

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: MARCH 02, 2017

NUMBER: 3.02 - INVESTIGATIONS

SUBJECT: IMPOUND, RELEASE, AND DISPOSAL OF
PROPERTY, EVIDENCE, AND ARTICLES MISSING
IDENTIFICATION MARKS

RELATED POLICY: 3.02, 3.05

ORIGINATING DIVISION: OPERATIONAL SUPPORT

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 3.02 – 09/25/2014

I. PURPOSE

This Department procedure establishes guidelines for the process and responsibilities associated with impounding, releasing, and disposing of property and evidence.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

The proper processing of impounded evidence or property is critical to the investigative function of the Police Department. Following established procedures ensures an appropriate chain of custody, maintains the integrity of evidence collected, and safeguards Department members against charges of impropriety in the handling of evidence and property. For these reasons, the Department cannot tolerate carelessness in the processing of property.

IV. **DEFINITION**

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EvidenceOnQ – Department’s automated property management system. FileOnQ is the company that created EvidenceOnQ.

V. **GENERAL PROCEDURES FOR IMPOUNDING PROPERTY**

A. Determining Whether to Impound Property

All property discovered, gathered, or received in the course of performing Departmental duties that is determined to be of some evidentiary or monetary value shall be impounded and physically deposited in the Property Room by the end of shift. This includes photo CDs and DVDs. When this type of evidence is needed for review or examination during the course of an ongoing, active investigation, a working copy will be created and the original will be impounded in the Property Room. When impounding a CD related to a domestic violence incident, the working copy created will be placed in the “Domestic Violence CD’s Only” box and the original will be deposited in the Property Room. Members shall not convert to their own use, conceal, falsify, destroy, remove, tamper with, or withhold any property or other evidence recovered in connection with an investigation or other police activity. Evidence impounded, through the EvidenceOnQ system, but not received in the Property Room will require an A-9 narrative, from the impounding officer, explaining the reason.

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1. Driver's licenses, ID cards, wallets, keys, etc., that an officer inadvertently fails to return to a citizen shall be impounded, unless the officer can return the property to the citizen before the end of shift. The officer will be required to provide release authorization using the request monitor and complete a Property Release Form (PD-184) through EvidenceOnQ. Firearms do not fall under this exception and must be impounded.
2. Mopeds, pedicabs, motorcycles, motorcycle frames, engines, or any item with a fuel-operated engine are to be held in tow yards and not impounded in the Property Room. These will be handled as motorized vehicles.
3. Large vehicle parts (e.g., doors, hoods, bumpers, tires, windshields). It is important for the officer to determine if it is necessary to impound large vehicle part(s) as evidence.

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In many cases a photograph of the vehicle part is sufficient to serve as evidence. If the vehicle part originates from a vehicle that will be towed, the part is to be placed inside of the vehicle so the entire vehicle’s parts can be transported together to the tow yard.

These general rules apply to misdemeanor charges. Felony charges or charges that may end up being elevated to felonies may be an exception. Contact a Traffic Investigator for questions.

Vehicle parts that are impounded are rarely viewed or taken into court as evidence. If it is determined that the vehicle part(s) needs to be impounded, consider the following steps:

- a. Large vehicle parts that are needed as evidence should only be impounded with the Property Room if the item(s) are to be held for lab analysis (Hold for DNA or Hold for Print). These types of impounds are generally impounded through the Crime Lab after analysis.
- b. Large vehicle parts impound as evidence that are not needed for analysis from the lab should be impounded at Traffic Division. Contact Tow Administration (858) 495-7826 to make arrangements to place the parts in one of the outside lots.
 - (1) The vehicle parts must be properly labeled with a bar code so that Traffic Division can identify who is responsible for the evidence. If the parts are too big to transport via a city vehicle, a contracted tow company may be dispatched through SDPD communications to pick up the parts and transport them to Traffic Division.
 - (2) For these impounds, the officer must select "Vehicle Impounded" as the station impounded on the EvidenceOnQ impound record.
 - (3) If the incident occurs outside of normal business hours, the officer may call the Watch Commander if any questions arise from the incident.
 - (4) The officer must notify Tow Administration to advise them of the location where the parts were deposited.

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4. Abandoned Vehicle Parts

- a. If vehicle parts are abandoned and not needed as evidence, the reporting officer will move the debris safely to the side of the road then for clean-up services contact:

