventory Control Unit, working in conjunction with and subject to approval of representatives of the Internal Services Department and the Auditor-Controller, will determine a value for each item and shall assign an inventory number. These items shall not be released prior to the inventory labeling/tagging, after which they will be released to the budget representatives.

5-04/090.15 TRANSFER OF ACQUIRED UNCLAIMED PROPERTY

Necessary paperwork to transfer items from the Department to the Internal Services Department and back to the Department will originate from this Department and is the direct responsibility of the Inventory Control Unit, Fiscal Administration.

After the items are labeled/tagged and ready for pick up, the central property custodian shall notify the Inventory Control Unit, Fiscal Administration and the Division budget

representatives.

Items should be picked up from the property room within five working days after notification or they may be reallocated to another Unit or be disposed of by the Central Property custodian.

5-04/100.00 EVIDENCE HANDLING

All articles of possible evidentiary value shall be carefully handled and booked as evidence without unnecessary delay. The booking shall be handled by the Field Deputy, the investigating Deputy or the specialist called to the scene.

Emphasis on the proper care of evidence cannot be over stressed, for the best evidence is useless if improperly handled. The process can be divided into four stages:

- gathering of potential evidence;
- marking evidence correctly;
- maintaining the chain of continuity;
- preventing contamination.

Each phase is equally important; dereliction during any phase, regardless of the care taken during the other phases may render the evidence worthless.

Deputies shall be responsible for familiarizing themselves with the rules of admissibility of evidence, its collection and preservation and the initial processing procedures.

5-04/100.05 PRESERVATION OF EVIDENCE

Deputies assigned to the scene of a crime or incident, other than cases assignable to Homicide Bureau, shall make a search of the area to collect any possible physical evidence (On Homicide assignments, follow instructions under section 5-04/100.15).

Caution should be used to prevent disturbing or damaging areas not readily visible which might contain evidence such as fingerprints, stains, fibers, etc.

Deputies shall protect, safeguard and isolate any physical evidence to prevent contamination or alteration. They shall keep persons not connected with the investigation away from the area containing evidence pending completion of the investigation.

Prior to handling any explosive substance, advice shall be obtained from Arson/Explosives Detail. Fixed ammunition for small arms is not to be included as an explosive substance.

5-04/100.10 HANDLING OF SPECIAL EVIDENCE - WET, STAINED ARTICLES

Wet or damp items such as those to be examined for blood or seminal fluid must be allowed to air dry thoroughly prior to packaging for shipment to Scientific Services Bureau.

- **Blood**

All whole blood samples for blood typing must be collected by authorized medical personnel and deposited in a vacuum collection tube containing the anticoagulant and preservative Ethylenediamine - tetraacetic Acid (EDTA).

EDTA vials can be recognized by their lavender-colored rubber stoppers and are available at the Coroner's Office and all hospitals. The vial should be completely filled with blood and shaken thoroughly to mix ingredients with the blood. The investigator should observe the drawing of blood to maintain the chain of evidence. Whole blood samples should be delivered to Scientific Services Bureau at the earliest opportunity. If it is necessary to delay the delivery of the blood sample to the laboratory for more than 24 hours, the sample should be refrigerated, **BUT NOT FROZEN.**

- **Explosives**

Explosives other than fixed ammunition are not to be stored at a Station except in an emergency and with the approval of the Arson/Explosives Detail. Procedures for handling and storing of explosives are detailed in the Emergency and Disaster chapter.

- **Spattered Stains and Scrapings**

Spattered stains and scrapings which might be evidence shall only be removed by a specialist, because the original position and condition of the spatters or scrapings may be as important to the case as the evidence itself.

- **Footprints - Tire Tracks - Tool Marks**

These marks shall be preserved by covering them in a manner which will not disturb them pending arrival of Scientific Services Bureau staff or latent fingerprint technicians.

- **Removable Articles**

Articles of evidence which can be removed from the scene shall be handled with utmost caution to prevent any damage, alteration or contamination.

- **Uncommon Articles**

When the Deputy at the scene is not certain as to the method of preserving evidence of a perishable, fragile, contaminable, microscopic or dangerous nature, he shall request the advice of Scientific Services Bureau.

- Powder Patterns

Clothing containing powder burns should be neatly folded and protected from excessive friction on patterned area.

In order for the distance from which the gun was fired to be determined from the clothing, the gun and ammunition used must be submitted to Scientific Services Bureau.

- Sexual Assault Cases

The clothing of the victim and the suspect should be dried and packaged separately. Clothing may have particles of debris from the scene; therefore, it is imperative that neither the victim nor the suspect be allowed to return to the scene of the crime wearing the same clothing.

