

## **VOLUME 5 - CHAPTER 4**

### **PROPERTY AND EVIDENCE PROCEDURES**

#### **5-04/000.00 PROPERTY AND EVIDENCE – AUTHORITY AND RESPONSIBILITIES**

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.

#### **5-04/000.10 NECESSITY FOR SEIZING AND STORING**

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;
- 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.).

#### **5-04/000.20 PROPERTY, EVIDENCE AND LABORATORY INFORMATION MANAGEMENT SYSTEM (PRELIMS)**

The Department's Property, Evidence and Laboratory Information Management System (PRELIMS) shall be used for the entry, movement, and tracking (i.e., chain of custody) of all property and evidence for the Sheriff's Department. Barcodes affixed to evidence/property items, evidence locations, and evidence containers facilitate access to the case and/or items as well as transfer/movement of items.

#### **5-04/000.30 PRELIMS CASE IDENTIFIER**

A case in PRELIMS is identified by the Uniform Reporting Number (URN). If an URN is not available, the following numbers may be used to identify a case in PRELIMS:

- Booking Number
- Court Record Number
- Citation Number
- Coroner Case Number
- Internal Affairs Bureau Number
- Random Drug Testing Case Number
- Warrant Number
- Outside Agency Case Number (used by outside agencies booking evidence into PRELIMS for analysis by Sheriff's Crime Laboratory)

#### **5-04/000.40 FILE NUMBER CHANGE / MASTER FILE NUMBER**

In the event that a file number is changed, that change shall be updated in PRELIMS as follows:

If the retention, year, sequential, reporting district, or stat code of an URN is changed, the URN in PRELIMS shall be updated to reflect these changes.

In the event that several cases are consolidated under a master file number, a case with the master file number shall be created in PRELIMS, and the consolidated cases shall be cross-referenced to the master file number in PRELIMS.

#### **5-04/000.50 PROCEDURES IN THE EVENT PRELIMS IS UNAVAILABLE**

In the event PRELIMS is unavailable due to routine system maintenance, application maintenance, system failure, and/or inability to access the Sheriff's Data Network (SDN), the PRELIMS Contingency Operations Plan shall be activated. The PRELIMS Contingency Operations Plan shall be readily available at each station/unit that books and handles property and evidence.

Designated forms and labels as outlined in the PRELIMS Contingency Operations Plan shall be used to manually book and transfer property and evidence items. The watch sergeant shall be responsible for maintaining a sufficient quantity of these forms and labels in the watch sergeant's Office.

The station/unit Evidence and Property Custodian (EPC) shall be responsible for:

- entering information from these forms and labels into PRELIMS when PRELIMS returns to service;
- signing and dating the completed forms when entry into PRELIMS is completed;
- scanning and attaching any manually completed forms to the case in PRELIMS;
- affixing an evidence label generated from PRELIMS adjacent to (not over) the hand printed label or label generated via the Sheriff's Data Network (SDN);
- updating PRELIMS with the item's current evidence location and scanning any

manually generated Department forms and attach them electronically to the case in PRELIMS for chain-of-custody purposes.

All completed PRELIMS Emergency Ledger forms (SH-CR-514a) shall be maintained in the PRELIMS Contingency Operations three-ring binder and shall be kept for no less than one year from the date of creation. After the one-year time period, the completed forms shall be kept in their respective case files.

To the extent possible, all other evidence and property protocols outlined in Volume 5, Chapter 4 of the Manual of Policies and Procedures (MPP) shall be followed during the period of time when PRELIMS is unavailable. Any necessary transfers or releases of evidence or property, (e.g., for court, transfer to an investigator, release to owner, transfer to Central Property, transfer to the Crime Lab, etc.) shall be recorded on the hard copy of the PRELIMS Emergency Ledger form (SH-CR-514a) for that particular item.

During the time period that PRELIMS is unavailable, it is recommended that all interim removals or transfers of evidence or release of property be limited. Necessary transfers of evidence, such as for court purposes, release to owner, or transfer to the Crime Lab for analysis may be manually completed during this time period utilizing the appropriate Department forms, and such transfers or releases shall be recorded on the hard copy of the PRELIMS Emergency Ledger form (SH-CR-514a). Once PRELIMS becomes available, it shall be the responsibility of the station EPC to update PRELIMS to include the item's current location (should the item be in the physical custody of the station/unit) and scan the PRELIMS Emergency Ledger form (SH-CR-514a) into the system for chain-of-custody purposes. Evidence and/or property should not be transferred to the Central Property custodian until it has been electronically entered into PRELIMS unless exigent circumstances exist.

In the event evidence items need to be sent to the Crime Lab for analysis during the time period that PRELIMS is unavailable, such transfers shall be documented on the PRELIMS Emergency Ledger form (SH-CR-514a) for each item. The station/unit having physical custody of the item when PRELIMS returns to service will be responsible for printing and affixing a PRELIMS label and updating PRELIMS with the current evidence location. The station/unit EPC where the item was originally booked shall be responsible for entering the item into PRELIMS from the information noted on the PRELIMS Emergency Ledger form (SH-CR-514a).

#### **5-04/000.60 STATION/UNIT COMMANDER'S RESPONSIBILITIES**

The unit commander shall be responsible for security, record keeping, and appropriate disposition of all property and evidence brought into the station/unit, including all prisoner or inmate property and money. Unit commanders shall ensure accurate and current records of all items of property/evidence are maintained, laws and Department policy are complied with, and proper dispositions are 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, and other Department units and outside agencies.

Unit commanders shall ensure that Property Lieutenants conduct thorough audits of the station/unit storage facilities at least once each quarter to ensure that items are properly entered into PRELIMS; are properly packaged, labeled, stored; and receive appropriate dispositions in a timely manner. Audits of secure locations, such as safes, shall be conducted at least once each month.

Vehicles/vehicle parts stored at the unit or at local towing companies where the vehicles/vehicle parts remain are the unit's responsibility and shall be included in the monthly audits. Upon completion, a report of audit findings 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 audit.

#### **5-04/000.70 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 overall storage system both to ensure properly maintained records and 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; items with a HOLD STATUS; 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 (Entry of serialized items into State Systems);
- ensure that Inmate Property left at a station is returned to the prisoner.

#### **5-04/000.80 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/evidence for court.

The station/unit property custodian, including Central Property custodians, shall have the following responsibilities:

- review the property/evidence labels, packaging, and the PRELIMS electronic entry of incoming property/evidence for accuracy and completeness, including item description, and have corrections made, where necessary. Minor clerical corrections can be made by the station/unit property custodian. All other types of corrections/changes shall be made by the booking officer. Items pending corrections by the booking officer will be held in an identified storage location pending these corrections;
- place all incoming property/evidence from the interim storage room or other storage locations in the proper storage locations and log location transfers in PRELIMS;
- store property/evidence in the proper storage location;
- ensure that all property/evidence in the custody of the station/unit is logged to the appropriate location in PRELIMS;
- ensure that all property/evidence temporarily removed from the station/unit for court is properly updated in PRELIMS and electronically signed out to the appropriate Department member. A PRELIMS generated *Out to Court* (SH-AD-583) form shall accompany any items checked out for court;
- for items of property/evidence checked out for investigative reasons, the property custodian must transfer custody of items to requesting Department member in PRELIMS;
- ensure returned property/evidence is signed in through PRELIMS and transferred to an appropriate storage location;
- ensure the final disposition of property/evidence is entered into PRELIMS for any items of property/evidence retained by the court and ensure that the properly completed *Out to Court* (SH-AD-583) form is scanned into PRELIMS;
- prepare and/or process property/evidence which has been held the maximum length of time at the station/unit for transfer to Central Property;
- make appropriate disposition entries in PRELIMS of all property/evidence which has been 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/evidence stored in the safe;
- maintain orderly storage areas;
- verify that all serialized property/evidence has been entered into the appropriate automated property system (see section 5-04/050.40 Serialized and Non-Serialized Property/Evidence) and update PRELIMS with the File Control Number (FCN) and/or Crime Gun FCN.

## **5-04/010.00 PROPERTY/EVIDENCE HANDLING**

All articles of possible evidentiary value shall be carefully handled and booked as evidence in PRELIMS 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. 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 custody; and
- 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.

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

#### **5-04/010.10 PRESERVATION OF EVIDENCE**

Deputy personnel 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 5-04/010.30 Requesting Evidence Specialists).

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

Deputy personnel 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 Homeland Security Division, Emergency Operations Bureau, Arson/Explosives Detail. Fixed ammunition for small arms is not to be included as an explosive substance.

#### **5-04/010.20 ITEMS REQUIRING SPECIAL HANDLING**

The following items require special handling as indicated below:

Blood and/or Human Tissue for DNA analysis

All whole blood samples for DNA analysis 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 the preservative with the blood. The investigator should observe the drawing of blood to maintain the chain of custody.

Whole blood and human tissue samples collected for DNA reference purposes shall be submitted to Scientific Services Bureau (SSB), Hertzberg-Davis Forensic Science Center, at the earliest opportunity. If the submission must occur after business hours, the submitter should contact a Biology Section supervisor for proper handling and subsequent storage procedures. After hours, a biology supervisor may be contacted through the SSB dispatch desk (213-989-2163 or 800-974-4LAB) at Scientific Services Bureau, Beverly facility. 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.

#### Blood for Toxicology (Drugs or Alcohol) analysis

All whole blood samples for toxicology (drugs or alcohol) analysis must be collected by authorized medical personnel and deposited in a vacuum collection tube containing potassium oxalate (an anticoagulant) and sodium fluoride (a preservative).

These vials can be recognized by their grey-colored rubber stoppers and are available at all hospitals or in the Department-provided blood collection kits. The vial should be completely filled with blood and shaken thoroughly to mix the preservative with the blood. The investigator should observe the drawing of blood to maintain the chain of custody.

Whole blood samples collected for toxicology (drugs or alcohol) purposes can be submitted to Scientific Services Bureau (SSB) through SSB Evidence Couriers or over the counter at the Century, Lancaster, and West Covina regional laboratories, or at the Downey or Hertzberg-Davis Forensic Science Center facilities. The Toxicology or Blood Alcohol section supervisor can be reached at the Downey Facility (562-940-0248). These blood samples do not need to be refrigerated; they should NOT BE FROZEN.

#### Explosives

Explosives, other than fixed ammunition, are not to be stored at a station/unit 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.

#### Footprints - Tire Tracks - Tool Marks

Footprints, tire tracks, tool marks, or other items of potential impression evidence that are

observed on surfaces which cannot be readily collected shall be preserved by covering them in a manner which will not disturb them pending arrival of Scientific Services Bureau staff.

### Gunpowder /Gunshot Residue Patterns

Clothing containing gunpowder or gunshot residue patterns should be neatly folded and protected from excessive friction on the patterned area. If wet with blood or water, the clothing must be air dried prior to folding and packaging.

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

### Narcotics

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

Scientific Services Bureau may 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.

### Nitrous Oxide (N<sub>2</sub>O) Tanks

Nitrous oxide is commonly found in compressed gas tanks, and the collection and handling of compressed gas tanks presents the potential for significant safety issues. Although not a flammable gas, nitrous oxide is a compressed gas and may present a safety hazard if it is improperly stored. Compressed gas tanks shall be initially inspected for damage prior to transport to Scientific Services Bureau (SSB) for sampling. If the tank appears to be unaltered, visually inspect the valve areas for damage and/or corrosion. If the tank appears altered in any way or appears unsafe, contact either the fire department or Arson/Explosives Detail.

Scientific Services Bureau, Controlled Substances (Narcotics) supervisors shall be contacted before tanks are submitted to the laboratory.

### 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.

### 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 an expert during the medical examination of sexual assault victims, utilizing the sexual assault evidence collection kits provided by Scientific Services Bureau.

A specialized evidence collection package to be used in sexual assault cases has been provided to stations, units and hospitals. It contains the necessary specimen swabs and slides, bags for clothing, and other items to facilitate collection of physical evidence.

#### Wet or Damp Items

Wet or damp items such as those to be examined for blood, seminal fluid, DNA (e.g., wet buccal swabs), handwriting, or latent fingerprints must be allowed to air dry thoroughly prior to packaging for transfer to Scientific Services Bureau. Alternatively, upon approval from laboratory staff, wet or damp items may be hand carried directly to either the Beverly or Hertzberg-Davis Forensic Science Center Crime Laboratory facilities to be dried in the laboratory's drying cabinets.

### **5-04/010.30 REQUESTING EVIDENCE SPECIALISTS**

When an immediate investigation by detectives is required in cases such as arson, robbery, murder, etc., deputy personnel 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, deputy personnel 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; and/or
- object to be searched for.

#### Types of Equipment Needed

- metal detector;
- tools (specify); and/or
- portable lights.

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

### **5-04/010.40 EVIDENCE SPECIALISTS AT THE SCENE**

When a requested detective, criminalist, or other specialist arrives at the scene, the Field Deputy 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.

### **5-04/010.50 MARKING OF EVIDENCE**

The deputy, detective, criminalist, or other specialist 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. Suggested marks include 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 collection process. As a final step in the marking process, property labels shall be generated through PRELIMS and securely affixed to all items or packages of evidence, as appropriate.

Items which by their nature cannot be marked shall be placed in a container (e.g., paper bindle, small manila envelope, etc.), 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:

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 deputy or other personnel submitting such documents.