**Environmental Services Abandoned Vehicle Abatement at
(858) 495-7856 or SDPDAbandonedCars@pd.sandiego.gov**

NEW

- b. Abandoned vehicle parts are not to be impounded with the Property Room. Per 54.0212(b) SDMC, officers shall not remove or impound unidentifiable property found on public property that is non-useable, non-saleable or the value of the item is less than \$100.
 - c. If the officer is able to locate an owner for a license plate, they will impound the license plate with the Property Room. Property release authorization must be given by the officer with a property release form left with the license plate and a copy distributed via mail to the owner.
 - d. If the officer is required to bring the bumper to the station in order to impound the license plate, they are to dispose of the bumper into the station dumpster after the license plate is removed. The bumper is not to be impounded.
5. Vehicles towed with an evidence hold are entered into FileOnQ for Laboratory tracking purposes only. The vehicle is not impounded with the Property Room.
6. Properly identified and uncontaminated vehicle fluids may be disposed of at a Police Garage facility with the approval of an auto maintenance supervisor. If gasoline is needed as evidence, only a small sample should be impounded with the Metro Arson Strike Team and stored there. Refer to Department Procedure 8.16, Incidents Involving Hazardous Materials, Weapons of Mass Destruction, Emergencies at General Atomics and Transportation of Nuclear Materials, for details on the proper procedure for impounding gasoline.
7. If a perishable item needs to be examined for evidentiary purposes, contact Laboratory personnel to determine the best impounding procedure. If the item has DNA evidence, be sure to indicate that with your impound. If perishable items are not needed for examination, they should be discarded and not impounded. The officer shall document in their report an accurate description of the discarded item(s). Perishable items, including but not limited to: fruit, bread, meat and any packaged items that may attract rodents, such as crackers, sugar packets, Splenda packets, etc. (food items not in a can). Cigarettes may be impounded.
8. Items found during a pre-shift inspection of a police vehicle that have been clearly determined not to be police equipment or an officer's personal equipment, shall be impounded in the Property Room. This does not include trash, which should be discarded.

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9. License plates shall be impounded in accordance with these procedures. Do not mail license plates to the Department of Motor Vehicles.
10. Pressurized gas bottles should not be impounded, as transportation and storage of such containers may be dangerous.
 - a. If possession of a particular type of gas is not illegal and the bottle has no evidentiary value, the bottle should be left at the scene unless doing so would create a hazardous condition.
 - b. If possession of a particular type of gas is not illegal and the bottle may have evidentiary value, the bottle should be photographed and left at the scene unless doing so would create a hazardous condition. The photographs should be impounded in accordance with Department Procedure 3.26, Videotaping and Photographing by Department Personnel, Third Parties, and Impounding/Preserving Procedures.
 - c. If a hazardous condition would be created by leaving a pressurized gas bottle at the scene of an incident, the procedures outlined in Department Procedure 8.16, Incidents Involving Hazardous Materials, Weapons of Mass Destruction, Emergencies at General Atomics and Transportation of Nuclear Materials, should be followed. An example of a hazardous condition would be leaving nitrous oxide at an incident where it might be used as an inhalant.
 - d. If in doubt as to whether to leave pressurized gas bottles at the scene of an incident, or to have it handled as a hazardous material, contact the Watch Commander.
 - e. Any container of unknown pressurized gas should be handled as a hazardous material.
11. Shoplifting evidence obtained during a routine shoplifting case (i.e., a citizen's arrest by store personnel) will be maintained at the store where the crime occurred until needed for trial.
 - a. The citizen making the arrest should be instructed to place the date and his/her initials on the evidence for court identification purposes at a later date. He/she should also provide for its secure care until needed for trial. The citizen should sign the complaint at the scene.
 - b. The citizen should be instructed to telephone the appropriate investigative unit the next day for further information.

- c. Officers will inform store personnel that, ten days after the arrest, it will be their responsibility to telephone the City Attorney's Office to determine the status of the case and whether or not the property may be returned to stock.
- d. On the arrest report (ARJIS-8), the transporting officer will write his/her name at the bottom of the report only. In the space provided for names of arresting officers, only the name of the citizen making the arrest will be used. (e.g., John J. Jones, CITIZEN ARREST.)
- e. In other than routine shoplifting cases, where the facts are such that the crime may constitute burglary or some other felony, the evidence shall be impounded in the usual manner.

12. Property Seized from a Pawnbroker or Secondhand Dealer

- a. If property has been identified as stolen and has evidentiary value in the criminal prosecution of a case, investigators may seize and impound the property.
- b. No property shall be seized for the purpose of returning it to the victim.
- c. When criminal prosecution is not possible or desirable, but a possible victim has been located, the procedures described in Department Procedure 3.22, Placing and Releasing Holds on Property, should be followed.

B. Dividing Impounds

Generally, all property is required to be impounded as separate entries in EvidenceOnQ. Property must be impounded by item type (e.g., electronics, tools). Items must be entered separately when they relate to different owners, suspects or victims. All relevant descriptive fields must be completed (color, quantity, serial number, etc.) If the item type description does not adequately describe the property, the officer should utilize the additional description field. Each item impounded will be assigned a barcode number. Impounding a variety of different items under the item type "other" as one entry is not acceptable. See below for instructions on how to divide and enter each item separately.

- 1. Firearms, including magazines, ammunition, holsters, cases, and scopes must be impounded on separate barcode numbers. Transactions for these types of items can differ from firearm transactions when it comes to check-outs for analysis, releases, and disposition. Do not include gunshot residue (GSR) kits with firearms.