Clothing may be extremely valuable as evidence. With the victim's consent and when a change of clothing is available, the victim's clothing should be collected, air dried (if wet) and placed in paper bags. Each piece of clothing should be packaged separately. The hospital should attempt to arrange for clothing for the victim.

Sexual assault evidence shall be collected by physicians utilizing the sexual assault evidence collection kits provided by Scientific Services Bureau.

A specialized package to be used in rape cases has been provided to Stations, Units and hospitals. It contains the necessary specimen slides and bags for clothing.

- Narcotics

All narcotics, with the exception of plant materials, shall be packaged in transparent narcotic evidence bags. This packaging takes the place of the pre-printed manila envelopes previously used.

Scientific Services Bureau shall repackage narcotics seized in bindles, envelopes, pouches, boxes, etc. so that the analyzed narcotics with the original packaging material and the unexamined narcotics in the original packaging material can be viewed without re-opening the transparent narcotic evidence bag. Scientific Services Bureau will affix the laboratory report of criminalist to the red sealed area on the side opposite the laboratory receipt.

5-04/100.15 REQUESTING EVIDENCE SPECIALISTS

When an immediate investigation by detectives is required in cases such as arson, robbery, murder, etc., Deputies at the scene shall request assistance as follows:

- During Normal Working Hours

Contact the concerned investigative Unit directly by phone and request assistance;

- After Normal Working Hours
Contact Sheriff's Headquarters Bureau or Homicide Bureau Operations Deputy, depending on assignment, and give all information available.

In those cases assignable to Homicide Bureau, Deputies at the scene shall not make a search of the scene unless requested to do so after the arrival of the Homicide Detectives. The Unit having jurisdiction shall be kept informed of the progress at the scene in any case in which assistance is requested.

When the assistance of a specialist such as a criminalist or explosives expert is needed, officers shall relay the necessary information when the request for assistance is made. Examples of such information include the following:

- Types of Evidence
 - blood and/or stains;
 - imprints requiring castings;
 - object to be dismantled;
 - object to be searched for;
- Types of Equipment Needed
 - metal detector;
 - tools (specify);
 - portable lights.

Requests for fingerprint specialists shall be made through regular channels to the Identification Section, Scientific Services Bureau.

5-04/100.20 EVIDENCE SPECIALISTS AT THE SCENE

When a requested detective, criminalist or other specialist arrives at the scene, the Field officer in charge of the preliminary investigation shall inform him of the existence and whereabouts of physical evidence and shall comply with his instructions as to its disposition.

5-04/100.25 MARKING OF EVIDENCE

The Deputy finding the physical evidence or receiving it from another person shall mark the evidence as soon as possible. Distinctive marks shall be used so as to be easily identifiable at a later date when necessary to present the evidence in court.

Common marks such as checks or crosses should not be used as they are not sufficiently distinctive. A suggested mark would be the initials of the finding officer and the date found.

Care should be used not to damage any existing serial numbers or other identifying marks already on the article. Serial numbers or existing distinctive marks already on the article should be properly recorded in the case report.

No uniform marking system is practical because of the limitless number of articles involved. As a general rule, identifying marks shall be as small as practical.

Every item of physical evidence capable of duplication must be marked by some means that will distinguish it from every other item of like nature capable of appearing to be a duplicate, a facsimile or identical with the item.

Every such identifying mark shall be made so that it is nondestructive to the utility of the item of evidence and does not seriously reduce the marketable value of the article. The mark shall be one which cannot be readily altered or removed and which shall not reduce the evidentiary value of the item or interfere with work in the laboratory which may follow the working process. As a final step in the marking process, property labels shall be properly filled out and securely affixed to all items or packages of evidence.

Items which by their nature cannot be marked shall be placed in a container (preferably glass), sealed and an identifying mark placed on the container. Items of this nature include fingernail scrapings, hairs, paint scrapings, shotgun pellets, bullet fragments, jewels, etc.

Special handling instructions for a few types of articles are as follows:

- Fired Bullets - to be marked on the base;
- Fired Cartridge Cases - to be marked on the inside near the opening when possible. When the opening has been crimped or is too small, the cartridge case shall be placed in a sealed envelope which has been properly marked;
- Documents - any document which will require scientific examination should be enclosed unfolded in an envelope and whenever practical, marked by the specialist in the presence of the officer submitting such documents;
- Latent Prints - developed and lifted by field personnel must be identified by indicating on the lift card where the latent was obtained.

5-04/100.30 PACKAGING OF EVIDENCE

Only clean containers or paper shall be used to package evidence. Small articles should be placed in paper packets, envelopes, boxes, bottles, glass vials or packages and containers specifically designed for the evidence item. All packaged evidence shall be tagged and sealed. Whenever practical, the investigating Deputy shall write his name across the flap of the package, envelope or container.