Fired Bullets, cartridge cases, or other ammunition components should not be directly marked by anyone except for Scientific Services Bureau personnel. Direct marking can potentially damage the evidence or interfere with subsequent laboratory examinations. Identifying markings and information shall be placed on the proximal container, e.g., small clasp sealed manila envelope, jar, etc., which has been properly marked.

Latent Prints developed and lifted by field personnel must be identified by indicating on the lift card where the latent print was obtained.

#### **5-04/010.60 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.

For property placed in an envelope, use a clasp-type, paper envelope.

Items shall be packaged by item type. Each package shall contain items of a single item type. Different item types (e.g., clothing and a firearm) shall not be packaged together.

All packaged evidence shall be marked or tagged. Whenever practical, deputy, detective, criminalist, or other specialist personnel sealing the package shall write his/her name or initials on the seal. The name or initials shall extend across the edge of the seal onto the package.

The application of cellophane tape directly on property should be kept to a minimum.

When similar items (i.e., same item type) 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:

Alcoholic Beverages – Contents of opened containers should be placed in a clear glass or plastic 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.

Firearms – Unloaded firearms should be packaged in cardboard boxes designed for this purpose. If a cardboard box is not available, a manila-type envelope or other form of paper packaging may be used. If the firearm was loaded when recovered and subsequently unloaded, the ammunition removed from the firearms should be placed in an appropriately sized manila-type envelope and included within the same package as the firearm. If a magazine was present in the firearm when recovered, that magazine should be included within the same package as the firearm.

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 specialist is not called to the scene.)

Narcotics shall be separated from other evidence for packaging and sealing. The deputy shall generate a property label through PRELIMS and affix it to the transparent 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 evidence bag shall be recorded in PRELIMS and in the area of the report describing the seized or found narcotic evidence (see section 5-04/110.50 Narcotic Evidence Special Handling).

Phencyclidine (PCP) - hazardous substances, whether PCP or any other chemical, shall never be processed within a station/unit. 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 destroying 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."

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).

Any deviation from the above policy must receive prior approval from personnel with the appropriate evidence handling expertise.

#### **5-04/010.70 SEALING OF EVIDENCE**

Evidence shall be sealed, when appropriate, depending on the type of evidence, including

- all narcotics shall be sealed;
- all currency shall be sealed;
- all items determined to be valuable; and
- all evidence submitted to Scientific Services Bureau shall be sealed.

All currency and items determined to be valuable shall be stored in the safe, when practical.

Whenever practical, deputy, detective, criminalist or other specialist personnel sealing the package shall write his/her name or initials on the seal. The name or initials shall extend across the edge of the seal onto the package.

Sealed evidence shall NOT be opened to verify contents unless:

- there is evidence of tampering, the seal is broken, or the integrity of the bag/package/container has been violated. In these instances, the bag/package/container and its contents shall be secured within a new bag/package/container and the unit commander or appropriate representative notified. If a serialized evidence bag was originally used, the bag and its contents

shall be secured within a new serialized bag and the unit commander notified. The serial number of the bag shall be updated in PRELIMS.

- the items is intended to be examined by Scientific Services Bureau, and a member of that Bureau is the one opening the sealed package.

NOTE: Evidence sealed by Scientific Services Bureau personnel upon conclusion of scientific examination shall not be unsealed unless necessary for court proceedings.

- the sealed package is opened by Department personnel in court proceedings;
- the Central Property custodian needs to verify accurate compliance with Penal Code section 11108 for serialized property.

### **5-04/020.00 CHAIN OF CUSTODY 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.

### **5-04/020.10 FIELD DEPUTIES AT THE SCENE**

Deputy personnel conducting a preliminary investigation shall keep all physical evidence in his/her possession until it is properly marked, labeled, packaged appropriately and ready for transportation.

### **5-04/020.20 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. Deputy personnel receiving the article shall also mark and label such evidence. The evidence transfer shall be documented in the associated report. In the event direct marking may have the potential to damage the evidentiary value of the item, the item shall not be marked.

### **5-04/020.30 SEIZURE OF PHOTOGRAPHIC, VIDEO, OR AUDIO EVIDENCE FROM A PRIVATE CITIZEN OR MEMBER OF THE PRESS**

Except under limited circumstances, Department personnel are prohibited from searching or seizing photographs, audio or video recordings, cameras, or recording equipment or telephones containing photographs and/or audio or video recordings without a warrant. The following guidelines shall be used when any film, or storage source for audio or visual recordings is believed to contain evidence relevant to a criminal proceeding, deputy-involved shooting, in-custody death, or use of force incident;

- Immediately notify a Field Supervisor, who shall seek voluntary consent to view or obtain the film, tape, or storage source from the photographer or citizen in possession of the film, tape, or storage source;
- Prior to or after receiving consent, the citizen shall be afforded the opportunity to view the film, tape, or storage source with supervisory personnel in order to ascertain evidentiary value. In instances where voluntary consent to view the film, tape, or storage source is given and the film, tape, or storage source does not contain relevant evidence, it shall be immediately returned to the owner;
- Any consent to either view or relinquish any film, tape, or storage source shall be in writing or on a Department Electronic Device Search Waiver (SH-R-410ED) form or otherwise memorialized on audio or videotape;
- The scope of the consent shall be dictated by the owner or person in possession of the film, tape, storage source and shall be limited to looking for information relevant to the particular incident in question;
- In instances where the film, tape, or storage source 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 photographs, videos, or audio can be copied. The original film, tape, or storage source shall be retained by the Department as an item of evidence, and a copy will be given to the citizen;
- If the photographs, video, or audio are contained on a cellphone and the citizen consents, the uploading of the digital items can be made through the Department's LASD.org website utilizing the "See Something/Send Something: Digital Witness" portal. A notation shall be made in the Incident Report documenting the fact that the digital media was uploaded to the above site. It is the responsibility of the handling station or unit to then retrieve the digital items.

If consent to view or relinquish the film, tape, or storage source is not given, the following guidelines shall be used:

- Film or storage source shall not be seized unless they are believed to contain evidence relevant to a homicide and exigent circumstances exist which indicates that the evidence will be lost absent a seizure of the evidence, or a person at the rank of Commander or higher approves the seizure;
- A person at the rank of commander or higher may approve the seizure of film, tape, or storage source if it is believed to hold contraband or evidence of a felony crime, deputy-involved shooting, in-custody death, or force incident and the exigencies of the situation demand it and there is no other means to guarantee that the contents of the film or tape will be preserved as evidence because it is reasonable to believe that the recording will be destroyed, lost, tampered with, or otherwise rendered useless as evidence before a warrant can be obtained;
- To accomplish an involuntary seizure, personnel may temporarily seize the film, tape, or storage source no longer than reasonably necessary to diligently seek a search warrant authorizing the seizure, viewing, and copying of the film, tape, or storage source. Such temporary warrantless seizure may be accomplished only in a situation where an immediate seizure of the film, tape, or storage source is the

only way to preserve the evidence. Personnel may not search the contents of the property absent a warrant unless it is objectively reasonable to believe that immediate viewing of the film, tape, or storage source is necessary to prevent death or serious bodily injury to another before a warrant can be obtained;

- In all instances, a *Receipt for Seized Property* (SH-CR-624) shall be issued to the photographer or person in possession of the film, tape, or storage source. Again, where the film, tape, or storage source does not contain relevant evidence, it shall be immediately returned to the owner.

### Tape Recorded by Media

In addition to the above requirements, when it is deemed appropriate to seize film, audio or video tape, and/or photography, audio, or videotaping equipment or storage sources from members of the public with press credentials or members of the public who have identified themselves as media, Department personnel shall immediately notify the Sheriff's Information Bureau and note that fact in the first report. Seizure of the film, tape, storage source, or equipment in question may then be accomplished in accordance with the following procedures:

- Advise the media person of the purpose for the contact or detention;
- Ask the media person whether he or she recorded/captured data relevant to the incident;
- If the media person acknowledges recording/capturing relevant data and voluntarily consents to allow review and/or supply a copy to the Department, personnel shall:
  - Immediately notify his or her supervisor and the Sheriff's Information Bureau;
  - Collect and document receipt of the data;
  - Document the request and response on an official incident report;
- If the media person acknowledges recording/capturing relevant data and refuses to allow review and/or provide a copy of the recorded/captured relevant data or refuses to state whether they recorded/captured relevant data, personnel shall:
  - Immediately notify his or her supervisor;
  - Instruct the media person not to destroy, alter, or delete the recorded/captured relevant data;
  - Document the request and refusal on an Incident Report;
  - Assist in the preparation of appropriate subpoena and/or warrant documents for production of the requested data;
  - Request the media person provide their personal identification, media credentials, and contact information.

Personnel shall not seize portable video and photo recording devices from media personnel unless they are under arrest or otherwise directly involved in the criminal act.

A warrantless search of portable video and/or photo recording devices seized incident to the direct involvement or arrest of media personnel is prohibited unless there is reason to believe that the immediate search of such materials is necessary to prevent the death of



or serious bodily injury to a human being.

Pursuant to Federal statute 42 USC Section 2000aa-6, it is unlawful for personnel, in connection with an investigation or prosecution of a criminal offense, to search for or seize the work product of a media photographer/videographer unless:

- There is reason to believe that the immediate seizure of such materials is necessary to prevent the death of or serious bodily injury to a human being; or
- There is probable cause to believe that the person possessing such materials has committed or is committing the criminal offense to which the materials relate;
- A warrant or court order has been obtained.

A search or seizure of the work product of a media photographer/videographer is prohibited when the offense is merely the withholding of such material.

#### **5-04/020.40 RECORD OF EVIDENCE IN CASE REPORT**

Deputy personnel, detectives, or specialists receiving evidence to be taken into custody of the Department shall be provided with the following data for inclusion in the case report:

- name of investigating deputy 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.

#### **5-04/030.00 TRANSPORTATION OF EVIDENCE**

Evidence shall be transported from the field to a station/unit, to a Detective Division unit, to Scientific Services Bureau, or to court only by deputy personnel, the investigating officer, detective, or a specialist called to the crime scene or by Scientific Services Bureau personnel. This accountability is necessary to maintain chain of custody of the items.

Any transfer of evidence from a station or unit to Scientific Services Bureau or other location shall be arranged by the deputy assigned to the investigation. Evidence shall only be transported by deputy personnel or by Scientific Services Bureau personnel. Other articles of evidence shall be held at the responsible unit of occurrence for follow-up investigation.

Evidence for scientific examination shall be held at the station for transport to Scientific Services Bureau. See section 5-04/030.10 Department Evidence Courier System.

Evidence may be transported directly to Scientific Services Bureau provided the investigating officer has contacted a laboratory supervisor.

Deputy personnel or the investigating officer shall be responsible for properly packaging, marking, and sealing all evidence to be sent to the laboratory and for completing and attaching a *Scientific Services Bureau Laboratory Receipt* (SH-CR-126) to each evidence item/evidence package requiring examination. Consult Scientific Services Bureau for requirements regarding proper packaging, marking, and sealing of evidence submitted to the laboratory for examination and for instructions on how to properly complete the *Scientific Services Bureau Laboratory Receipt* (SH-CR-126).

Evidence that is to be transported to Scientific Services Bureau shall be placed in a conspicuous location within the station/unit evidence locker. The Scientific Services Bureau courier will contact the watch sergeant to ensure that all evidence awaiting pick up is received.

All changes in the location of the evidence shall be recorded in PRELIMS. See section 5-04/080.00 Transfer of Property/Evidence.

#### **5-04/030.10 DEPARTMENT EVIDENCE COURIER SYSTEM**

Scientific Services Bureau shall provide personnel for an evidence courier system for the regular pickup and delivery of evidence to be examined by the laboratory. Courier service to stations/units, regional laboratories, and participating law enforcement agencies will be dependent upon the personnel resources of Scientific Services Bureau.

Scientific Services Bureau evidence couriers shall NOT, except upon prior approval of the Bureau Commander or his representative:

- transport narcotics evidence, except for marijuana, in excess of eight ounces or approximately 227 grams per each file number. Couriers may transport that amount of marijuana evidence which is reasonable and manageable by the courier, but not to exceed five pounds;
- transport currency in excess of \$400.00;
- transport liquid blood samples for examination by the Biology Section;
- transport firearms for which a safety check has not been performed and documented;
- transport possible fire debris evidence which:
  - is not properly contained in vapor barrier packaging such as metal cans or Kapak® heat sealable containers;
  - is contained in appropriate packaging material but inadequately sealed as indicated by odor;
  - contains possible ignitable liquids in excess of one fluid ounce (about 30 ml);

- transport possible explosives and/or explosive devices;
- transport bulky items;
- transport large quantities of evidence;
- transport Nitrous Oxide (N<sub>2</sub>O) tanks.

#### **5-04/040.00 BOOKING OF PROPERTY/EVIDENCE ITEMS**

All items or coherently packaged groups of like items of property and evidence pertaining to a case are listed and described in a designated section of the *Incident Report* (SH-R-49) or on the *Evidence/Property Listing* page as an addendum to the *Incident Report* (SH-R-49). Prisoners' property shall be listed on a *B&PR* (SH-J-293).