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2. Casings can be examined for DNA, it is best to package them separately.
3. All money is to be entered in the designated fields for currency and coins, with the total amount impounded entered in the "Money Total Value" field. Do not enter a dollar sign (\$), only the amount. Cash amounts of **\$20.00 and over** will be stored separate from other impounded property. Cash amount of **less than \$20.00** should be placed in an envelope, but can remain with the other impounded items.
4. Personal checks, cashier's checks, traveler's checks, and foreign currency are not handled as "money" and do not need to be totaled or impounded separately from documents or paperwork that are impounded.
5. Items of significant value, including expensive jewelry (costume jewelry does not fall into this category) or electronics.
6. Bicycles (including tricycles and scooters).
7. Prisoner bulk/personal property (backpacks, clothing, wallets, etc.) that is not needed as evidence. Backpacks and their contents can be entered as one entry with the non-money contents listed in the comments section. This includes currency, if the total amount is less than \$20.00. The total money amount is to be entered in the "Money Total Value" field. The money must be collected and placed in an envelope to be stored separately within the backpack.

If any possibility exists that some or all the property may be stolen, the items in question should be entered separately and information regarding the property and the officer's suspicions should be forwarded to the appropriate investigative unit. The property should not be authorized to be released.

8. Found property (articles not related to a crime case) are items found by police personnel or turned in by citizens. Backpacks, purses, wallets and their contents can be entered as one entry, with the non-money contents listed in the comments section. This includes currency if the total amount is less than \$20.00. The total amount is to be entered in the "Money Total Value" field. The money must be collected and placed in an envelope to be stored separately within the backpack. Multiple items clearly belonging to different owners including identification must be impounded as separate items.
9. If an item is found, but suspected to be related to a crime (abandoned/emptied safes, ATM machines), the impound should be categorized as "other" with a brief explanation as to why the item is suspected to be related to a crime, pending further investigation.

10. Narcotics, narcotics paraphernalia, prescription medication, and marijuana should be impounded separately. Misdemeanor narcotics should be separated from felony narcotics. See Department Procedure 3.15, Narcotics Impounds/Release of Evidence, for further details on the proper procedures for impounding narcotics and narcotics paraphernalia.
11. Subject and suspect mouth reference (DNA) swabs will be packaged separately and impounded as separate items. The suspect and subject that provided the reference sample(s) shall be listed as the "Owner" when entering these items into the EvidenceOnQ system. Impounding officers shall write "Refrigeration required" in the remarks area of the impound screen.

C. Where to Impound Property and Evidence

1. Most impounds may be done at any Property Room facility. Officers must ensure that property is impounded at the location where the impound was entered into the EvidenceOnQ system. The following impounds must be done only at Headquarters:
 - a. All evidence related to sex crimes, commercial robberies, auto theft, child abuse, domestic violence, gangs, graffiti strike force, and biological evidence(excluding SART kits); any item that has been saturated in bodily fluids. These impounds are to be placed in the specially designated bins in the After Hours Bulk Impound Room located in the officer impound area at the Headquarters Property Room;
 - b. All prisoner personal property that can be released to the owner;
 - c. Money impounds in amounts of \$500 and over;
 - d. Jewelry deemed to be valued over \$1,000;
 - e. All loaded firearms that must be left loaded must be impounded at the Watch Commander's Office; and,
 - f. All evidence related to an auto theft arrest, other than the vehicle itself.
2. When the Headquarters Property Room is closed, the following items brought to the Headquarters Building, must be impounded at the Watch Commander's Office:
 - a. All loaded firearms;

- b. Money impounds of \$500 or over; and,
 - c. Jewelry deemed to be valued over \$1,000.
3. All evidence not mentioned above that is related to economic crimes and elder abuse shall be impounded at Central Division.

D. Packaging

Suitable containers should be used for transporting and impounding articles. Paper bags, manila envelopes, and cardboard boxes are appropriate for most items. Plastic bags should not be used for bloody or wet articles or anything suspected of containing bodily fluids, as storage in these bags will cause mold and can destroy DNA evidence. Paper bags or envelopes should be used to allow the wet articles to dry. All sharp objects shall be securely covered to avoid accidental injuries. Note any precautions on the packaging to avoid injuries (e.g., "Caution: Sharp Knife"). The smallest container possible should be used to save storage space.

1. When handling items of an evidentiary nature, extreme care should be exercised not to contaminate or destroy evidence. Each item that is separately impounded should be packaged separately with the corresponding barcode sticker placed on the package. Placing multiple items within a bag/box with the multiple barcode labels placed on the exterior of the package will not be accepted by the Property Room. If the impound is a biohazard, a loaded firearm, or a syringe, that must be indicated in the "Evidence Cautions" field.
2. Evidence that is to be held for prints should be marked "HOLD FOR PRINTS." These items must be clearly indicated on the "Evidence Holds" section of the entry screen and the package. They should be packaged to preserve their evidentiary value. Officers shall lift latent prints at the scene, whenever possible.

The purpose of marking an impound "Hold for Prints" is to alert personnel handling and storing the items to take special care so as not to destroy or contaminate potential evidence. It does not ensure that fingerprints will be lifted from the item. The Crime Laboratory will inspect items for prints only after receipt of a Latent Print Development Work Request (PD- 877-LA) from the assigned investigator.