When similar items are found adjacent to each other, they may be packaged together

provided no chance of cross- contamination or alteration exists. Contaminable items, articles for comparison tests and the same kind of physical evidence found at different locations shall be packaged separately.

Packaging instructions for some specialized items are as follows:

- Poisons - shall be placed in glass containers. (Foodstuffs involved in cases of animal poisoning shall not be submitted for examination unless an eyewitness can identify the person who placed the foodstuff where it was found);
- Narcotics - shall be separated from other evidence for packaging and sealing. The officer shall complete a property label and affix it to the transparent narcotic evidence bag or complete all information on the pre-printed transparent narcotic evidence bag. The Deputy shall seal the bag by removing the protective adhesive strip, folding over the bag flap onto the pouch and pressing along the adhesive strip to complete the seal. The Deputy shall remove the completed plastic flap receipt and submit it with his report. The sequential number on the transparent narcotic evidence bag shall be recorded in the area of the report describing the seized or found narcotic evidence (see section 5-04/120.25);
- Latent Fingerprints - Objects suspected of bearing or containing latent fingerprints which may be of value in an investigation should be packaged so that possible impressions will be protected. (This applies when a fingerprint technician is not called to the scene);
- Alcoholic Beverages - Contents of opened containers found in a vehicle, etc., should be placed in a clear glass container. A minimum of 2 ounces should be collected for submission to Scientific Services Bureau. The balance of liquid in the opened container may be destroyed, but the container itself shall be retained as evidence;
- Phencyclidine (PCP) - Hazardous substances, whether PCP or any other chemical, shall never be processed within a Station. Such hazardous substances shall be stored in an area which is outside the main facility. The following procedures shall be employed when packaging PCP:
 - Only package PCP evidence in a KAPAK plastic evidence pouch;
 - Do not cut the KAPAK pouch into smaller sections to accommodate smaller items - use as many as necessary;
 - For disposition of large quantities of PCP which cannot be sealed in a KAPAK pouch, contact Narcotics Bureau at (562) 946-7125 during normal business hours. After normal business hours, contact the on-call Narcotics investigator through Sheriff's Headquarters Bureau. Narcotics Bureau personnel will be responsible for notifying the disposal company who will be responsible for taking samples and will destroy large quantities of PCP;
 - Heat-seal the KAPAK pouch carefully and thoroughly, using only a "Scotch

- KAPAK Sealer;"
- Do not staple through the KAPAK pouch;
 - Place the KAPAK pouch in a sufficiently large transparent narcotic evidence bag;
 - Conspicuously label PCP evidence envelopes and paper bags, "Contains PCP," using a red marker.

Any deviation from the above policy must receive prior approval from the concerned Division Chief.

5-04/100.35 SUBMISSION OF SEXUAL ASSAULT KITS TO SCIENTIFIC SERVICES BUREAU

After a sexual assault kit is collected pursuant to section 5-04/100.10 and placed into evidence by the handling Deputy, the Station property and evidence custodian or their supervisor is responsible for ensuring its immediate transfer to Scientific Services Bureau via the next available Scientific Services Bureau courier. Once accepted by the courier, Scientific Services Bureau shall assume full control over the sexual assault kit.

The assigned detective or the Detective supervisor shall ensure the completed Sexual Assault Kit Submission form is submitted to Scientific Services Bureau within five (5) business days. If during subsequent investigation information is discovered affecting the status of a case with a sexual assault kit, the assigned Detective shall immediately notify Scientific Services Bureau.

5-04/110.00 CUSTODY OF EVIDENCE AT THE SCENE

All involved personnel shall be responsible for maintaining the chain of custody during the handling of evidence. The following subsections outline the general procedures for evidence handling at the scene of an investigation.

5-04/110.05 FIELD DEPUTIES AT THE SCENE

An officer conducting a preliminary investigation shall keep all physical evidence in his possession until it is properly marked, labeled and ready for transportation.

5-04/110.10 EVIDENCE RECEIVED FROM ANOTHER PERSON

Every person presenting evidence to a Deputy shall be required to place a distinguishing mark on the article so it may be readily identified any time thereafter. The officer receiving the article shall also mark and label such evidence. The evidence transfer shall be documented in the associated report.

5-04/110.12 SEIZURE OF PHOTOGRAPHIC EVIDENCE

The following guidelines shall be used in the seizure of any film or tape believed to contain evidence relevant to a criminal proceeding.