All such property and evidence, including prisoner property that does not accompany the prisoner to a custody facility, shall be entered into PRELIMS as soon as possible, labeled, and placed in an appropriate storage location, and that transfer shall be logged in PRELIMS. (See sections 5-04/040.20 Initial Booking Of Property/Evidence In PRELIMS and 5-04/040.40 Property/Evidence Label.)

A *Receipt for Found Property* (SH-AD-213) shall be prepared by Department personnel for any property that is not inmate property or property not held as evidence and shall be given to the individual that found the property. See section 5-04/120.00 Found Property.

A *Receipt for Property* (SH-AD-19) shall be prepared by Department personnel for any property held as evidence, property held for safekeeping, or property surrendered for purposes of destruction or disposition and shall be given to the owner, if known, or individual relinquishing custody of the property. See sections 5-04/140.00 Surrendered Property and 5-04/150.00 Property for Safekeeping.

#### **5-04/040.10 PROPERTY/EVIDENCE ITEM NUMBER**

Property/evidence items from a single case (see Section 5-04/000.30 PRELIMS Case Identifier) are assigned sequentially generated item numbers based on the date and time of entry. Item number generation in PRELIMS is based on the sequence the items are entered and does not differentiate between categories of property or evidence.

The primary property/evidence item identifier in PRELIMS is the combination of the case number and the PRELIMS-generated item number and is to be used on all labels, transmittals, and receipts for accountability purposes. See section 5-04/000.30 PRELIMS Case Identifier.

#### **5-04/040.20 INITIAL BOOKING OF PROPERTY/EVIDENCE IN PRELIMS**

Booking of a property/evidence item in PRELIMS includes entry of information regarding

the case, the item, and any names associated to the item, such as victim, suspect, etc. Items shall be fully described as to quantity, size, color, brand, serial number, or other identifiable characteristics. The serialized number from transparent, plastic evidence bags shall be entered in PRELIMS for items packaged in such containers.

Fields requiring entry are indicated by a red asterisk in PRELIMS.

**5-04/040.30 EVIDENCE/PROPERTY LISTING PAGE**

The *Evidence/Property Listing* page is a list of evidence and property booked in PRELIMS and is generated directly from PRELIMS. The *Evidence/Property Listing* page is attached to the *Incident Report* (SH-R-49) or *Supplemental Report*.

**5-04/040.40 PROPERTY/EVIDENCE LABELS**

Property and evidence coming into possession of the Department shall be entered into PRELIMS and immediately labeled with bar-coded evidence labels generated via PRELIMS. PRELIMS-generated property/evidence labels shall have the following format:

**PRELIMS Printed Label for Property / Evidence**  
**2 Inch / 4 Inch**

<p>Sheriff's File Number as entered into PRELIMS</p> <p>Entity Booking the Item into PRELIMS</p> <p>Suspect and Victim as entered into PRELIMS and cross referenced to the Item</p>	<p>Other ID number if there is no Sheriff's File # - can be Warrant #, Citation #, or Outside Agency Number</p>	<p>Item # generated by PRELIMS</p> <p>Crime Scene ID # is user defined</p> <p>Person booking the Item into PRELIMS</p> <p>Date item is booked into PRELIMS</p>														
<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;"><b>Complete Sheriff's File # or Other ID Number</b></td> <td style="width: 40%;"><b>Item #</b></td> </tr> <tr> <td><b>Department / Station / Agency Booking Item</b></td> <td><b>CSI #</b></td> </tr> <tr> <td colspan="2" style="text-align: center; background-color: #e0e0e0;"><b>PRELIMS ITEM SPECIFIC BAR CODE</b></td> </tr> <tr> <td><b>Suspect:</b></td> <td><b>Booked By:</b></td> </tr> <tr> <td><b>Victim:</b></td> <td><b>Booking Date:</b></td> </tr> <tr> <td colspan="2"><b>Description Area</b> - Can contain multiple fields from PRELIMS used to describe the item, e.g. Item Type; Free format description; Item specific attributes; Charge; Status; and Bar code representing the truncated URN (only used with LASD Narcotics items)</td> </tr> <tr> <td colspan="2" style="font-size: small;"><b>County of Los Angeles, Sheriff's Department Property/Evidence Label</b></td> </tr> </table>			<b>Complete Sheriff's File # or Other ID Number</b>	<b>Item #</b>	<b>Department / Station / Agency Booking Item</b>	<b>CSI #</b>	<b>PRELIMS ITEM SPECIFIC BAR CODE</b>		<b>Suspect:</b>	<b>Booked By:</b>	<b>Victim:</b>	<b>Booking Date:</b>	<b>Description Area</b> - Can contain multiple fields from PRELIMS used to describe the item, e.g. Item Type; Free format description; Item specific attributes; Charge; Status; and Bar code representing the truncated URN (only used with LASD Narcotics items)		<b>County of Los Angeles, Sheriff's Department Property/Evidence Label</b>	
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**5-04/040.50 PRELIMS-GENERATED NARCOTICS BARCODE LABEL**

The PRELIMS-generated property/evidence label for narcotics evidence will have two barcodes. The second barcode, the lower of the two, is used by Scientific Services Bureau for creating images of the narcotics evidence in the Narcotics Image Capture System (NICS).

**5-04/040.60 AFFIXING PROPERTY/EVIDENCE LABELS**

PRELIMS will generate bar-coded property/evidence labels. Care shall be taken in affixing the property/evidence label to the appropriate evidence or property item.

- labels shall be affixed to the property in such a manner that the label will not separate from the item. If the item has no surface to which an adhesive label will adhere, a tag may be tied to it, and the property label affixed to the tag;
- labels shall not be placed where they may cause damage when removed;
- labels shall be placed on the exterior of the packaging material used;
- for property placed in a clasp-type, paper envelope, the label shall be placed approximately two inches below the top portion of the envelope to allow sufficient space to handprint the URN at the top of the envelope;
- staples shall not be used to affix property labels to the property. Staples are only to be used to affix the *Scientific Services Bureau Laboratory Receipt* (SH-CR-126) to the colored sealed area at the top of the transparent evidence bag. If the item has no surface to which an adhesive label will adhere, a tag may be tied to the item and then the property label affixed to the tag;
- narcotic evidence shall be placed in a serialized transparent evidence bag and the label affixed to the exterior of the bag in the area imprinted "Property/Evidence Label here";
- currency shall be placed in a transparent evidence bag and the label affixed to the exterior of the bag in the area imprinted "Property/Evidence Label here";
- blood shall be placed in the appropriate blood sample envelopes. Urine sample jars shall be placed in the appropriate plastic bag. The evidence shall be identified by filling in all required information on the blood sample envelope or urine jar yellow label. Labels generated by PRELIMS shall be affixed to the blood evidence envelope or to the urine jar plastic bag, as appropriate;
- handguns, rings, and other items of similar size shall be placed in reinforced manila property envelopes. Labels shall be affixed to the exterior of the envelopes;
- currency, coins, collectibles, or valuables shall be placed in transparent evidence bags when possible. Labels shall be affixed to the exterior of the bag in the area imprinted "Property/Evidence Label here";
- inmate property (i.e., bulk property) and money from released prisoners that is left at a station shall be entered into PRELIMS by the station jailer, deputy, or station property custodian and labeled appropriately;
- when an existing property/evidence label needs to be replaced due to damage or when changes to the URN or other information relevant to the item are necessary, the new label shall be placed in close proximity to the existing label (any portion of the existing label shall not be obscured by any part of the new label). The individual placing the new label on the package shall line through the old label with a single strikethrough (do not obliterate with pen or marker or remove the old label from the package) and place his/her initials and date across the old label and onto the package to indicate who changed the label and when the change occurred.

## **5-04/040.70 INITIAL STORAGE LOCATION OF PROPERTY/EVIDENCE UPON BOOKING**

Upon booking a property/evidence item into PRELIMS, the item defaults to the custody of the individual logged into PRELIMS. Department personnel responsible for the booking of the item shall electronically transfer custody of the item in PRELIMS to an appropriate interim storage location and physically place the item in that location. See section 5-04/070.00 Storage of Property/Evidence.

## **5-04/050.00 CATEGORY, ITEM TYPE, AND STATUS FOR PROPERTY/EVIDENCE IN PRELIMS**

Property and evidence booked into PRELIMS shall be identified by CATEGORY and ITEM TYPE for tracking and processing purposes. PRELIMS will assign an initial STATUS to each item. The STATUS is used to determine retention periods and disposition of each item. The STATUS may change based on case circumstances. All changes to the STATUS of a property/evidence item shall be recorded in PRELIMS.

### **5-04/050.10 CATEGORY - PROPERTY AND EVIDENCE**

For the purpose of tracking and processing items in PRELIMS, each property and evidence item is classified into a distinct group called a CATEGORY.

Categories in PRELIMS include the following:

#### **Digital Media (Scientific Services Bureau use only)**

That digital media used by Scientific Services Bureau personnel to capture images used to document crime scenes.

#### **Evidence**

Any property related to a crime or incident that may implicate or vindicate a person from a criminal charge.

#### **Found Property**

Non-evidentiary property determined to be lost or abandoned and is not known or suspected to be connected with a criminal offense.

#### **Found Property value greater than \$250**

Non-evidentiary property determined to be lost or abandoned and is not known or suspected to be connected with a criminal offense with an estimated value greater than

\$250.00.

### Inmate Property

Property belonging to an inmate, previously referred to as 'bulk' property, and/or personal property.

### Safekeeping

Any property not related to a crime that is placed in the custody of the Department for temporary protection for eventual return to its rightful owner. Inmate property is not to be booked into PRELIMS under the CATEGORY of 'Safekeeping.'

NOTE: Typically firearms and weapons are submitted for safekeeping; however, other items may also be submitted for safekeeping.

### Surrendered

Any property turned over to the Department by the rightful owner for the sole purpose of disposing of the property by the Department.

NOTE: Typically firearms (e.g., Gifts for Guns) and weapons are surrendered; however, other items may also be surrendered to the Department for disposal purposes.

## **5-04/050.20 ITEM TYPE - PROPERTY AND EVIDENCE**

For the purpose of tracking and processing items in PRELIMS, in addition to CATEGORY, each property and evidence item is further classified as a specific ITEM TYPE.

A list of current item types is accessible in PRELIMS.

The following ITEM TYPES shall be handled as indicated below:

### Keepsakes and Collectibles

The keepsakes and collectibles item type may include any currency or coin with a value greater than that negotiable on its face (numismatic value). Keepsakes and collectibles are stored in the safe under the direct supervision of the watch commander. When a keepsake or collectible item is stored in the safe, it shall be the responsibility of the watch commander or designee to update the status of such item to HOLD in PRELIMS.

### Currency (US)

- currency (US) of any amount as described above shall be stored in the safe under the direct supervision of the watch commander.
- currency (US) items with a STATUS of HOLD shall not be deposited to the Sheriff's Trust Fund.
- currency (US) items with a STATUS of DEPOSIT shall be deposited into the Sheriff's Trust Fund as soon as feasible.

Currency too bulky for storage in the safe (such as large coin collection) shall be transported to the Central Property custodian for storage. See section 5-04/070.30 Storage of Bulk Property/Evidence.

Additional procedures for handling currency where the CATEGORY is Found or Found greater than \$250 are found in section 5-04/120.20 Found Property Processing and Disposition.

#### Counterfeit currency

Counterfeit currency shall be released to the local office of the U.S. Secret Service as soon as feasible. Counterfeit currency is stored in the safe under the direct supervision of the watch commander until such time as it is released to the U. S. Secret Service.

#### Foreign Currency

Due to its frequent unknown value or intrinsic worth, foreign currency shall be stored in the safe under the direct supervision of the watch commander.

#### Seized Currency

The need to hold money intact 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. Seized currency is stored in the safe under the direct supervision of the watch commander.

#### Valuables/High Value Items

An item with any item type, whether its CATEGORY is Evidence, Found Property, Inmate Property, Surrendered or Safekeeping, may be considered a 'valuable' or a 'high value' item. 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 storage in the safe. Items determined to be a 'valuable' or 'high value' item shall be stored in the safe under the direct supervision of the watch commander.

The STATUS of any item, regardless of ITEM TYPE or CATEGORY, considered to be a 'valuable' or 'high value' item shall be updated in PRELIMS to HOLD, particularly in the case of currency or currency as a collectible to ensure it is not deposited. It shall be the



responsibility of the watch commander or designee to update the status of any item considered to be high value to HOLD.

### **5-04/050.30 STATUS - PROPERTY AND EVIDENCE**

For the purpose of tracking and processing items, PRELIMS will assign an initial STATUS to each property and evidence item. STATUS is used to determine retention periods and disposition. There may be exceptions to the rules assigning an initial status to an item. Those exceptions are generally based on the item type.

The status of an item may be changed by the case investigator or designee at any time with warranted justification.

Statuses include the following:

1. 6 MONTH DISPOSE

A STATUS of 6 MONTH DISPOSE is assigned to evidence items in non-felony cases. Such items are disposed of directly from Central Property and Evidence (CPE) ten months from the item's booking date in PRELIMS. By Department policy, an item can stay at a station for no more than 120 days before it is transferred to Central Property. Six months after transfer to Central Property custodian, the item is disposed of without further contact or notification to the unit or approval by investigating officer.