3. Indicate in the "Remarks" section of the evidence data entry screen any item requiring special handling or storage (i.e., refrigeration or freezer, fragile items, biohazards, etc.).

4. Loaded firearms must be clearly marked to indicate that the firearm is loaded, and must be impounded in the Watch Commander's Office. Some loaded firearms may need to remain loaded for evidentiary purposes. This should be noted on both the evidence data screen and the package. The officer should indicate that the firearm is loaded in the "Evidence Cautions" field.
5. Multiple items of jewelry that appear to have significant value should be packaged separately and given individual barcodes. Each piece of jewelry must be marked or tagged with the incident and item number in such a manner as to minimize damage.
6. Coins impounded in amounts that equal one roll must be rolled.
7. Barcode labels shall not be used as an evidence seal. Do not place them directly onto an item; use wire tags, bags, and envelopes.

E. Marking Physical Evidence

1. Officers in the field will not directly mark or place barcode labels on items of evidence. Identifiable initials and the date will be placed on the packaging or wire tags that can be attached to the items of evidence. Marking of seals and packaging, when practical, shall include the date the package was sealed and the officer's initials, with ink strokes that traverse the seals and/or container openings.
2. Packaging
 - a. Narcotic Impounds – when impounding multiple items under the same incident number, the officer can store all of the items within one narcotic envelope (PD-247) prior to sealing it. The multiple barcodes can be placed on the face of the envelope. This is only acceptable with narcotic impounds, as the seal is not broken to inventory the contents and they are accepted as is.
 - b. General Impounds – each barcode entry must be packaged and labeled separately.
 - c. When impounding Homicide evidence, the package shall be marked with the following:
 - (1) Initials and identification number of the collector
 - (2) Date
 - (3) Time and exact location the evidence was recovered

(4) Incident number and barcode number

(5) Item description

3. Wire Tags

When evidence cannot be sealed in a container (e.g., bicycle, door), it is appropriate to attach a wire tag to the item noting the information listed in section V., E., 2, c., (1)-(5) above. The barcode label should be placed on the opposite side of the wire tag.

VI. COMPLETING EVIDENCEONQ DATA ENTRY

- A. Any desktop computer with an intranet connection can be used to access the EvidenceOnQ program. Additionally, an MCT connected to the intranet via a LAN cable can be used to access the program. Locate the “Online Property Room” icon and launch the program. If you cannot find the icon for the system, open up Internet Explorer and enter “pdhqprop” in the address bar and hit enter. EvidenceOnQ utilizes the same login as your LAN account. EvidenceOnQ may currently be accessed from the MCT while in a patrol car.
- B. Click on the “New Evidence” tab to open the data entry form. Impounding officers shall complete all fields for which they have the correct data, not just the minimum fields. Check all applicable holds and cautions. If the impound is pursuant to a Search Warrant or is an Asset Seizure, check the designated box/field. After ensuring all data is correct, click the “Save Item” button. Additional items may then be impounded by clicking the “Add Item to Incident” button.
- C. Barcodes may be printed out individually (at the time the data is entered/saved) or in groups by clicking on the “Worklist” tab and selecting those items that need printed labels. Care should be taken to select the correct label format for the type of evidence being impounded. Labels shall be affixed to item packaging so that the barcode will not be damaged when opening the packaging at a later date. For large items, such as bicycles, the label may be affixed to a wire tag attached to the item. Barcode labels do not replace evidence seals and must not be used to seal packaging. Generally, multiple copies of the same label will not be printed or used. If barcode labels will not print (printer failure or no supplies), it is permissible to print the label on a standard sheet of paper and attach that sheet to the item; Property Room staff will generate the label at a later date.

VII. VOIDING ITEMS AND CORRECTING ERRORS IN EVIDENCEONQ

- A. When an impounding officer has omitted or inadvertently entered wrong data, the following procedure shall be followed:
1. Search for, and select, the item that needs to be corrected.
 2. From the “Quick Search” area of your work list, type in the incident number and select the item to be changed.
 3. From the “Worklist” tab, locate and select the item to be changed.
 4. Once the screen for that item loads, click on the “Edit Item” button.
 5. Make the changes required.
 6. Click the “Save” button.
 7. If the incident number was corrected, a new barcode must be printed and attached to the package of the corrected item. If the correction is being made after hours and the property has already been secured within an impound bin, a note should be left with the new barcode, explaining the edit.
- B. When it is necessary to completely delete an entry, the following procedure shall be followed:
1. From the “Worklist” tab in EvidenceOnQ, check the selection box of the item(s) to be deleted.
 2. Select the “Request” from the menu bar.
 3. In the “Deliver to” field of the pop-up window, select “12 Data Change.”
 4. Select the current date in the “Date” window.
 5. Enter the reason that the entry must be deleted (e.g., item was not impounded, duplicate entry).
 6. Click on the “Request” button.
- C. An officer’s active requests are tracked on the “MyWebview” screen of EvidenceOnQ.

VIII. SPECIALIZED IMPOUNDS

A. Search Warrants

1. All impounds pursuant to a search warrant will require a court order for release, disposal or other disposition (PC1535 – PC1540).
2. When entering an impound in EvidenceOnQ, check the box designating “search warrant” and enter the search warrant number in the designated field.