Seizure from Private Citizen - Voluntary

After determining that film or tape exists that may contain evidence relating to a crime, Deputy personnel shall:

- immediately notify a Field Supervisor who may seek to obtain the film or tape voluntarily from the photographer or citizen in possession of the film or tape;
- the citizen will be afforded the opportunity to view the film or tape with supervisory personnel in order to ascertain evidentiary value. In instances where the film or tape does not contain relevant evidence, it shall be immediately returned to the owner;
- in instances where the film or tape is found to contain evidence relative to a specific incident, the owner shall be afforded the opportunity to accompany supervisory personnel to a location where the film or tape can be copied,
- the original film or tape will be retained by the Department as an item of evidence, and a copy will be given to the citizen;
- a signed consent will be obtained by supervisory personnel.

Seizure from Private Citizen - Involuntary

If a private citizen will not voluntarily cooperate, personnel may:

- seize the film or videotape only in the case of a homicide (exceptions must be approved by a person at the rank of Commander or higher);
- the seizure shall occur only when there is no other means to guarantee that the contents of the film or tape will be preserved as evidence;
- to accomplish this, personnel may temporarily seize the film or tape pending the issuance of a search warrant authorizing the seizure and viewing. Such temporary warrantless seizure may be accomplished only in a situation where an immediate seizure of the film or tape is the only way to preserve the evidence;
- in all instances, a Receipt for Seized Property (SH-CR-624) shall be issued to the photographer or person in possession of the film or tape. Again, where the film or tape does not contain relevant evidence, it shall be immediately returned to the owner.

Tape Recorded by Media

Under no circumstances shall members seize film, tape or video equipment from the media. If a member believes that film or tape recorded by the media contains

information which is evidentiary in nature, he shall immediately notify the Sheriff's Headquarters Bureau and note that fact in the first report. The film or tape in question can then be subpoenaed.

5-04/110.15 RECORD OF EVIDENCE

The Field officer, detective or specialist receiving evidence to be taken into custody shall be provided with the following data for inclusion in the case report:

- name of investigating officer and Unit;
- name of person relinquishing possession of the evidence;
- name of person finding the evidence (if other than the person named above);
- exact location where the evidence was found;
- the rank or title of the person turning over the evidence;
- case file number being used;
- description of the evidence;
- description of the mark placed on the evidence by the person relinquishing it to the officers.

5-04/110.20 TRANSPORTATION OF EVIDENCE

Evidence shall be transported from the field to a Station, to Detective Division, to Scientific Services Bureau or to court only by the Field officer, the investigating Deputy, a specialist called to the crime scene or by Scientific Services Bureau personnel. This is to maintain continuity of evidence.

Any transfer of evidence from a Station or Unit of custody to Scientific Services Bureau shall be arranged by the Deputy assigned to the investigation. The relinquishing Unit shall prepare and be given a (green) copy of the Scientific Services Bureau Evidence Receipt (SH-CR-126) following such transfer. The SH-CR-126 copy shall be placed in the URN file folder, and a photocopy shall be given to the investigating officer.

When practical, evidence for scientific examination shall be transported directly to Scientific Services Bureau following booking. Other articles of evidence shall be held at the Unit of occurrence for follow-up investigation.

The investigating officer shall be responsible for the proper protective packaging of all evidence to be sent to the laboratory, and for preparing a typewritten or ball point printed Scientific Services Bureau Evidence Receipt (SH-CR-126).

Evidence that is to be transported to Scientific Services Bureau shall be placed in a conspicuous location within the evidence locker. The Scientific Services Bureau courier will contact the Watch Sergeant during the PM or EM hours to ensure that all evidence awaiting pick up is received.

All changes in the location of the evidence must be recorded in the property control ledger. The release of the evidence to Scientific Services Bureau must be recorded on an SH-CR-126, the signed green copy kept as a receipt and the master ledger posted accordingly.

5-04/120.00 NARCOTIC EVIDENCE

The following subsections outline procedure for processing narcotic related property and evidence in possession of this Department. The procedure ensures accurate and consistent reporting and record keeping when narcotic evidence is involved, and limits the handling of such evidence, thereby maintaining stringent control in the chain of continuity.

5-04/120.05 NARCOTIC RECORDS AND CONTROL

Narcotic evidence shall be entered in the safe ledger and the evidence stored in the safe in the absence of a narcotic depository. If the Station has a narcotic depository, which is a sturdy, locked, tamper-proof container, narcotic evidence shall be stored in this container and entry and disposition shall be made in the master ledger.

The Narcotics Unit has the key to this depository and the Watch Commander shall have a duplicate key. The Watch Commander's key shall be sealed in an envelope and placed in the Watch Commander's safe. This envelope shall contain instructions that, should the seal be broken for any reason, a memorandum explaining the circumstances shall be prepared for the Unit Commander's review. After use, the Watch Commander shall be responsible for resealing the key in an envelope and placing it back in the safe.