2. 12 MONTH DISPOSE

A STATUS of 12 MONTH DISPOSE is assigned to blood and urine samples collected on Driving Under the Influence-related cases. Such items can be disposed of directly from the station/unit 367 days from the item's booking date in PRELIMS without any further contact or notification to the unit or approval by the investigating officer.

3. HOLD

A STATUS of HOLD is assigned to an item if said item is to be retained intact as evidence in a court case, as a collector's item, or as part of a set and a felony charge is associated to the case as Charge 1 in PRELIMS. Items with a HOLD STATUS are held intact indefinitely until:

- a) The investigating officer approves the disposal of the item by changing the STATUS in PRELIMS to READY TO DISPOSE, or READY TO RELEASE TO OWNER, and
- b) Lieutenant or designee approval of the STATUS change is recorded in PRELIMS.

The HOLD STATUS of each item is reviewed every six months by the investigating officer. If the HOLD STATUS is to be continued, investigating officer approval and lieutenant or designee approval is required in PRELIMS.

For cases where Homicide Bureau, Special Victims Bureau, or Civil Litigation Unit is the investigating agency, evidence with a STATUS of HOLD is reviewed every two years. If the HOLD STATUS is to be continued, investigating officer approval and lieutenant or designee approval in PRELIMS are required. See section 5-04/170.10 Retention Review/Property Clearance Lists.

4. DEPOSIT

A STATUS of DEPOSIT is assigned to items with an item type of currency or seized currency which are to be deposited in an appropriate account, e.g., Sheriff's Trust Fund.

5. FOUND

A STATUS of FOUND is assigned to non-evidentiary property determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.

6. EX PARTE

A STATUS of EX PARTE is assigned to an item per an Ex Parte order; typically these are narcotics-related items.

7. READY TO DISPOSE

A STATUS of READY TO DISPOSE is assigned to evidence/property items when there is no need to retain the item and no other procedures apply. An item with a READY TO DISPOSE status can be disposed of via the Central Property custodian.

8. READY TO RELEASE TO OWNER

A STATUS of READY OT RELEASE TO OWNER is assigned to Inmate Property items or assigned to an item when the investigating officer authorizes the item to be released to an owner.

9. IMMEDIATE DISPOSE

A STATUS of IMMEDIATE DISPOSE is assigned when an item can be disposed of directly from the station/unit.

## 10. DISPOSED

A STATUS of DISPOSED is assigned when an item has been disposed of from the custody of the Los Angeles Sheriff's Department.

### **5-04/050.40 SERIALIZED AND NON-SERIALIZED PROPERTY/EVIDENCE**

All stations/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." The individual booking the item into PRELIMS shall be the party responsible for ensuring that the item is entered into the appropriate DOJ automated property system accurately.

NOTE: The task for the actual entry into the appropriate DOJ system may be delegated to or performed by Department personnel other than the individual that booked the item into PRELIMS.

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.

The result of the record entry in the appropriate Department of Justice automated property system is a File Control Number (FCN), Crime Gun File Control Number (FCN) and a system printout listing the FCN. A copy of the system printout with the FCN shall be attached to the outside of the package containing each piece of property/evidence bearing a serial number and non-serialized property having unique characteristics that is transported to the Central Property custodian. The FCN shall be entered into PRELIMS. This is typically done by the station/unit Evidence and Property custodian.

### **5-04/060.00 PROPERTY/EVIDENCE ACCOUNTABILITY**

PRELIMS is the official chain of custody and accountability system for all evidence and property in the custody of the Department.

All activity in PRELIMS is tracked. This activity is accessible by authorized Department personnel through an electronic audit trail in PRELIMS.

### **5-04/060.10 WATCH SERGEANT VERIFICATION OF PROPERTY/EVIDENCE**

The watch sergeant or designee shall verify the PRELIMS entry, including the category, item type, any attributes and item description, labeling and packaging for each

property/evidence item, and shall personally ensure that the item was placed into the interim storage room/locker or other appropriate storage location. The watch sergeant or designee shall electronically confirm this verification in PRELIMS for each item. The *Evidence/Property Listing* page shall be filed with the incident or supplemental report in the case file. See section 5-04/040.30, Evidence/Property Listing Page.

#### **5-04/070.00 STORAGE OF PROPERTY/EVIDENCE**

All property/evidence items shall be stored in a secure manner in a secure facility. Unit commanders shall designate authorized areas within the confines of the station/unit for the storage of property and evidence. Property/evidence shall not be stored in personal lockers or in unauthorized areas.

All storage locations shall be identified in PRELIMS using a unique description of the location, and each location shall be marked with a PRELIMS-generated barcode label.

Upon initial booking of the property/evidence items in PRELIMS, Department personnel responsible for booking the items shall physically secure the property/evidence items in a secure evidence location appropriate for the specific items as soon as possible after booking the items and record this transfer in PRELIMS. For example, narcotics evidence shall be stored in the Narcotics repository; bicycles may be stored in the station property room or in an overflow room used to store bulk or large items.

#### **5-04/070.10 STORAGE SYSTEM AT STATION/UNIT**

All station/units shall employ a standardized property and evidence storage system as follows:

- Items will be stored in clasp type manila envelopes in numerical order according to the assigned URN sequential number, then in ascending order by item number;
- The PRELIMS-generated property/evidence label shall be placed approximately two inches below the top of the envelope to allow sufficient space to handprint the URN at the top of the envelope. This is done so that the URN and item number are readily visible;
- All items for each URN or PRELIMS case identifier shall be placed in envelopes, where appropriate, and the envelopes shall remain unsealed;
- All envelopes shall be filed on shelves or in boxes by URN sequential.

All envelopes shall be filed on shelves or in boxes by URN sequential 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 as to the length of time an item has been held at the station.

It is preferable, but not required, that all firearms, including handguns and long guns, be stored in a separate, secure area and not comingled with general evidence. This secure area may be part of station's general evidence and property room.

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.

Exception: Scientific Services Bureau shall establish a storage system compatible with PRELIMS. See section 5-04/160.40 Storage/Return of Evidence by Scientific Services Bureau.

### **5-04/070.20 STORAGE SYSTEM UTILIZING PRELIMS**

The station/unit property custodian, under the direct supervision of the station/unit property lieutenant, shall maintain the standardized PRELIMS storage system. The unit property custodian shall have discretion to add or revise storage locations to meet the needs of a particular station/unit, and such additions or revisions of storage locations shall be coordinated with the PRELIMS Administrator/Help Desk.

Each PRELIMS-defined storage location has a two-part identifier (CUSTODY OF/LOCATION) defined as follows:

#### **CUSTODY OF:**

- Generally an area, room, or building at a specific facility which may store specific type of property or evidence. For example:

ELA Bulk 1                      East Los Angeles Station Bulk Evidence – area used to store bulk property/evidence at East Los Angeles Station

ELA General 1                      East Los Angeles Station General Evidence – area used to store general property/evidence, such as the unit's property room

LASD Personnel                      Los Angeles Sheriff's Department Personnel – used when an item is in the custody of LASD personnel

#### **LOCATION:**

- The physical location such as a row or shelf where the item is located;
- If the item is in the physical custody of a Department member, that individual shall be responsible for the items, and the LOCATION shall be identified in PRELIMS with the individual's employee number.

## CONTAINER:

A container in PRELIMS is a box, virtual box, or like container which can hold one or more items of property or evidence. Each container is identified with a unique number and is labeled with a PRELIMS-generated barcode label. Once created, all containers must be logged in PRELIMS to a specific storage location (CUSTODY OF/LOCATION), even if the container is empty.

PRELIMS tracks all items transferred to the container and tracks where the container is located, i.e., the specific CUSTODY OF/LOCATION.

The transfer or movement of a container in PRELIMS results in the movement or transfer of all items in the container.

### **5-04/070.30 STORAGE OF BULK PROPERTY/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 the items is essential to an investigation, the watch commander shall contact Central Property and Evidence (CPE) and arrange for immediate transfer. Contact the Sheriff's Headquarters Bureau after regular business hours. The investigating officer or designee is responsible for booking such property/evidence in PRELIMS no later than the close of business on the next business day following transport of items to CPE. Upon case assignment, the investigating officer shall contact the Central Property custodian to arrange for continued storage or release. The originating unit shall be responsible for complying with 11108 PC. See section 5-04/050.40 Serialized and Non-Serialized Property/Evidence.

### **5-04/070.40 PROPERTY/EVIDENCE NOT TAKEN TO A STATION/UNIT**

Property or evidence not taken to a station/unit shall be recorded in PRELIMS by the investigating officer and delivered to the appropriate location (e.g., Central Property and Evidence (CPE), Scientific Services Bureau (SSB), or other unit that has a secure storage location). This transfer shall be recorded in PRELIMS. The originating station/unit shall make appropriate references to item description and storage location in the original or supplemental report. The appropriate custodian shall be contacted each time this type of storage is required.

### **5-04/070.50 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 in writing (i.e., email) to arrange for release or transfer of the property/evidence to the long-term storage yard.

Any vehicles or vehicle parts that are transferred to the Sheriff's Department's long-term storage yard shall be entered into PRELIMS. The approval of the station/unit Property Lieutenant is required to place any vehicle or vehicle parts into long-term storage.

The long-term storage yard shall be a secure location in PRELIMS which requires the entry of two Personal Identification Numbers (PINs) in PRELIMS for transferring custody of the item into or out of the long-term storage yard. One of the PINs shall be that of the station/unit Property Lieutenant or designee.

The removal of vehicles or vehicle parts from long-term storage shall be coordinated with the Central Property custodian. Written notification (i.e., email) shall be made to the Central Property custodian prior to the removal of vehicles or vehicle parts from long-term storage. Any transfer or disposition of the vehicle or vehicle parts shall be recorded in PRELIMS.

#### **5-04/070.60 "SAFE" STORAGE LOCATIONS**

Each station/unit shall have a storage location designated in PRELIMS as a safe. If there is no need for a safe location or the unit does not have an appropriate storage location that can act as a safe, items requiring additional security shall be transferred to either the Central Property custodian or another Sheriff's location that does have a safe for storage.

#### **5-04/070.70 SAFEGUARDING MONEY AND VALUABLES**

Valuables, high value items, currency, counterfeit currency, foreign currency, and other property determined by the watch commander to be of value shall be transferred to and stored in the safe. The watch commander shall be responsible for inventorying property, counting currency (unless the currency is sealed within a serialized, tamper-proof, evidence bag) and for properly packaging the items for storage in the safe.

The safe is considered a secure location in PRELIMS which requires entry of two Personal Identification Numbers (PINs) to transfer custody of an item into or out of the storage location. Watch commander approval is required to transfer an item into or out of the safe. This approval occurs when the watch commander enters his Personal Identification Number (PIN) in PRELIMS during the electronic transfer process. See sections 5-04/090.00 Currency Handling Procedures-Stations and 5-04/100.00 Currency Handling Procedures-Unit Other than Stations.

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 at least every three years with more frequent changes made when key personnel are reassigned.

#### **5-04/070.80 STORAGE OF PROPERTY/EVIDENCE OTHER THAN MONEY AND VALUABLES**

Property and evidence other than money and valuables 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 shall 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 area/locker. Such transfers into/out of the interim storage area/locker shall be recorded in PRELIMS. The watch sergeant shall obtain the key to the interim storage area/locker from the watch commander and return it at the end of each shift. The watch sergeant shall be responsible for the interim storage area/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. Such transfers into/out of the main storage room shall be recorded in PRELIMS. No other person shall be permitted access to the storage room.

When the watch commander and/or watch sergeant places or removes evidence or property into/from the interim storage area or other storage locations or to the custody of an individual, he/she shall be responsible for updating PRELIMS to reflect the current location of the items. This is necessary to maintain the chain of custody of the property/evidence items.

#### **5-04/080.00 TRANSFER OF PROPERTY/EVIDENCE**

For chain of custody purposes, ALL transfers or movement of property/evidence items within the Department shall be recorded in PRELIMS. An interim removal form is not required. Any item transferred to/from an individual to a storage location or to another individual will require validation of the transfer via Personal Identification Number (PIN) entry in PRELIMS. The following types of transfers shall be recorded in PRELIMS:



- Transfer of items from one storage location to another storage location within the same facility/unit;
- Transfer of items from a storage location to an individual (PIN required);
- Transfer of items from an individual to a storage location (PIN required);
- Transfer of items from one individual to another individual (two PINs required);
- Transfer of items from an individual to the custody of the court; See section 5-04/080.10 Interim Removal, Transfer and/or Release of Property and Evidence to Court;
- Transfer of items between facilities requires the items to be transferred to an individual first and then to the storage location or individual at the second facility (PINs required);
- Transfer of items into or out of a secure location, such as a safe, requires two PINs, one of the person placing the item in the secure location and the second of the person approving the transfer, such as the watch commander.

#### **5-04/080.10 INTERIM REMOVAL, TRANSFER AND/OR RELEASE OF PROPERTY AND EVIDENCE TO COURT**

Any interim removal, transfer, and/or release of property/evidence for court purposes shall be recorded in PRELIMS.

When a property/evidence items is to be taken to court, the items shall be transferred to the custody of a Department member. This transfer shall be recorded in PRELIMS. An *Out to Court* (SH-AD-583) form shall accompany any items taken to court. The form shall be used to record the final disposition information on items retained by the court. When a final disposition has been entered into PRELIMS for items retained by court, the *Out to Court* form shall also be scanned into PRELIMS for chain of custody purposes. See section 5-04/030.00 Transportation of Evidence.