B. Asset Seizures

1. When entering an impound in EvidenceOnQ, check the box designating “asset seizure.”

C. Firearms

1. All firearms that come into the possession of a Department employee in the course of his/her duties must be impounded.
2. All firearms must have a wire tag attached with the barcode affixed to the tag. This is important for later possible destruction purposes.
3. When impounding a firearm, ammunition or other weapon at the request of the owner, for destruction, the impound category will be “other.” The impounding officer is to immediately go into the request function of EvidenceOnQ and request a disposition on this impound, indicating that destruction was requested by the owner. These items are not eligible for conversion to Department use.

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Firearms surrendered at the front counter that are not requested to be destroyed are eligible for conversion to Department use.

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4. When impounding a found firearm, the impound category will be “other.”
5. When impounding a firearm for safekeeping (5150 or Domestic Violence, but not used in the offense) the impound category will be “Gun-Safekeeping”
6. In all cases involving the impounding of firearms, no property other than that associated with the firearm (ammunition, holsters, etc.) shall be placed in the same package with the firearm. Those associated items placed in the same package with the firearm must be barcoded separately.

Gunshot residue (GSR) kits shall not be transported or impounded with firearms.

7. In accordance with Department Procedure 3.25, Receipt for Weapons and Currency, a Receipt for Weapons/Currency form (PD-1072-FOS) shall be attached to the impound. The Property Room staff will scan and attach the document to the EvidenceOnQ record. If there are numerous items, the document will be attached to the first item impounded of that nature (firearm or money).

A PC-1072-FOS receipt is not required under the following circumstances:

- a. Firearms or money over \$20.00 seized pursuant to a search warrant, which require the completion of a Receipt and Inventory Form (SDMC 197).
- b. Firearms or money recovered by a police officer at a scene where no one claims ownership (i.e., found in plain sight).
- c. Firearms recovered at the scene of a suicide.
- d. Firearms or money obtained in an undercover investigation.

In the exceptions listed above, the person impounding the firearm should write the reason the receipt form was not issued in the "Remarks" section of the EvidenceOnQ evidence data entry screen.

8. All firearms are to be unloaded before they are impounded in the Property Room, unless the firearm needs to remain loaded for an investigation or prosecution.
9. When it is necessary to impound a loaded firearm for the investigation or prosecution of the case, it shall be impounded at the Watch Commander's Office. A metal locker in the Watch Commander's Office is provided for that purpose. Make sure to select the Watch Commander in the "Station Impounded" field.
 - a. Mark plainly in the evidence data entry screen and packaging, "LOADED WEAPON" and any other special handling instructions, such as "HOLD FOR PRINTS."
 - b. If a firearm is impounded with a "Hold for Prints" and it may be loaded, indicate that and impound it as a loaded firearm.
 - c. Crime Laboratory personnel will remove all loaded firearms from the Watch Commander's Office to unload them and will return the firearms to the Property Room.

10. The Gun Desk is responsible for the release and disposition of all impounded firearms. All citizen inquiries regarding impounded weapons should be referred to the Gun Desk. Only personnel assigned to the Gun Desk may issue property release forms for firearms.

D. Money and Jewelry

1. Money must be itemized by denomination. For amounts over \$20.00, the Receipt for Weapons/Currency form (PD-1072-FOS) must be attached to the impound, as outlined in Department Procedure 3.25, Receipt for Weapons and Currency.
2. Amounts of cash over \$20.00 must be impounded separately from all other items. The impounding officer and a witness are required to sign the money envelope (PD-422 or PD-422A); however, the barcode label duplicates the balance of information to be completed. The amounts must be entered in the designated money fields in EvidenceOnQ.
3. When the Headquarters Property Room is closed, all money impounds over \$500.00 that have been brought to Headquarters are to be impounded at the Watch Commander's Office. Make sure to select the Watch Commander in the "Station Impounded" field.
4. Jewelry deemed to have significant value (not costume jewelry or inexpensive watches) must be impounded individually from other items and packaged separately, specifically detailing each item, with the corresponding barcode placed on the outside of each package in such a manner as to minimize damage. Each item should have a separate item number. Unless an item is positively identified, use general physical descriptions to describe it. For example, use "gold color" rather than "14K gold" or "clear stones" rather than "diamonds."
5. Currency up to \$500 and jewelry of apparent value up to \$1,000 may be impounded at area commands. Impounds will be transported to the Headquarters Property Room by the property clerks the same day or the next day after property is impounded. All other impounds of these items should be completed at Headquarters.

E. Bicycles

1. Bicycles are to be impounded as separate items from other property.
2. A complete description is required, including make, model, type (male/female), serial number, license number, color, and any other

identifying characteristics such as stickers, racks, lights, markings, etc., which should be listed in the "Additional Description" field.

3. A suspected stolen bicycle should be classified as "EVIDENCE" or "OTHER."
4. The "Found Property" designation for bicycles should not be used if there is a dispute of ownership or connection to a known owner.