5-04/120.10 NARCOTICS BUREAU EVIDENCE RESPONSIBILITY

The Narcotics Bureau, in conjunction with the Central Property and Evidence Unit, shall be responsible for the storage and security of all narcotic evidence and the disposition of all evidence relative to a narcotic case. All narcotic contraband shall be removed from custody of the Station/Unit as soon as feasible and a preliminary field analysis performed. Analysis shall include a visual inspection, a preliminary chemical test if necessary and a determination of the gross weight of the contraband, including the packaging material.

When dealing with Station/Unit contraband, e.g., tablets, pills, LSD, etc., it will be at the discretion of the Narcotics Bureau Deputy whether an actual count will be made and noted or whether a gross weight will be utilized. The determination will be predicated on the type and quantity of the evidence itself.

Following the preliminary examination, transparent narcotic evidence bags shall be

resealed by the Narcotics Bureau officer with a heat-sealer. The gross weight and/or count results of the preliminary examination/analysis shall be noted, and the Narcotics Bureau officer's signature, employee number and the date the bag was opened shall be recorded on the pre-printed line on the bag, indicating that the bag was opened. After a bag has been re-opened twice or is damaged, a new bag shall be used and a supplementary report written indicating the new bag's sequential number.

5-04/120.15 NARCOTICS UNIT - STATION/UNIT RECORDS RESPONSIBILITY

Narcotics Unit personnel shall be responsible for all narcotic case evidence/property stored at the Station/Unit and the clearance of Station/Unit storage areas and records as soon as feasible. They shall enter the letter "N" in the storage change column and sign the final disposition column of the appropriate ledger to show that the evidence/property has been removed to the Narcotics Unit. Narcotics Unit personnel shall reenter the evidence/property in the Narcotics Bureau evidence ledger. This ledger shall include all data and activity which occurs while the property is in the possession of the Narcotics Unit.

When narcotic evidence/property is to be transferred to Narcotics Bureau Headquarters for storage and disposal, the evidence/property shall be recorded on a Narcotic Evidence Transmittal Record (SH-CR-582) in triplicate. The original copy of this form shall be sent to Headquarters in the evidence bag; one copy shall be retained by the Station based Narcotics Unit; one copy shall be attached to the outside of the bag.

5-04/120.20 NARCOTIC EVIDENCE REPORT RECORD

Seized contraband of a narcotic nature shall be described in the "Evidence Held" section of the original report as follows:

- actual physical form, e.g., powder, liquid, compressed, leafy, etc.;
- the dimensions of the package or a description of the container and a notation of the quantity in the container, e.g., full, 1/2 full, minute, etc.

Personnel from other than Narcotics and Scientific Services Bureaus should not state specific weight. This prevents inconsistencies when accurate scales are not available. The descriptive terms kilos, kegs, jars, bags, lids, etc. shall not be used because they vary in weight and quantity.

The evidence shall be marked for identification, as described in section 5-04/120.25 by the Deputy who will testify in court proceedings.

Narcotic evidence shall be packaged and labeled as indicated in section 5-04/100.30 and section 5-04/120.25; however, the quantity and type of evidence may require special handling as outlined below.

5-04/120.25 NARCOTIC EVIDENCE SPECIAL HANDLING

Marijuana

Dried plant material - Large quantities of dried plant material seized in individual packages shall be counted, and a representative number shall be initialed. Packages shall be consolidated into suitable containers, e.g., cardboard boxes, burlap bags, etc., and the containers shall be sealed. A property tag shall be filled out and secured to each container enumerating the number of individual packages contained therein.

Small quantities of dried plant material shall be placed in a transparent narcotics evidence bag and sealed. The evidence shall be described on the narcotics evidence bag and in the property control ledger.

Undried plants - Large quantities of plants shall be packaged in containers such as cardboard boxes or burlap bags. Small quantities of small plants may be packaged in paper envelopes or paper bags. Undried plants of any size or quantity shall not be packaged in plastic bags or plastic containers of any type.

A property tag shall be attached to the container listing the approximate number of plants and the range in height of the plants contained therein.

Other plant material

Deputies may find mint leaves, tea leaves, or other herbs in the possession of a suspect. These items may be impregnated with PCP, THC, or other hallucinogens. Plant materials suspected of being contaminated with chemicals shall be handled with disposable latex or nitrile gloves. Leather gloves shall not be used as the leather may absorb the chemicals and contaminate the wearer at a later time.

These items shall be packaged and stored as described in 5-04/100.30 for PCP.

Powders

All powder shall be left in the original container, e.g., plastic bags, balloons, foil, bindles, etc., except where the container is U.S. currency. If possible, the officer shall initial the original container and note the URN and date. If this is not feasible, a slip noting this information shall be placed in the transparent narcotic evidence bag along with the evidence.