Transfer of property/evidence items from the Central Property custodian for the purpose of taking the items to court is only performed during normal working hours and should be completed in sufficient time to ensure availability on the designated court date. The Department member to whom the items is transferred is responsible for the safety and security of the property/evidence items.

The *Out to Court* (SH-AD-583) form is printed from PRELIMS upon the custody transfer of the items to the individual and shall include the following pre-printed information:

- Complete URN, including PRELIMS item number for each item;
- Name of individual, including employee number, who has custody of the items;
- Date items transferred to individual;
- Item type and description of property/evidence items;

To maintain the chain of custody, property/evidence items removed for court shall be

picked up on the court date and an *Out to Court* (SH-AD-583) form printed and given to the individual retaining custody of the items. When evidence is retained by the court, the deputy completing and returning the *Out to Court* (SH-AD-583) form shall obtain the verifying court seal and the signature of the court clerk and shall record on the form the court name, department or division, the court case number, and the date the items is being retained at court.

When the evidence/property items is not retained by the court, the items shall be returned to the station property custodian or Central Property custodian the same day.

#### **5-04/080.20 INTERIM REMOVAL OF PROPERTY/EVIDENCE FOR INVESTIGATIVE PURPOSES**

Property/evidence removed temporarily from the property storage area for investigative reasons shall be transferred in PRELIMS to the custody of the individual and will require entry of the individual's Personal Identification Number (PIN) in PRELIMS. The chain of custody record will show the items in the custody of the individual to whom it was transferred until such time as the items is returned to the station/unit property custodian or Central Property custodian and the custody of the item is transferred to the appropriate storage location in PRELIMS. During the time the items is in the custody of the individual, that individual is responsible for maintaining proper chain of custody. Items shall be returned as soon as feasible.

#### **5-04/080.30 TRANSFER OF PROPERTY/EVIDENCE TO CENTRAL PROPERTY**

Property and evidence shall be maintained at decentralized facilities for a minimal time period. The collective repository for items shall be Central Property. Found property shall be transferred to Central Property within 30 days of the item's booking date in PRELIMS in accordance with section 5-04/120.20 Found Property Processing and Disposition. Deliveries should be scheduled with the Central Property custodian.

Property and evidence items, monies with a HOLD status, and valuables shall be held at the station/unit no longer than 120 days from the item's booking date in PRELIMS and shall be transferred to Central Property within 90-120 days, or sooner, of the item's booking date in PRELIMS. See section 5-04/090.20 "Hold" Currency.

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. Deliveries should be scheduled with the Central Property custodian.

Each month the station/unit property custodian shall gather property/evidence items stored at the station/unit 90-120 days from the items booking date in PRELIMS for transfer to Central Property. PRELIMS will facilitate this operation by reporting items of

property/evidence that meet these criteria.

Only those items which are needed for a specified court appearance or a continuing active investigation, blood and urine specimens, and opened alcoholic beverages or samples 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 in writing by the unit property lieutenant and is subject to review at the end of each 30-day period. These written authorizations shall be scanned into PRELIMS to document this written authorization.

Evidence and property held by Internal Criminal Investigations Bureau, Homicide Bureau, and Scientific Services Bureau for investigative and/or laboratory examination purposes shall be exempt from the 120-day time mandate for transfer to Central Property. These units are not required to obtain written authorization by the unit property lieutenant to retain evidence and property at their respective units past this 120-day time limit.

#### **5-04/090.00 CURRENCY HANDLING PROCEDURES – STATIONS**

Functional management and supervision of the station safe shall be the direct responsibility of the watch commander.

Watch commanders shall ensure the timely disposal of money in accordance with the following procedures, where applicable.

#### **5-04/090.10 GENERAL ACCOUNTABILITY FOR CURRENCY**

Currency, other than currency which accompanies the prisoner to the custody facility, shall be packaged in sealed, serialized, transparent evidence bags, when possible, as follows:

- Items with a CURRENCY (US) item type shall be counted at the time of booking and the value recorded in PRELIMS. Items with a SEIZED CURRENCY item type are not required to be counted at time of booking, as it applies to Narcotics Asset Forfeiture procedures. The deposit receipt from the bank shall be scanned into PRELIMS to document that the currency was deposited.
- The identity of the persons placing the currency into the bag, the identity of the person placing the bag into storage, the name of the watch commander approving the transfer of the item into the safe, and the serial number of the bag shall be recorded in PRELIMS. Unless there is evidence of tampering, the seal is broken, or the integrity of the bag has been violated, the watch commander in charge of the safe shall not break the seal for the purpose of counting the contents. If the integrity of the bag has been violated, the bag and its contents shall be secured within a new serialized evidence bag, and the unit commander shall be notified.

The serial number of the bag shall be updated in PRELIMS. The transparent evidence bag is utilized for packaging currency due to the bag's serialized markings.

All money in the safe shall be stored in a manner that allows for a 90 to 120-day transfer to the Central Property custodian or timely deposit to the Department's trust account.

#### **5-04/090.20 "HOLD" CURRENCY**

All currency and coin in possession of the Department which may be introduced as evidence in a court proceeding or bills and coins which constitute collectors' items as defined in section 5-04/050.20 Item Type - Property and Evidence shall:

- Be placed in a sealed, transparent, serialized evidence bag, when possible, and affixed with a PRELIMS-generated bar-coded property label;
- Be recorded in PRELIMS with a STATUS of HOLD; and
- Be stored in the safe under the direct supervision of a watch commander.

The watch commander shall determine whether the item is evidence (CATEGORY) and/or a collectible (ITEM TYPE). If an item is determined to be a collectible, it shall be identified as a "keepsakes/collectible" item type in PRELIMS and shall be stored in the safe. The watch commander or designee shall be responsible for verifying that the status of any item placed in the safe is HOLD or updating the status of items in the safe to HOLD in PRELIMS.

The safe is considered a secure location in PRELIMS which requires entry of two Personal Identification Numbers (PINs) to transfer custody of an item into or out of the storage location. Watch commander approval is required to transfer an item into or out of the safe. This approval occurs when the watch commander enters his Personal Identification Number (PIN) in PRELIMS during the electronic transfer process. See Section 5-04/070.70 Safeguarding Money and Valuables.

All money and collectibles with a STATUS of HOLD shall be transferred to the Central Property custodian within 90-120 days of the item's booking date in PRELIMS unless a court or case disposition is obtained and appropriate disposition authorization is received from the investigating officer and lieutenant or designee. Upon obtaining a court disposition or when an investigation becomes inactive, all collectibles with a STATUS of HOLD shall be returned to the owner. If not returned to the owner within three weeks, the station/unit shall transfer the money/currency or keepsakes/collectors' items to Central Property. Money/currency with a STATUS of HOLD, upon similar dispositions, shall have the item's status updated to DEPOSIT, and the money shall be deposited in the Department's trust fund as soon as feasible.

Custody of money/currency or keepsakes/collectibles with a STATUS of HOLD shall be transferred in PRELIMS to the concerned Department member should the items be

required for court. A custody transfer in PRELIMS shall be recorded for any such money or collectibles returned to the Central Property custodian or station/unit property custodian. See section 5-04/080.10 Interim Removal, Transfer and/or Release of Property and Evidence to Court.

Money/currency and keepsakes/collectibles with a STATUS of HOLD that receive investigating officer and lieutenant or designee authorization in PRELIMS for a final disposition (i.e., deposit, release to owner, etc.) shall be transferred from the safe with the appropriate Personal Identification Number (PIN) entries and the items' STATUS updated, as appropriate, in PRELIMS.

### **5-04/090.30 TEMPORARY STORAGE OF CURRENCY**

Occasionally, authorized personnel may require large amounts of 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, transparent evidence bag, enter the item in PRELIMS, including the serial numbers of the evidence bags, and transfer custody of the currency to the station/unit's safe. A case/URN must exist in order to enter items into PRELIMS; therefore, if a case does not exist for these "temporary storage" items, a case must be created in PRELIMS.

The sealed bags may later be released to a verified representative of the unit which originally placed the currency into the safe, or the contents of the bags may be deposited. Transfer of the item out of the safe requires watch commander's approval which shall be recorded in PRELIMS (see section 5-04/070.60 "Safe" Storage Locations; and Section 5-04/090.10 General Accountability for Currency). Unless there is evidence of tampering, the seal is broken, or the integrity of the bag has been violated, the watch commander in charge of the safe or any other Department member shall not break the seal for the purpose of counting the contents. (See section 5-04/010.70 Sealing of Evidence.) The date, name of the watch commander relinquishing custody, and the identity of the person taking custody of the sealed bag will be tracked in PRELIMS.

"Authorized Personnel" as used in this section includes Department personnel assigned responsibility for handling such currency. It also includes members of inter-agency task forces on which the Department participates.

### **5-04/090.40 "DEPOSIT" MONEY**

All money/currency (US) which meets the following business rules shall be assigned an initial STATUS of DEPOSIT in PRELIMS:

- Other than a felony as Charge 1 and CATEGORY as Evidence;
- Any charge as Charge 1 and CATEGORY as either Found or Found Greater than

\$250;

All money/currency (US) with a STATUS of DEPOSIT shall be deposited in the Department's trust fund as soon as feasible, not exceeding 30 days from the item's booking date in PRELIMS. Upon deposit, the watch commander shall record this final disposition as a custody transfer in PRELIMS.

Money/currency (US) valued as collectible shall be entered in PRELIMS and handled as outlined in Section 5-04/090.20 "Hold Intact" Currency.

#### **5-04/090.50 DEPOSIT OF TRUST FUND MONEY**

On the day the miscellaneous bank account deposit is to be made, all accumulated currency (ITEM TYPE) in the safe with a status of DEPOSIT in PRELIMS shall be removed and processed as follows:

- Amount of money shall be counted and verified by the watch deputy or watch commander.
- A new bulk container shall be created in PRELIMS, and four copies of the container label shall be printed. Each container created is associated to a unique number in PRELIMS which replaces the previously used *Miscellaneous Receipt Number from the County of Los Angeles Miscellaneous Receipt (76M474A)*. A container label shall be affixed to each copy of the *County of Los Angeles Miscellaneous Receipt (76M474A)*.
- The custody of all items to be deposited shall be transferred to the newly created PRELIMS bulk container.
- Once the deposit is made, the watch sergeant/commander shall record the deposit in PRELIMS as a final disposition which will update the STATUS of each item to DISPOSED. Completion of the disposition, process will require entry of the bank deposit number (or unique transaction number), which is included on the bank deposit receipt. Scan the bank deposit receipt and electronically attach the receipt to the case in PRELIMS.

#### **5-04/090.60 RELEASE OF TRUST FUND MONEY**

Money deposited to the trust fund shall be released, when permissible, to the owner or the owner's designee. The following steps shall be followed:

1. The investigating officer shall ensure the claimant/owner's name and address are correct in PRELIMS so that a County warrant may be prepared and sent to the proper person;
2. The investigating officer shall change the STATUS of the item deposited in the Trust Fund from DISPOSED to READY TO RELEASE TO OWNER. This type of status change will require Lieutenant or designee approval in PRELIMS;

3. Financial Programs Bureau will routinely query PRELIMS for any currency (ITEM TYPE) with a STATUS of READY TO RETURN TO OWNER and shall prepare a requisition for a trust warrant and forward such to the Auditor-Controller for each item so designated;
4. When the County warrant is issued, Financial Programs Bureau shall update the appropriate item in PRELIMS with the warrant number and shall be responsible for updating the STATUS of each item in PRELIMS for which a warrant has been issued to DISPOSED. This type of status change will require Lieutenant or designee approval in PRELIMS. A designated individuals at Financial Programs Bureau shall function in this capacity.

Financial Programs Bureau shall dispose of all unclaimed monies deposited in the trust account in accordance with applicable sections of the Government Code.

#### **5-04/100.00 CASH PROPERTY PROCEDURES - UNITS OTHER THAN STATIONS**

Units other than stations and Narcotics Bureau shall handle "Hold" money in the manner prescribed in section 5-04/090.20 "Hold" Money.

Deposit money received by these units shall be properly recorded in PRELIMS and forwarded directly to the Central Property custodian. The Central Property custodian will deposit the money to the Department's trust fund.

Custody transfers of money/currency (US) to Central Property shall be recorded in PRELIMS.

#### **5-04/100.10 DEPOSIT MONEY PROCEDURES - NARCOTICS BUREAU**

The Narcotics Bureau shall process deposits to the Department's trust fund account as prescribed in section 5-04/090.40 "Deposit" Money through section 5-04/090.60 Release of Trust Fund Money.

#### **5-04/110.00 NARCOTIC EVIDENCE**

Procedures for processing narcotic-related property and evidence are outlined in sections 5-04/110.10 through 5-04/110.70. These procedures ensure accurate and consistent reporting and recordkeeping when narcotic evidence is involved and limits the handling of such evidence, thereby maintaining stringent control and chain of custody.

#### **5-04/110.10 NARCOTIC RECORDS AND CONTROL**

Narcotic evidence shall be entered into PRELIMS and stored in the safe in the absence of a narcotic depository. If the station/unit has a narcotic depository, which is a sturdy,

locked, tamper-proof container, narcotic evidence shall be stored in this depository.