F. Prisoner Bulk/Personal Property/Safekeeping

Prisoner bulk/personal property that is not accepted at the jail and is not needed for evidence shall be impounded at the Headquarters Property Room using a separate barcode number(s).

1. Officers are required to examine the contents of a prisoner's property. Any contraband or illegal items must be impounded as a separate item number from the prisoner's personal items. Narcotics, narcotic paraphernalia, and prescription medication must be impounded as separate item numbers.
2. Marijuana that is legal to possess will not be accepted at jail so it shall be weighed and impounded at the Headquarters Property Room under a separate bar code as bulk/personal property and a property release form shall be provided to the owner. The marijuana should be impounded in a sealed narcotic envelope and placed in the narcotic bin. Marijuana will not be thrown away or destroyed, except in accordance with applicable laws and Department procedures.
3. Perishable items, including but not limited to: fruit, bread, meat and any packaged items that may attract rodents, such as crackers, sugar packets, Splenda packets, etc. (food items not in a can) are to be destroyed and not left in backpacks or bags. Cigarettes may be impounded.
4. Items which are unsanitary, contain bio-hazardous waste such as blood, urine, vomit, or fecal matter, are verminous, or otherwise pose a health and safety hazard, are to be disposed of in an appropriate manner and not impounded. Examples of such items may include, but are not limited to, blankets or clothing containing mold or mildew, insect or rodent material.
5. For all other personal property, articles of value should be itemized, including serialized items. Vague descriptions such as "bulk personal property" shall not be used. While it is not necessary to count the number of each personal item (e.g., 12 socks), general descriptors such as "clothing, papers, and toiletries" are necessary. Officers shall use the "Comments" tab on the "New Evidence" entry screen to document extensive inventories of backpacks and other property. If money is impounded, the amount must be entered in the designated money fields.

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6. Officers are to authorize the release of bulk/personal property at the time of impound. The EvidenceOnQ system is set up to assume that the Property Release Form is issued at the time of impound. Officers shall:
 - a. Utilize discretion in the release of property and ensure that it does not fall within the parameters of contraband or illegal items. Officers shall not release any property that may be needed as evidence, is contraband or illegal, or that they believe may be stolen.
 - b. Complete an authorization for release using the request monitor for the barcode(s) that are to be released. To whom the property is going to be released must be indicated in the "Reason" section of the request. An EvidenceOnQ Property Release Form (PD-184) listing the barcode(s) of the items that are to be released must be generated and printed.
 - c. Print an EvidenceOnQ generated Property Release Form (PD-184) and attach it to the item(s) and leave them in the Headquarters Property Room with the impound.
 - d. Attach an EvidenceOnQ generated Property Release Form (PD-184) to the arrest report.
 - e. Give or mail a Property Release Form (PD-184) to the property owner. Whenever possible, the Property Release Form (PD-184) should be given to the arrestee prior to transport to the jail or detention facility. The arrestee should be told that the property will be disposed of after 90 days if he/she does not do one of the following:
 - (1) Go to the Headquarters Property Room within 90 days of the date of impound to claim their property. Photo identification will be required;
 - (2) Call or write the Property Room within the 90-day period to ask for an extension; or,
 - (3) Send someone to pick up their property on their behalf. The arrestee's designee must have either notarized authorization from the arrestee, or another acceptable form of written authorization. Property Room personnel will evaluate whether the written authorization is acceptable.

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G. Found Property

1. Officers shall not remove or impound unidentifiable property valued at less than \$100 found on private property. If the value of unidentifiable personal property found on private property is less than \$100, it is the property owner's responsibility to remove or dispose of the property.
2. Per 54.0212 (b) SDMC, officers shall not remove or impound unidentifiable property found on public property that is non-useable, non-saleable, or the value of the item is less than \$100.
3. Personal property found on public property without a readily identifiable owner is presumed to be abandoned property, per 54.0212 SDMC. If the abandoned property is sanitary, saleable or useable, and of a value greater than \$100, the property must be impounded as unclaimed property and held for a minimum of 90 days, unless the owner is located.
4. Officers receiving found property that is identifiable (i.e., wallet with ID inside, items with serial numbers) are to check the article through the ARJIS victim files and eSUN property systems prior to impounding the article. The purpose of conducting these computer checks is to determine whether the articles have been reported lost or stolen and if they can be related to an owner. Identifying information should be entered into the EvidenceOnQ system.
5. If available, the finder's name, address, and telephone number must be listed in the EvidenceOnQ system. Indicate whether the finder wishes to claim the property. Information regarding when and where the items were found shall be listed in the EvidenceOnQ system.
6. Impounding officers are responsible for taking all possible steps to ensure that found property has been inspected for current ownership identity. If they are unable to determine ownership of an item, they shall bring it to the attention of their area investigator. Serial numbers, as well as item descriptions and names of potential owners, should be checked through ARJIS and eSUN prior to authorizing the disposal of property or sending out a Property Release Form.
7. The area NRC desk will be entered as the Assigned Detective in EvidenceOnQ if there is not a detective assigned in CRMS/EOQ. This will be done for the automated email disposition notices.
8. Found property will be retained for a minimum of 90 days if the owner cannot be located.
9. Government employees who find or receive found property in the course of their duties cannot claim such property if the owner fails to claim it.