When completing a property label to be affixed to the transparent narcotic evidence bag containing the evidence or to be secured to the evidence, the description on the property label should be similar to the following:

- one (1) plastic bag containing white powder resembling amphetamine sulfate;
- one (1) red balloon containing a tan powder resembling heroin;

- one (1) foil bindle containing a white powder resembling cocaine.

Tablets and Capsules

Large quantities in excess of 200 units shall be left in the original container. The specific count is not necessary. A minimum of twenty units of the entire quantity seized shall be selected and initialed for identification. If the quantity is such that it will not fit into a transparent narcotic evidence bag, it shall be placed in a suitable container. See above, Plant Material - Marijuana, Large Quantity.

Small quantities of less than 200 units a minimum of one-tenth of the quantity seized, shall be selected and initialed for identification and the contraband and container placed in a transparent narcotic evidence bag. Quantities of ten or less shall be initialed in total for identification.

Examples of descriptions for property labels and property control ledgers are as follows:

- one (1) suitcase containing five plastic bags of a large amount of white;
- double-scored tablets resembling amphetamine sulfate;
- one (1) plastic bag containing a large amount of purple tablets resembling LSD.

Liquids

Liquids will be left in the original container if possible. If the container leaks or there is no way to secure the top, the liquid may be transferred to a more suitable container or a container specifically designed for the evidence.

The original container shall be kept as part of the evidence and shall be marked with the Deputy's initials, the URN and date. Evidence shall be sealed in a transparent narcotic evidence bag and may be described as follows:

- one (1) quart mason jar, 3/4-full, containing a bluish liquid resembling LSD;
- one (1) 2-inch vial, 1/2-full, containing a brown liquid resembling hashish oil.

Paraphernalia

Drug paraphernalia is defined by the California Health and Safety Code, section 11364.5(d), as all equipment, products and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.

Paraphernalia may be as follows:

- rock cocaine pipe;
- cocaine inhaler;
- burnt spoon with cotton swab and hypodermic needle.

Marijuana is a controlled substance. A marijuana bong or pipe is classified as paraphernalia and shall be disposed of by Narcotics Bureau personnel as no other appropriate disposition is feasible. The Central Property custodian has no facilities to dispose of this type of property. The Central Property custodian will dispose of large items, such as scales, beakers, burners and other containers. Narcotics Bureau personnel shall take custody of all other narcotics evidence paraphernalia or devices and shall be responsible for the disposition of these narcotics related items.

- with the exception of hypodermic syringes and/or needles, all narcotic related paraphernalia shall be marked and placed in a marked narcotic evidence envelope or in a plain evidence envelope with an evidence label attached. This shall then be placed in the narcotic evidence locker. The following procedure shall be adhered to when a hypodermic syringe/needle is taken as evidence and is not to be examined by Scientific Services Bureau:
 - upon seizure of a hypodermic needle and/or syringe, it should be transported to the Station during the current shift of the seizing Deputy;
 - two photographs of the syringe will be taken in the presence of the Watch Sergeant with the file number clearly displayed. The names of the Deputy taking the photograph and the witnessing Sergeant will be noted in the Incident/Arrest Report;
 - the syringe and/or needle shall immediately be disposed of in a "Sharps" infectious waste container (red) or other suitable container authorized by the Narcotics Bureau Captain. When the containers are full, they shall be delivered to the Narcotics Bureau for disposal;
 - the photographs will be placed in an evidence envelope, marked, labeled and placed into patrol evidence for future court proceedings;
- syringes and/or needles containing substances or residue will not routinely be examined by the Scientific Services Bureau and should be disposed of in a "Sharps" container or other container authorized by the Narcotics Bureau Captain. When a syringe or needle containing a substance is seized in a case involving driving under the influence, narcotics cases within custody facilities, internal or special investigations, or other unusual cases an examination of the substance may be requested.

In cases where a syringe/needle containing a substance is held as evidence and one of the above circumstances exists, the contents of the syringe shall be placed in a small glass vial, tightly capped and transported to the laboratory in a narcotic evidence envelope. The envelope/receipt should be marked "contents of syringe" in bold print.

A syringe or needle held as evidence shall be placed securely inside a Biohazard Eva-Safe container. The container shall be placed in a narcotic evidence envelope marked "NEEDLE" in bold print prior to storage in a narcotic evidence

locker. When it is no longer necessary to keep the syringe or needle, the Biohazard Eva-Safe tube containing the syringe or needle shall be placed in a sharps container and disposed of in the same manner as other syringes and needles. The Biohazard Eva-Safe container is available through Central Supply.