The Narcotics Bureau 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 for the preparation of a memorandum for the unit commander's review, explaining the circumstances under which the seal was broken. After use, the watch commander shall be responsible for resealing the key in an envelope and placing it back in the safe.

#### **5-04/110.20 NARCOTICS BUREAU EVIDENCE RESPONSIBILITY**

The Narcotics Bureau, in conjunction with the Central Property custodian, shall be responsible for the storage and security of all narcotic evidence and the disposition of all evidence relative to a narcotic case. The Narcotics Bureau deputy shall visually inspect the narcotic evidence and, if necessary, open sealed packages to verify contents, counts, etc. All narcotic contraband shall be transferred from the custody of the station/unit as soon as feasible.

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. See Section 5-04/110.50 Narcotic Evidence Special Handling.

Following the visual inspection, transparent evidence bags shall be resealed with a heat-sealer, if necessary, by the Narcotics Bureau deputy. The count results of the visual inspection shall be noted, and the Narcotics Bureau deputy'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, the bag and its contents shall be secured within a new serialized, transparent evidence bag, PRELIMS updated with the serial number of the new bag, a property/evidence label shall be printed and affixed to the new bag, and a supplementary report written indicating the new bag's serial number.

#### **5-04/110.30 NARCOTICS UNIT - STATION/UNIT RECORDS RESPONSIBILITY**

Narcotics Bureau personnel shall be responsible for all narcotic case evidence/property items stored at the station/unit and for the timely clearance of station/unit storage areas of narcotics items and narcotics-related records as soon as feasible.

In the event narcotic evidence is stored at Narcotics Bureau, it shall be stored in the same manner as prescribed in section 5-04/070.00 Storage of Property/Evidence.



## **5-04/110.40 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, plant material, tablets, tarry substance, liquid, etc.) AND the controlled substance believed to be present;
- Dimensions of the package OR a description of the container to include a notation of the quantity within the container (e.g., full, ½ full, minute, etc.);
- The number and form of the items in the package (e.g., two bindles, six balloons, one plastic bag, etc.).

Personnel not from Narcotics Bureau, Central Property and Evidence, and Scientific Services Bureaus should not state specific weights. 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 5-04/110.50 Narcotic Evidence Special Handling, by the deputy who will testify in court proceedings.

Narcotic evidence shall be packaged and labeled as indicated in section 5-04/010.60 Packaging of Evidence and section 5-04/110.50 Narcotic Evidence Special Handling; however, the quantity and type of evidence may require special handling as outlined in the aforementioned section.

## **5-04/110.50 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 label shall be generated in PRELIMS 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 evidence bag and sealed. The evidence shall be described in PRELIMS and on the property label generated from PRELIMS.

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/evidence label generated in PRELIMS 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 section 5-04/010.60, Packaging of Evidence 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 United States 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 evidence bag along with the evidence.

Item descriptions entered into PRELIMS for this type of evidence should be similar to the following:

- One plastic bag containing white powder resembling amphetamine sulfate;
- One red balloon containing a tan powder resembling heroin;
- One foil bindle containing a white powder resembling cocaine.

Large quantities in excess of 200 units shall be left in the original container. The specific count is not necessary. A minimum of 20 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 evidence bag, it shall be placed in a suitable container. See prior instruction, 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 the container shall be placed in a transparent evidence bag. Quantities of ten or less shall be initialed in total for identification.

Examples of descriptions entered into PRELIMS for this type of evidence are as follows:

- One suitcase containing five plastic bags of a large amount of white, double-scored tablets resembling amphetamine sulfate;
- One plastic bag containing a large amount of purple tablets resembling LSD.

## Liquids

Liquids shall 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 evidence bag and may be described as follows:

- One quart mason jar,  $\frac{3}{4}$  full, containing a bluish liquid resembling LSD;
- One 2-inch vial,  $\frac{1}{2}$  full, containing 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 encountered may be as follows:

- Rock cocaine pipe,
- Cocaine inhaler,
- Burnt spoon with cotton swab and hypodermic needle,
- Marijuana bong or pipe.

Central Property personnel shall transport paraphernalia to the Central Property custodian for storage and disposition. Paraphernalia may be transported to Scientific Services Bureau should there be a specific need for analysis. The Central Property custodian, in collaboration with Narcotics Bureau, shall dispose of paraphernalia. The Central Property custodian will dispose of large items such as scales, beakers, burners, and other containers.

With the exception of hypodermic syringes and/or needles, all narcotic-related paraphernalia shall be marked and placed in a marked transparent evidence bag or in a plain evidence envelope, booked into PRELIMS, and a PRELIMS-generated property/evidence label attached. The evidence bag/envelope shall then be placed in the narcotics evidence locker.

The following procedure shall be followed 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/unit 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 serve as the "next best evidence" and shall be placed in an evidence envelope, marked, booked into PRELIMS, a PRELIMS-generated barcode label affixed, and placed into an interim storage location 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 transparent evidence bag. The description on the property label affixed to the bag should include the following text: "contents of syringe";
- A syringe or needle held as evidence shall be placed securely inside a Biohazard Eva-Safe container. The container shall be placed in a transparent evidence bag and the description on the property label affixed to the bag should include the following text: "NEEDLE." The transparent evidence bag shall be placed in the 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 narcotics or dangerous drugs not enumerated above. When possible, the evidence shall be kept in its original container, described in PRELIMS and PRELIMS-generated item label affixed to the transparent

evidence bag. Some examples of item descriptions are:

- One 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

#### **5-04/110.60 TRANSPORTATION OF NARCOTIC EVIDENCE**

Transporting of evidence shall be handled as outlined in section 5-04/030.00 Transportation of Evidence and section 5-04/030.10 Department Evidence Courier System except that it shall be the responsibility of Narcotics Bureau personnel to ensure narcotic evidence is packaged appropriately and placed in a conspicuous location within the station/unit evidence locker for pickup by the Scientific Services Bureau courier or to personally transport the narcotic evidence to Scientific Services Bureau.

Upon completion of scientific examination, all narcotic contraband shall be transported to the Central Property custodian by Scientific Services Bureau and/or Narcotics Bureau personnel. Narcotics contraband in excess of 8 ounces, except for marijuana, per URN and marijuana in excess of 5 pounds per URN shall not be stored at Scientific Services Bureau longer than 48 hours after the examination has been completed unless written approval is received from Scientific Services Bureau Assistant Director or designee allowing for additional storage time. Narcotics Bureau shall be responsible for transporting such narcotics contraband and marijuana in excess of the amounts stated above to Central Property and Evidence for storage.

Narcotics evidence will not routinely be transported to court. A digital image of the contraband, rather than the contraband itself, shall be taken to court.

Should the narcotics evidence be required in court, it may be retrieved from Central Property. An *Out to Court* form (SH-AD-583) shall be printed upon transferring custody of the narcotics evidence to the deputy and shall be taken to court along with the narcotics evidence.

If the narcotics evidence is not introduced in court, it shall be returned to the Central Property custodian the same day.

If the narcotic evidence is retained by the court, the transporting Deputy shall obtain the court seal and signature of the court clerk on the *Out to Court* form (SH-AD-583) before returning the form to the Central Property custodian and/or station Evidence and Property custodian. The Central Property custodian or the station Evidence and Property custodian shall be responsible for recording the narcotics evidence disposition in PRELIMS and scanning the completed *Out to Court* form to the case in PRELIMS. See section 5-04/080.10 Interim Removal, Transfer and/or Release of Property/Evidence at Court.

## **5-04/110.70 HAZARDOUS NARCOTIC EVIDENCE HANDLING AND DISPOSAL**

Evidence which is suspected to contain phencyclidine liquid, crystals, freshly sprayed mint leaves, etc., shall not be stored inside any Department facility or permitted in any courtroom. This evidence shall be taken to Scientific Services Bureau by a Narcotics Bureau deputy or transported to the laboratory via the Scientific Services Bureau courier for chemical and physical analysis of the materials. Sufficient samples for later defense examination by private laboratories will be maintained by the Central Property custodian, and counsel wishing to examine any such object or substance shall do so at Central Property.

A digital image shall be taken at Scientific Services Bureau to include the name of the investigating deputy and the criminalist performing the analysis, the file number and a system to designate the material so that it can be identified from a printout of the digital image. The court will accept a color copy of the digital image of the object or substance in lieu of the actual evidence.

Upon conclusion of analysis at the laboratory, Narcotics Bureau, in collaboration with the Central Property custodian, shall be responsible for disposal of the evidence. Appropriate evidence disposition entries shall be made in PRELIMS. See section 5-04/180.80 Destruction of Narcotic Evidence.

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.

## **5-04/120.00 FOUND PROPERTY**

Procedures for processing found property are governed by Civil Code sections 2080 through 2080.4.

The *Receipt for Found Property* (SH-CR-213) shall be completed with the exception of information in the release date section and given to the individual who found the property. 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 timeframes.

## **5-04/120.10 FOUND PROPERTY REPORTING**

Deputy personnel responsible for the preparation of the *Receipt for Found Property* (SH-CR-213) shall be responsible for completing a found property report as follows:

- 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 of the receiving deputy and unit of assignment;
- Enter the found property into PRELIMS and designate it as "Found" (CATEGORY) or "Found greater than \$250" (CATEGORY) if the value of the found property is estimated by the receiving deputy to be greater than \$250;
- A copy of the *Receipt for Found Property* (SR-CR-213) shall be scanned into PRELIMS to document that the claimant was provided with a copy.

#### **5-04/120.20 FOUND PROPERTY PROCESSING AND DISPOSITION**

Found property shall be retained at the concerned station/unit no longer than 30 days from the item's booking date in PRELIMS to allow time for investigative procedures or the rightful owner to claim the property. If the property is not claimed by the owner within this period, the property shall be transferred to the Central Property custodian. The *Receipt for Found Property* (SH-CR-213) and a copy of the case report shall accompany all found property that is transferred to the Central Property custodian.

If found property is money, the station shall deposit it to the Department's trust fund and forward the *Receipt for Found Property* (SH-CR-213) and copy of the case report to the Central Property custodian. Units other than stations shall dispose of found money in accordance with those procedures outlined in section 5-04/100.00 Cash Property Procedures - Units Other than Stations. All money of numismatic value shall be transferred 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 5-04/190.20 Acquisition Request and Release of Unclaimed Property.

### **5-04/120.30 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.

### **5-04/130.00 INMATE PROPERTY**

Inmate Property (CATEGORY) refers to what was previously known as “bulk prisoner property” or “personal 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:

- Property in the possession of an inmate at time of arrest which does not accompany the inmate to the custody facility shall be entered into PRELIMS as Inmate Property (CATEGORY) and stored in a secure location;
- If the prisoner is still in custody, immediate steps shall be taken to locate and transfer the property to the facility or agency holding the prisoner or an attempt to release the property to a relative or agency 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;
- If unable to transfer or release the property, the property shall be stored in the station's property and evidence storage room for a minimum of 30 days from the item's booking date in PRELIMS after which it shall be transferred to Central Property.

Inmate Property transferred to the Central Property custodian shall be retained no longer than 150 days from the item's booking date in PRELIMS to allow time for release to the inmate or his/her designated representative. If the property is not released within this



period, property will be disposed of by the Central Property custodian as allowed by Government Code section 26642. Prior to disposal, the Department may acquire the property if it can be put to public use or the property can be auctioned. See section 5-04/190.20 Acquisition Request and Release of Unclaimed Property.

#### **5-04/140.00 SURRENDERED PROPERTY**

Members of the public may voluntarily elect to surrender personal property to the Department for the purpose of destruction. Property of this nature coming into the possession of the Department shall be entered into PRELIMS as Surrendered (CATEGORY). See section 5-04/180.70 Non-Diversion of Voluntarily Surrendered Firearms.

#### **5-04/150.00 PROPERTY FOR SAFEKEEPING**

Deputy personnel may confiscate personal property from a member of the public for the purpose of safekeeping leading towards possible return of the item to the individual or his designee. Likewise, a member of the public may surrender an item to the custody of the Department for the same reason. Property for safekeeping may consist of personal property items (typically firearms and/or weapons) that require safekeeping as a result of the owner's infirmity, accident, or arrest. Property of this nature coming into the possession of the Department shall be entered into PRELIMS as Safekeeping (CATEGORY).

If the item confiscated for safekeeping is a firearm, the owner must submit authorization from the Department of Justice (DOJ) prior to the investigating officer authorizing the release of the firearm to the owner. Upon presentation of the DOJ authorization by the owner, the investigating officer and lieutenant or designee shall authorize the release of the firearm to the owner in PRELIMS, generate an *Authorization to Release Property or Evidence* (SH-AD-121) in PRELIMS, and give it to the owner. The Central Property custodian shall release the firearm to the owner upon the presentation of both the DOJ authorization and *Authorization to Release Property or Evidence* (SH-AD-121).

If the items is confiscated or surrendered due to Section 5150 of the Welfare and Institutions Code and/or Section 8102 of the Health and Safety Code and 72 hours have elapsed, both the DOJ form and a court order authorizing release of the firearm is required.

See Section 5-04/180.30 Release of Property/Evidence to Owner – Firearms.