NEW

H. Locked Safes

1. All locked safes that need to be impounded must be transported to the Headquarters Property Room and impounded, noting that the safe is locked. The City maintains a contract locksmith who must be contacted to open the safe. The locksmith will need to know the manufacturer and model of the safe, if available. Therefore, the impounding officer must ensure that information is entered into the "Remarks" section of the EvidenceOnQ system, if known. It is the assigned detective's responsibility to contact the contracted locksmith to open a locked safe within seven days of impound. The detective must be present as the contents must be inventoried and impounded.
2. If a locked safe is impossible to move due to its size or the manner in which it is secured to a location, the contract locksmith should be contacted to respond to the scene. After hours, the Watch Commander will contact the locksmith via pager.
3. Once the safe is opened, the contents must be inventoried and transported to the Headquarters Property Room to be impounded.
4. If a locked safe needs to be left locked until a search warrant is obtained, this must be noted in the "Remarks" section of the evidence data entry screen or Receipt and Inventory form. The safe must be opened as soon as the search warrant is obtained. The contents will then be inventoried and impounded.

I. Narcotics

Refer to Department Procedure 3.15, Narcotics Impounds/Release of Evidence, for details on the proper procedures for impounding narcotics and narcotic paraphernalia.

J. Alcoholic Beverages

1. Alcoholic beverages not needed for evidentiary reasons should be poured out at the scene where they are confiscated, provided there is enough natural ground area to absorb the beverage. Beverages shall not be poured out if doing so would cause the beverage to puddle or run off into a street, gutter, or storm drain. Emptied containers shall be disposed of properly in a waste receptacle. However, emptied beer kegs should be released to the owner at the scene, if appropriate, or impounded.

2. All other alcoholic beverages (including beer kegs) shall be impounded in the EvidenceOnQ system.
3. If an alcoholic beverage is not in its original container (i.e., mixed drink, cocktail, etc.) and is needed for evidence or analysis by the Crime Laboratory, a sample of the beverage should be transferred to a vial and impounded.
4. If the beverages and/or containers are being impounded for disposal only and do not need to be retained for any reason, the impounding officer should submit a request through the EvidenceOnQ system. In the “Deliver To” field select “04 - Ok to dispose, other.” Write the reason the property may be disposed of (e.g., “Unable to determine owner”) in the “Reason” field.

NEW

K. SART Kits

When impounding a SART kit, the RECOVERY LOCATION must be either “VICTIM” or “SUSPECT” instead of a physical location. This field is used to generate SART statistics.

NEW

L. Blood, Urine, DNA Evidence

1. Blood, Urine and DNA evidence is to be impounded at Headquarters and not an area station.
2. The Narcotics Vault receives samples impounded in Room 138. These are samples from individuals that have been arrested for either DUI or being under the influence of narcotics. (See DP 3.14 and DP 7.03)
3. The Narcotics Vault receives samples from Forensic Specialists. These are usually samples that they received from the Coroner during autopsy.

NEW

M. E-Cigarettes/Electric Vapor Pipes

The on/off button can be inadvertently depressed through a paper envelope or bag. Due to the potential fire hazard, the battery should be taken out of the unit prior to impounding, if possible. All e-cigarettes should be placed in a needle tube to provide a safety barrier.

N. Bombs or Explosive Material

Refer to Department Procedure 8.15: Arson Investigations, Bomb Threats, Bombings, Explosives and Pyrotechnic Materials, for details on the proper procedures for impounding bombs and other explosive materials.

O. Hazardous Materials/Waste

Refer to Department Procedure 8.16, Incidents Involving Hazardous Materials, Weapons of Mass Destruction, Emergencies at General Atomics and Transportation of Nuclear Materials, for details on the proper procedures for impounding hazardous materials and waste.

IX. IMPOUNDS AT AREA COMMANDS

With the exception of those items listed previously in this procedure that must be impounded at Headquarters, most property may be impounded at area commands.

- A. Property impounded at area commands will generally be transported to Headquarters by a property clerk within three working days. Photo discs may be held longer to accommodate investigators' schedules. Firearms, money and jewelry impounds will be transported the next working day, in most cases.
- B. Certain large loads will be held at area command property rooms due to space limitations. Area command property clerks will notify the appropriate detective/unit that the load is being held at his/her command, or at another off-site location. Investigators are able to view the current location of their property from their desktop.

Property may be held at area commands longer than three working days at the request of an investigator. This type of request should be made only when keeping property at the area command is essential to the case. Normally, this period will be no more than ten days.