Extreme caution shall be utilized when working with a syringe or needle. Plastic gloves shall be used when handling a syringe or needle. Care shall be taken to avoid skin puncture or any contact with fluid from a syringe or needle.

Any questions relating to the safe handling of a syringe or needle shall be directed to the Scientific Services Bureau prior to handling.

Other Narcotics

Occasionally, officers will encounter forms of narcotic or dangerous drugs not enumerated above. When possible, the evidence shall be kept in its original container and described on the property label affixed to the transparent narcotic evidence bag. Some examples are:

- one (1) foil wrapped 2" x 2" x 1/4" package containing a brown material resembling hashish;
- a small quantity of green plant material resembling peyote buttons.

5-04/120.30 TRANSPORTATION OF NARCOTIC EVIDENCE

Transporting of evidence shall be handled as outlined in section 5-04/110.20 except that it is the responsibility of Narcotics Bureau personnel to package narcotic evidence and place it in a conspicuous location within the Station evidence locker for pick up by the Scientific Services Bureau courier or to personally transport the narcotic evidence to Scientific Services Bureau.

All narcotic contraband returned to the Unit by Scientific Services Bureau shall be transported to court by the Deputy who found the evidence. Should the transportation of evidence cause hardship upon the Deputy who found the evidence, a Narcotics Bureau Deputy may transport the evidence to court. The transporting Deputy shall check out the evidence from the Station's narcotic evidence locker.

The Station narcotic Deputy shall prepare a Narcotics Bureau Court and Evidence Disposition form (SH-CR-599) in duplicate and obtain the signature of the transporting Deputy on the form. The original shall accompany the evidence to court and the carbon copy shall be retained by the Narcotic Unit to account for the evidence.

If the narcotic evidence is not introduced in court, it shall be returned to the Narcotic Unit with the SH-CR-599.

If the narcotic evidence is introduced into court, the transporting Deputy shall complete the court disposition section of the form and obtain the court seal and signature of the court clerk before returning the form to the Narcotics Unit.

The Station narcotic Deputy shall then record the evidence disposition in the narcotic ledger and place the court and evidence form in the case file.

5-04/120.35 DISPOSAL OF HAZARDOUS NARCOTIC EVIDENCE

Evidence which is an object or substance found by a chemist to contain phencyclidine liquid, crystals, freshly sprayed mint leaves, etc. shall not be permitted in any courtroom. This evidence will be taken to Scientific Services Bureau by a Narcotics Bureau Deputy for chemical and physical analysis of the materials. Sufficient samples for later defense examination by private laboratories will be maintained by the Narcotics Bureau and counsel wishing to examine any such object or substance shall do so.

A photograph shall be taken at Scientific Services Bureau to include the investigating Deputy, the criminalist who will do the analysis, the file number and a system to designate the material so that it can be identified from the photograph. The court will accept color photographs of the object or substance in lieu of the actual evidence.

After the criminalist has taken samples, the Narcotics Bureau shall be responsible for the packaging and disposal of the evidence. Appropriate entries in ledgers and transmittal sheets will be made.

The above procedures pertain primarily to Narcotics Bureau personnel and should not be confused with the procedure for clandestine laboratories. The procedure for disposal of hazardous chemicals at clandestine laboratories can be found in the Emergency and Disaster chapter.

5-04/130.00 SCIENTIFIC SERVICES BUREAU RESPONSIBILITIES

Scientific Services Bureau shall be responsible for the chain of custody, security, examination, analysis and maintenance of records on all evidence submitted to the Bureau by the Department and other law enforcement agencies, maintaining a courier system and for providing assistance and information with the gathering, storing and processing of evidence in accordance with the rules of evidence.

Separate laboratories and responsibilities are detailed in Volume 2 under the responsibilities of Detective Division.

5-04/130.05 DEPARTMENT EVIDENCE COURIER SYSTEM

The Scientific Services Bureau shall provide personnel for an evidence courier system for the regular pickup and delivery of evidence to be analyzed/examined by Units of this Bureau. All Stations, satellite laboratories and participating law enforcement agencies shall be provided courier service.

Exceptions to courier service, which shall be transported by the investigating Deputy, are as follows:

- large bulky items;
- large quantities of evidence;
- cocaine or heroin weighing 8 ounces or greater.

5-04/130.10 SCIENTIFIC SERVICES BUREAU EVIDENCE RECEIPT (SH-CR-126)

All Units shall maintain a strict chain of custody in the movement of evidence for scientific analysis. All evidence submitted to the Scientific Services Bureau shall be recorded on a Scientific Services Bureau Evidence Receipt (SH-CR-126) attached to the evidence. The investigating Deputy shall be responsible for preparing the SH-CR-126. One or more of the four copies of the receipt shall accompany the evidence at all times.