#### **5-04/160.00 SCIENTIFIC SERVICES BUREAU**

##### **5-04/160.05 SCIENTIFIC SERVICES BUREAU LABORATORY 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 *Scientific Services Bureau Evidence Receipt* (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 laboratory receipt shall be completed by the submitting unit or investigator as described below. Several fields require mandatory completion as indicated:

- Name of Subject, Suspect, or Victim;
- File Number - URN for the assigned case; **MANDATORY**;
- Arrest Charge;
- Received From – the person who places the evidence into the courier pick-up area shall sign and date this section of the form; **MANDATORY**;
- Agency (Station) - approved abbreviations or acronyms may be used, e.g., SCV, ELA, LKD; **MANDATORY**;
  - Station narcotic deputies shall use the station acronym or abbreviation;
- Number of Packages - indicate the number of external packages submitted (not items inside the package); **MANDATORY**;
- Description of Evidence - describe the type of evidence submitted such that the contents of the package are reasonably characterized and consistent with the evidence description, if any, written on the package itself. Indicate the examination requested and the court date for the case, if known. **MANDATORY**.

### Attaching the Receipt to Evidence:

- Staple the receipt to the packages whenever possible. Only staple below the perforations at the bottom of the receipt. Do not staple through the receipt or through the evidence inside the package;
- 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 *Scientific Services Bureau Laboratory Receipt* (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 *Scientific Services Bureau Laboratory Receipt* (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 station or unit upon the completion of analysis and shall be signed by a designated unit representative and returned to Scientific Services Bureau for their "Evidence Completed File;"
- Red copy – Scientific Services Bureau shall use this copy for inventory and accounting purposes;
- Brown copy – Scientific Services Bureau shall use this copy for internal purposes at its discretion;
- Green copy – Upon delivery of evidence to Scientific Services Bureau or courier pick-up, 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 folder;
- Hard white copy – When the examination or analysis is complete and the courier has signed the soft white copy upon return of the evidence to station/unit, the hard white copy may be retained with the evidence at the station/unit.

#### **5-04/160.10 REQUEST FOR LABORATORY EXAMINATION**

Request for laboratory examination shall be initiated by completing a *Scientific Services Bureau Laboratory Receipt* (SH-CR-126) to include a description of the items, type of examination desired, and any special instructions written on the face of the laboratory receipt.

By submitting evidence to Scientific Services Bureau (SSB) for laboratory examination, the agency/investigator agrees that SSB will choose the appropriate course of analysis based on several criteria including but not limited to the type of evidence submitted, the requested analysis, and the procedures and technology available to the analysts.

Scientific Services Bureau can be contacted for additional details relative to the examination/analysis of the submitted evidence.

#### **Evidence for Examination by Biology, Firearms, Questioned Documents or Trace Evidence Sections**

Investigators or requesting parties submitting evidence to the Biology, Firearms, Questioned Documents or Trace Evidence section of the laboratory are required to speak directly to the section supervisor or member of the section to discuss relevant case circumstances. This knowledge of case circumstance will allow section personnel to accurately assess the need for analysis. The requesting party must articulate an analytical objective that is within the technological capability and available resources of

the laboratory. The requested examination must answer a significant issue with the case and provide pertinent and beneficial information for the investigation, adjudication, and/or disposition of the case. When all this information is known, the section supervisor or designee shall determine if a case will be accepted for analysis. Cases that are accepted will be assigned to a priority classification based on the evaluation of the nature of need and the type of crime.

Evidence for Examination by Blood Alcohol, Chemical Processing, Clandestine Laboratories, Controlled Substances (Narcotics), Latent Prints and Toxicology Sections

Examination of evidence submitted to these sections will generally be performed in the order the evidence is received although each section may have more detailed case acceptance and examination criteria. Investigators or requesting parties having special examination needs shall contact the laboratory section directly to discuss relevant case circumstances.

**5-04/160.20 SUBMISSION OF SEXUAL ASSAULT KITS TO SCIENTIFIC SERVICES BUREAU**

After a sexual assault kit is collected pursuant to section 5-04/010.20 Handling of Special Evidence - Wet, Stained Articles and placed into evidence by the handling deputy, the station/unit property custodian or the property lieutenant 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 business days of the sexual assault kit being booked in PRELIMS. 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.

**5-04/160.30 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, participating agency, or Central Property custodian for disposition.

#### **5-04/160.40 STORAGE/RETURN OF EVIDENCE BY SCIENTIFIC SERVICES BUREAU**

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. Scientific Services Bureau shall establish a storage system compatible with PRELIMS.

Evidence transported to Scientific Services Bureau by bureau couriers shall be stored in a secure evidence storage location by the courier. Evidence transported directly by investigators and other specified personnel shall be placed into the secure evidence storage location by the bureau's property custodian.

The bureau property custodian shall record the custody transfer of the evidence in PRELIMS and transfer the evidence into the secure evidence storage location.

Custody transfers of evidence to be examined by Scientific Services Bureau personnel shall be recorded in PRELIMS. When the examination/analysis is complete, the evidence shall be returned to the secure evidence storage location under control of the bureau property custodian and the appropriate custody transfer shall be recorded in PRELIMS.

The bureau's couriers will remove the evidence from the secure evidence storage location; transport it to the submitting station/unit, participating agency, or Central Property; and secure it in that unit's respective secure evidence storage location. All transfers of evidence to, from, and within Scientific Services Bureau shall be recorded in PRELIMS.

#### **5-04/170.00 EVIDENCE/PROPERTY RETENTION REVIEW, CLEARANCE LISTS, AND STATUS CHANGES**

An initial STATUS is assigned to each evidence/property item when the item is booked into PRELIMS. The STATUS is used to determine retention periods and disposition. See section 5-04/050.30 Status – Property and Evidence.

#### **5-04/170.10 RETENTION REVIEW / PROPERTY CLEARANCE LISTS**

Property or evidence with a HOLD STATUS is stored by the Central Property custodian after transfer of the items from the station/unit. When the investigating agency is other than Homicide Bureau, Special Victims Bureau, or Civil Litigation, an electronic action item generated in PRELIMS requesting a retention review will be sent to the investigating officer and alternate investigating officer of record in PRELIMS initially ten months from the items' booking date in PRELIMS and every six months thereafter if retention is continued (HOLD STATUS remains unchanged) until the item is disposed of.

When Homicide Bureau, Special Victims Bureau, or Civil Litigation is specified as the investigating agency in PRELIMS, the notification requesting a disposition update will be sent initially 28 months from the items' booking date in PRELIMS and every two years thereafter if retention is continued (HOLD STATUS remains unchanged) until the item is disposed of.

If there is no investigating officer assigned to the case or if the name of the investigating officer or alternate is not entered into PRELIMS, the Detective Bureau (DB) Lieutenant of the investigating agency will receive the action item and will be responsible for ensuring that the retention review is conducted.

If no action is taken by the investigator within 30 days of the electronic retention review action item (clearance lists) being sent, station/unit command staff will be notified via an electronic action item in PRELIMS, requesting the retention review be completed so that property/evidence can be disposed of and removed from the Department's custody as rapidly as possible.

For all items with a HOLD STATUS for which continued retention is requested (HOLD STATUS remains unchanged) by the investigating officer or alternate investigating officer, concurrence of the property lieutenant or designee shall be obtained in PRELIMS; i.e., a second approval must be obtained.

For all items with a HOLD STATUS and booked with a felony charge for which disposal is requested (HOLD STATUS changed to READY TO DISPOSE or READY TO RETURN TO OWNER STATUS) by the investigating officer or alternate investigating officer, concurrence of the property/DB lieutenant or designee shall be required in PRELIMS for firearms, narcotics (including marijuana), keepsakes/collectibles, and currency and/or if the item was seized for the purposes of DNA identity. This lieutenant or designee level approval is required to ensure compliance with Penal Code Sections 1405 and 1417 (Post Conviction laws).

#### **5-04/170.20 STATUS CHANGE AND APPROVALS**

Select Department personnel, including investigating officers, alternate investigating officers, and Evidence and property custodians have access to update the STATUS of property/evidence based on case circumstances and to facilitate the timely disposition of property/evidence. Some STATUS changes may require approval by a lieutenant or designee. All such approvals shall be obtained and recorded in PRELIMS. Department personnel, such as Evidence and Property custodians, shall only change the STATUS of an item at the implicit direction of the investigating officer or alternate investigating officer as recorded in PRELIMS.

#### **5-04/180.00 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 (items' STATUS changed to READY TO RETURN TO OWNER in PRELIMS) or disposed of by the Central Property custodian (item's STATUS changed to READY TO DISPOSE in PRELIMS.)

The Central Property custodian shall be responsible for appropriately disposing of property/evidence with a READY TO DISPOSE STATUS.

#### **5-04/180.10 INTERIM REMOVAL, TRANSFER AND/OR RELEASE OF PROPERTY AND EVIDENCE TO COURT**

See Section 5-04/080.10 Interim Removal, Transfer and/or Release of Property and Evidence to Court.

#### **5-04/180.20 RELEASE OF PROPERTY/EVIDENCE TO OWNER**

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.

Both investigating officer and lieutenant or designee approval in PRELIMS is required to release property to the owner when the item is a firearm, keepsake/collectible, narcotics (including marijuana), or currency and/or if the item was seized for DNA identity. Approval to release property/evidence to an owner is obtained in PRELIMS when the investigating officer and lieutenant or designee, when appropriate, change the items' status to READY TO RELEASE TO OWNER in PRELIMS. Property shall be physically released by the watch commander or the property custodian. Investigating officers having case responsibility for the seized property may be designated to physically release the property to the owner.

NOTE: For additional information regarding the releasing of a firearm, refer to section 5-04/180.30, Release of Property/Evidence to Owner – Firearms.

*Authorization to Release Property or Evidence* form listing all items authorized for release to owner shall be generated in PRELIMS and given or mailed to the owner after required approvals obtained.

NOTE: PRELIMS has phased out the previous manner in which property/evidence was booked; however, there may be instances where an *Authority for Release of Property* form (SH-AD-121) will be required.

The property may be released to the owner at the station by the Evidence Property

Custodian or the investigating officer, or it may be hand delivered to the owner at the discretion of the investigating officer. The owner shall present satisfactory evidence of identification prior to the release of the property. Upon verification of identification, the items shall then be transferred to a final disposition location of "Disposed from LASD" in PRELIMS, and two copies of the transfer receipt shall be printed. To complete the transfer, the owner shall sign for the property in PRELIMS via an electronic signature pad or, if a signature pad is not available, sign each copy of the transfer receipt form printed from PRELIMS. One copy is given to the owner, and the second copy shall be scanned to the case in PRELIMS and placed in the unit URN file, if appropriate.

Property seized as the result of a search warrant shall be released only when the *Authorization to Release Property or Evidence* form or *Receipt for Property* (SH-CR-19e) is accompanied by a copy of the court order (see Penal Code Section 1536). The court order shall be scanned to the case in PRELIMS.

#### **5-04/180.30 RELEASE OF PROPERTY/EVIDENCE TO OWNER – FIREARMS**

A firearm may only be released when the following conditions are met:

- Investigating officer and lieutenant or designee approval to release the firearm is recorded in PRELIMS via updating the item's status to READY TO RELEASE TO OWNER. Personnel shall also ensure that the person retrieving the firearm is described as the claimant or owner in PRELIMS;
- The owner of record shall be notified in writing when the firearm is eligible for release. *Authorization to Release Property or Evidence* form shall accompany this written notification;
- The owner of the firearm presents satisfactory proof of identification, as well as an official California Department of Justice (DOJ) letter stating he/she is eligible to possess a firearm;

NOTE: The DOJ letter must be presented within 30 days from the date of issuance. If the firearm is a handgun, DOJ will issue one eligibility letter for each firearm containing specific information about the gun (make, model, and serial number). By contrast, only one, non-specific letter will be issued for all long guns owned. Upon processing eligibility letters, DOJ will update the AFS files concerning each firearm to reflect the applicant's name. This transaction will be indicated as an "Operation of Law" or "LEGR Application."

- The owner pays the storage/processing fees required by our Department for each firearm released at the station where the firearm was confiscated;
- Each firearm shall be checked via the Automated Firearms System (AFS) to confirm it has been recorded in the name of the person who seeks to recover possession and ensure it has not been reported stolen;



NOTE: If the firearm was reported stolen prior to coming into our possession, the fees may be waived.

- If AFS does not indicate a registered owner or shows a registered owner with a different name, but the firearm was legally possessed prior to confiscation, the firearm should be released to the person from whom it was confiscated, as long as that person has an approved Law Enforcement Gun Release letter.

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

If DOJ determines the owner is prohibited from possessing any firearm, both the individual and the Department will be notified via U.S. mail. If the firearm is otherwise a legal firearm, personnel shall release ~~these~~ firearm only upon presentation by a licensed firearms dealer of satisfactory proof of identification and a Power of Attorney (POA) for Firearms Transfer and Disposal (DOJ Form BOF 110) which has been signed by the owner and notarized. The POA must be presented within 30 days of execution.

The owner must claim, sell, or transfer ownership of the firearms 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/Evidence custodian for disposal (see section 5-04/180.50 Disposition of Property/Evidence Held by Station or Unit).