Scientific Services Bureau Evidence Receipt (SH-CR-126) shall be typewritten or printed using a ball point pen. The following minimum information shall be supplied and recorded by the submitting Unit or investigator:

- Name of subject, suspect, or victim,
- File number - URN for the assigned case,
- Arrest charge,
- Received from - the person that places the evidence into the courier pickup area shall sign and date this section of the form,
- Agency (Station) - approved abbreviations or mnemonics may be used, e.g., SCV, ELA, LKD,
 - Station Narcotic Deputies shall use the Station's mnemonic or abbreviation,
- Number of package(s) - indicate the number of packages submitted,
- Description of evidence - describe the type of evidence submitted and indicate the test to be performed. Indicate the court date for the case, if known.

Attaching the Receipt to Evidence

- staple the receipt to the package(s) whenever possible below the perforations at the bottom of the receipt. Do not staple through the receipt;
- on a bottle or a round object, use a rubber band;
- on large objects, attach the receipt by a strip of tape below the perforated line.

Do not staple the laboratory receipt or any other object through the body portion of the transparent narcotic evidence bag. Staple the laboratory receipt to the red sealed area

at the top of the transparent narcotic evidence bag.

Distribution and Retention of Receipt Copies

Copies of the SH-CR-126 shall serve as a control and inventory record for evidence. The object of the distribution and retention of copies is for accountability of evidence movement and testing within the chain of custody. Distribution of the SH-CR-126 is:

- Original("soft white")
Scientific Services Bureau shall use and maintain this original receipt as a legal record of the chain of custody. This copy will accompany evidence returned to the agent or Unit upon the completion of analysis and shall be signed by a designated Unit representative and returned to Scientific Services Bureau for the "Evidence Completed File;"
- Brown copy
Scientific Services Bureau shall use this copy for inventory purposes within the main storage room;
- Pink copy
Scientific Services Bureau shall use this copy for inventory and accounting purposes during analysis in some laboratory sections;
- Green printed copy
Upon delivery of evidence to Scientific Services Bureau or courier pickup, the date and time shall be entered and the receipt initialed in the "Received By" space by personnel of this Bureau. The green printed copy shall be given to the submitting agent or Unit and is to be maintained by the Unit for control purposes. Upon return of the evidence, the green printed copy of the receipt shall be filed in the assigned URN;
- Hard white copy
When the examination or analysis is complete and the courier has signed the soft white copy for transportation of the evidence, the hard white copy will be submitted to the Scientific Services Bureau property custodian.

5-04/130.15 REQUEST FOR LABORATORY EXAMINATION (SH-CR-541)

For major cases and when space provided on the Scientific Services Bureau Evidence Receipt (SH-CR-126) is insufficient, special instructions or information for the Scientific Services Bureau criminalists shall be placed on the Request for Laboratory Examination (SH-CR-541). It should contain a brief summary of the circumstances and/or the type of examination desired. It is not necessary to submit this form for routine cases such as blood/alcohol, narcotics, etc., when the type of examination is obvious.

5-04/130.20 STORAGE/RETURN OF EVIDENCE

Scientific Services Bureau shall restrict access to stored evidence and ensure

accountability among evidence handling personnel. Evidence shall be stored in locked storage areas with delineated key control.

Evidence transported by the Scientific Services Bureau's couriers shall be secured in the "evidence holding locker" by the courier. Evidence transported directly by investigators and other specified personnel shall be placed into the "evidence storage locker" by the Bureau's property custodian.

The property custodian shall record the evidence in the appropriate ledger or enter it into the computer and obtain a printout; process the SH-CR-126 and transfer the evidence into the "evidence storage locker."

Scientific Services Bureau personnel shall sign for the evidence to be examined/analyzed. When the examination/analysis is complete and the results attached to the evidence, the receipts and evidence shall be returned to the "evidence holding locker."

The Bureau's couriers will remove the evidence from the evidence holding locker and sign the original receipt. The hard white receipt will remain at the Bureau. The evidence will be transported to the submitting Unit and secured in their evidence holding locker. The original receipt shall be signed by the representative receiving the evidence and the courier shall return the receipt to Scientific Services Bureau for filing.

5-04/130.25 DISPOSITION OF EVIDENCE HELD AT SCIENTIFIC SERVICES BUREAU

When Scientific Services Bureau receives evidence for analysis and/or examination and the Station/Unit determines that the circumstances or evidence does not justify a criminal complaint, or the defendant in the case has pleaded guilty and the evidence will not be used in court, the concerned Station/Unit shall immediately notify Scientific Services Bureau of such fact to eliminate the need for analysis. Upon notification, Scientific Services Bureau will return the evidence to the Station/Unit for disposition.