When the conditions outlined above are met, the firearm can be released to the owner as described in section 5-04/180.20, Release of Property/Evidence to Owner. The firearm may be released to the owner at the station by the Central Property/Evidence custodian, or hand delivered to the owner at the discretion of the investigating officer. The owner shall present satisfactory evidence of identification prior to the release of the property. Upon verification of identification, the items shall then be transferred to a final disposition location of "Disposed from LASD" in PRELIMS, and two copies of the transfer receipt shall be printed. To complete the transfer, the owner shall sign for the property in PRELIMS via an electronic signature pad or, if a signature pad is not available, sign each of the copies of the transfer receipt form printed from PRELIMS. One copy is given to the owner, and the second copy shall be scanned to the case in PRELIMS and placed in the unit URN file, if appropriate.

NOTE: PRELIMS has phased out the previous manner in which evidence was booked; however, there may be instances where an *Authority for Release of Property* form (SH-AD-121) will be required to release a firearm.

Property seized as the result of a search warrant shall be released only when the *Authorization to Release Property or Evidence* form or *Receipt for Property* (SH-CR-19e) is accompanied by a copy of the court order (see Penal Code Section 1536). The court order shall be scanned to the case in PRELIMS.

## **5-04/180.40 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) as well the *Authorization to Release Property or Evidence* (SH-AD-121) in the following cases:

- When suitable alternatives to actual storage exist (see section 5-04/000.10. Necessity for Seizing and Storing);
- Upon conviction of the suspect;
- If the District Attorney's office makes a decision not to file the case; or
- 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. This section 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 shall:

- Make two copies of the proof of ownership and return the original to the claimant;
- Retain the signed *Declaration of Property Ownership* (SH-AD-614);
- 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* (SH-AD-615) 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;
- Release the property to the claimant by having the claimant sign for the item in PRELIMS as outlined in section 5-04/180.20 Release of Property/Evidence to Owner;
- Upon verification of claimant's identification, the items shall be transferred to a final disposition location of "Disposed from LASD" in PRELIMS and three copies of the transfer receipt shall be printed. To complete the transfer, the owner shall sign for the property in PRELIMS via an electronic signature pad or, if a signature pad is not available, sign each of the three copies of the transfer receipt (*Receipt for Property* (SH-R-19)) printed from PRELIMS. One copy is given to the owner; the second copy shall be sent to Records and Identification Bureau; the third copy is first scanned to the case in PRELIMS and subsequently placed in the unit URN file, if appropriate;
- 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 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;
- Scan the photographic record, declaration of property ownership, and copy of proof of ownership into PRELIMS.

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

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 *Authorization to Release Property or Evidence* (SH-AD-121) and be advised to retrieve the property from the Central Property custodian. When presented the *Authorization to Release Property or Evidence* (SH-AD-121), the Central Property custodian shall:

- Photograph the property;
- Release the property to the claimant by having the claimant sign for the item in PRELIMS as outlined in section 5-04/180.20 Release of Property/Evidence to Owner;
- Upon verification of claimant's identification, the items shall be transferred to a final disposition location of "Disposed from LASD" in PRELIMS and three copies of the transfer receipt shall be printed. To complete the transfer, the owner shall sign for the property in PRELIMS via an electronic signature pad or, if a signature pad is not available, sign each of the three copies of the transfer receipt (*Receipt for Property* (SH-R-19)) printed from PRELIMS. One copy is given to the owner; the second copy shall be sent to Records and Identification Bureau; the third copy is first scanned to the case in PRELIMS and subsequently placed in the unit URN file, if appropriate;
- 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;
- Scan the photographic record, declaration of property ownership, and copy of proof of ownership into PRELIMS;
- Advise 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.

#### **5-04/180.50 DISPOSITION OF PROPERTY/EVIDENCE HELD BY STATION/UNIT**

Property/evidence of no value as evidence or no value for sale can be destroyed at the

station/unit. Lieutenant or designee approval is required prior to destruction when the items are transferred to a final disposition location of "Disposed from LASD" in PRELIMS by the unit property custodian. Upon completion of the transfer, the STATUS of property/evidence disposed in this manner is updated in PRELIMS to DISPOSED.

All property and evidence of resale value that is not released at the station/unit shall be transferred to Central Property custodian for final disposition.

All contraband not authorized for destruction at the unit shall be transferred to the Central Property custodian for final disposition.

Narcotic contraband, paraphernalia, and devices shall be transferred to Central Property custodian for final disposition. Narcotics Bureau, in collaboration with the Central Property custodian, shall be responsible for final disposition of all narcotic contraband, paraphernalia, and devices. See section 5-04/180.80 Destruction of Narcotic Evidence.

Items for which the owner is unknown, cannot be contacted, or the owner does not wish to claim shall be transferred to the Central Property custodian for final disposition.

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 investigating officer to pick up the property. Property not claimed within 30 days shall be forwarded to the Central Property custodian. Property forwarded to Central Property and not claimed within 90 days can be disposed.

If the item is a firearm, the legal owner must claim, sell, or transfer ownership of the 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 final disposition.

Property of value for Department use 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 representative to originate a *Request for Property Acquisition* (SH-AD-558). Division approval must be by signature of a Division Commander or Chief and departmentally approved by the Director, Fiscal Administration (see section 5-04/190.20 Acquisition Request and Release of Unclaimed Property).

#### **5-04/180.60 DISPOSITION OF PROPERTY/EVIDENCE HELD BY CENTRAL PROPERTY**

Property not held originally as evidence or no longer needed as evidence for which the owner is unknown, the owner cannot be contacted, or the owner does not wish to claim the property shall be disposed of by the Central Property custodian provided doing so does not violate the law or Department policy.

The Central Property custodian shall determine if the property has value and shall dispose of such property by auction, release to Sheriff's Youth Foundation, release to the Department of Children and Family Services, release to Probation Department, or similar organizations, destroyed due to no value, etc., under the authority of Los Angeles County Code Section 2.34.100, Disposition of Abandoned Property.

Investigating officer and lieutenant or designee approval, when appropriate, is required prior to disposal of any property held as evidence. This approval is recorded in PRELIMS when the item's STATUS is updated to READY TO DISPOSE.

The STATUS of property/evidence disposed in this manner shall be updated in PRELIMS to DISPOSED by the Central Property custodian.

Narcotic contraband, paraphernalia, and devices shall be transferred to Central Property custodian for disposition. Narcotics Bureau, in collaboration with the Central Property custodian, shall be responsible for final disposition of all narcotic contraband, paraphernalia, and devices. See section 5-04/180.80 Destruction of Narcotic Evidence.

Firearms not held originally as evidence or no longer needed as evidence for which the owner is unknown, the owner cannot be contacted, or the owner does not wish to claim the property shall be disposed of by the Central Property custodian provided doing so does not violate the law or Department policy. See section 5-04/180.80 Destruction of Firearms.

#### **5-04/180.70 NON-DIVERSION OF VOLUNTARILY SURRENDERED FIREARMS**

Whenever the owner of a firearm voluntarily elects to surrender such firearm to this Department 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 34005(b), Firearms; Alternatives to Destruction; Conditions for Approval).

#### **5-04/180.80 RELEASE OF PROPERTY/EVIDENCE TO OUTSIDE AGENCIES**

On occasion, property/evidence items may be released from the custody of the Los Angeles County Sheriff's Department to a member of another law enforcement agency for investigative purposes only, upon presentation of satisfactory evidence of identification.

Investigating officer and lieutenant or designee approval, when appropriate, shall be

recorded in PRELIMS by updating the item's STATUS to READY TO DISPOSE before the items can be released. The item shall then be transferred in PRELIMS to a final disposition location of "Disposed from LASD." The member of the outside law enforcement agency shall sign for the item in PRELIMS via an electronic signature pad or, if a signature pad is not available, sign three copies of the transfer receipt (*Receipt for Property* (SH-R-19) printed from PRELIMS. One copy is given to the law enforcement officer; the second copy shall be sent to Records and Identification Bureau; the third copy is first scanned to the case in PRELIMS and subsequently placed in the unit URN file, if appropriate.

#### **5-04/180.90 DESTRUCTION OF NARCOTICS EVIDENCE**

Narcotic contraband, paraphernalia, and devices shall be transferred to Central Property for disposition. Narcotics Bureau, in collaboration with the Central Property custodian, shall be responsible for final disposition of all narcotic contraband, paraphernalia, and devices.

Investigating officer and lieutenant or designee approval, when appropriate, shall be recorded in PRELIMS by updating the item's STATUS to READY TO DISPOSE before the items can be destroyed.

In collaboration with Narcotics Bureau, the Central Property custodian shall prepare a manifest or list of items by URN and item number, type, and quantity of drug to be destroyed at one time. A court order is obtained authorizing the destruction of all items included on this manifest. The Central Property custodian, accompanied by Narcotics Bureau personnel, shall transport the narcotics to a third-party vendor for destruction. A copy of the court order is scanned into PRELIMS.

The Central Property custodian or Narcotics Bureau may institute specific audit processes prior to destruction of the narcotic contraband to verify items being destroyed.

Upon destruction, the Central Property custodian shall transfer the items to a final disposition location of "Disposed from LASD" in PRELIMS at which time the item's STATUS is updated in to DISPOSED.

#### **5-04/180.95 DESTRUCTION OF FIREARMS**

Firearms not held originally as evidence or no longer needed as evidence for which the owner is unknown, the owner cannot be contacted, or the owner does not wish to claim the property shall be disposed of by the Central Property custodian provided doing so does not violate the law or Department policy. See section 5-04/180.95 Destruction of Firearms.

Investigating officer and lieutenant or designee approval, when appropriate, shall be

recorded in PRELIMS by updating the STATUS of any firearm no longer needed as evidence to READY TO DISPOSE before the items can be destroyed.

Upon destruction, the Central Property custodian shall transfer the items in PRELIMS to a final disposition location of "Disposed from LASD" at which time the item' STATUS is updated in PRELIMS to DISPOSED.

Any firearm approved for destruction may be acquired for Department use, including acquisition for the Scientific Services Bureau's Firearms Section collection, provided appropriate approvals are received. See section 5-04/190.20 Acquisition Request and Release of Unclaimed Property.

#### **5-04/190.00 DISPOSITION OF UNCLAIMED PROPERTY – DEPARTMENT USE**

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 for 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. Refer to Los Angeles County Code Section 2.34.100, Disposition of Abandoned Property.

#### **5-04/190.10 NOTIFICATION OF AVAILABLE UNCLAIMED PROPERTY**

The Central Property custodian shall retain useful unclaimed property and make the items available for Department acquisition. This property shall be designated by the Central Property custodian as either a Controlled Asset (value less than \$5,000) or a Capital Asset (value greater than \$5,000). A list of property so designated and available for Department acquisition may be accessed in PRELIMS. The property will be available for viewing at Central Property by the budget representatives from the various Divisions throughout the Department.

#### **5-04/190.20 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 through this acquisition process. 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.

All unit requests shall be coordinated by the respective budget representatives.



Acquisition and release of property shall be as follows:

Budget representatives will prepare a *Request for Property Acquisition* (SH-AD-558), E-Form. 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 URN and item number from PRELIMS 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;
- Once items are released to the budget representative, the STATUS of each item shall be updated in PRELIMS to DISPOSED.

#### **5-04/190.30 TRANSFER OF ACQUIRED UNCLAIMED PROPERTY**

After the items are labeled/tagged and ready for pickup, the Central Property custodian shall notify the Inventory Control Unit, Fiscal Administration, and the Division budget representatives.

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

All items transferred for Department acquisition shall be updated in PRELIMS with the tag number, if appropriate, name of unit and individual items released to, and the signed copy of the *Request for Property Acquisition* (SH-AD-558) shall be scanned into PRELIMS.

#### **5-04/200.00 ACCOUNTABILITY FOR RELEASED OR DISPOSED OF PROPERTY AND EVIDENCE**

All property and evidence released to an owner or an agent of the owner shall have a *Receipt for Property* (SH-CR-19), generated by PRELIMS and signed by the owner or an agent of the owner. The name of the Department personnel authorizing its release is recorded in PRELIMS and displayed on the *Authorization to Release Property or Evidence* form (SH-AD-121). Both the *Authorization to Release Property or Evidence* form (SH-AD-121) and *Receipt for Property* (SH-CR-19) are generated in PRELIMS. See

section 5-04/180.20 Release of Property/Evidence to Owner; Section 5-04/180.30 Release of Property/Evidence to Owner – Firearms; and section 5-04/180.40 Release of Stolen or Embezzled Property.

Permanent release of property and evidence to another agency for investigative purposes requires approval in PRELIMS from the investigating officer and lieutenant or designee, when appropriate. See section 5-04/180.70 Release of Property/Evidence to Outside Agencies.

Board of Supervisors approval is required when a case has been adjudicated and the outside agency would like an item (not originating from that agency) released for other-than-investigative purposes.

Transfer of unclaimed property and items no longer needed as evidence to a Department unit requires approval as outlined in Section 5-04/190.00 Disposition of Unclaimed Property/Evidence – Department Use. This approval is recorded in PRELIMS.

Lieutenant or designee approval is required prior to the destruction of any property/evidence of no value as evidence or no value for sale at the station/unit. This approval is recorded in PRELIMS. See section 5-04/180.50 Disposition of Property/Evidence Held by Station/Unit.

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

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.