- C. Property may be viewed by the assigned investigator before it is transported to Headquarters.
 - 1. To maintain chain of custody, investigators are required to sign for viewing property at the time of viewing.
 - 2. When a case will be handled by a specialized unit, that unit shall ensure that the "Assigned to Detective", "Assigned Command" and "Team" fields for the item(s) are entered into the EvidenceOnQ system.
- D. Property clerks are not permitted to transport property stored at the Headquarters Property Room to return it to an area command for viewing, court checkout, or release. The officer or investigator must pick up the property himself/herself at the Headquarters Property Room in order to maintain the chain of custody. The officer or investigator must also return the checked-out property themselves, or provide documentation to account for the property (e.g., release form, court

receipt) within 24 hours of the property being checked out. A Property and Evidence supervisor must approve any exceptions to this policy.

NEW

X. RIGHT OF REFUSAL

All property and evidence must be documented and packaged in accordance with this procedure. The Property Room “Right of Refusal” requires that all property and evidence that is not packaged and documented in the established manner will be returned to the submitting officer for correction.

This improperly packaged or documented property and evidence that is returned to the submitting officer shall be corrected and returned to the Property Room during the officers next scheduled work shift. Failure to correct in a timely manner may result in progressive discipline.

XI. PROPERTY RELEASE FORM (PD-184)

NEW

- A. Anytime a Department member relinquishes physical custody of impounded property, release authorization must be given using the request monitor in EvidenceOnQ. The correct location code would be “02-Okay to Return/Release Sent/Given. Following this release entry in the request monitor, a computer generated Property Release Form (PD-184) through EvidenceOnQ must be completed, printed and provided to the person to whom the property is being released. The only exception to this process would be if the property is relinquished to the court. If the releasing officer’s name is typed on the form, it must be initialed or signed next to the name.
- B. The release may be for some or all impounded items. On partial releases for property impounded on a property tag, the items to be released should be specifically listed on the hard copy Property Release Form. There are no partial releases per barcode when using the EvidenceOnQ system. When circumstances call for a partial release, the investigator must create a new barcode entry to separate the items that are to be released from the items that are to be retained. The investigator must then provide release authorization for this new barcode number.
- C. To complete a release form for property that was impounded prior to EvidenceOnQ, using the paper property tag system, the property tag number and specific item numbers are required (unless everything will be released, then the investigator writes “All”). A separate release form is required for each property tag number.
- D. Officers may not authorize the release of impounded property to themselves.

- E. A property release is also required when releasing property to other law enforcement agencies, the District Attorney, City Attorney, defense attorney, or any other agency.
- NEW F. When requesting the release of firearm(s) to other agencies through EvidenceOnQ, use location code “18-Firearm need by other agency”. In the reason field, enter the name of the law enforcement agency, the name of the representative of that agency, their ID # and phone number when they can be reached during business hours. Notify the agency representative to contact the Gun Desk at (619) 531-2645 to make arrangements for the transfer of the firearm.
- G. Authorizing and releasing firearms is the responsibility of Gun Desk personnel only. Officers/detectives wishing to have an impounded firearm released should contact the Gun Desk with all the pertinent information. Gun Desk personnel will release the firearm, when appropriate, and only after a full criminal background check has been conducted on the recipient, appropriate computer systems updated and the law enforcement gun release process has been completed.

XII. RESPONSIBILITY FOR RELEASE OF IMPOUNDED PROPERTY – GENERAL PROCEDURES

Impounded property may be released to citizens by completing a computer generated Property Release Form (PD-184) in EvidenceOnQ. It is required that release authorization is entered through the request function in EvidenceOnQ in conjunction with providing a Property Release Form (PD-184). The investigator must specify to whom the property is being released in the “reason” field.

A. Property Seized Pursuant to a Search Warrant

The disposition of property seized pursuant to a search warrant is governed by Penal Code Sections 1535 through 1540. Property seized under a search warrant cannot be released or a disposal authorized without a court order. A Property Release Form (PD-184) is also required.

When evidence has been impounded pursuant to a search warrant, the Detective is responsible for obtaining a court order prior to authorizing a release or disposition of that evidence.

Citizens with court orders for the release of property must first present the order to the appropriate investigator/division and obtain a Property Release prior to coming to a property facility to obtain their property.

B. Release or Disposition of Firearms

Gun Desk personnel are the ONLY Department employees authorized to approve the release or disposal of any **impounded** firearms, including releases to law enforcement officers, whether it is his or her Department issued firearm or personal firearm. ALL **impounded firearms** are entered into the Department of Justice Automated Firearm System (AFS) and reflect as being in the possession of the Police Property Room. AFS will be updated when a firearm has been released. If released to a law enforcement agency (e.g., a duty weapon) AFS will be updated to reflect the firearm as an institution weapon. Disposition authorization will be verified by a supervisor. The supervisor or the supervisor's designee will verify the firearm's serial number prior to completing the destruction process.

1. Firearms will be released or disposed of in accordance with applicable laws pertaining to firearms.
2. The Department may retain certain weapons for its use in the performance of official duties. Such weapons may be assigned to an officer as his/her Department-issued weapon but cannot be purchased for personal use upon that officer's retirement.
3. Any weapon(s) retained by the Department for official purposes must be destroyed when no longer of use.
4. All firearms must be impounded and a disposition made in accordance with existing laws. Officers are not permitted to keep or purchase for their personal use any firearm obtained during the course of their duties.

C. Patrol officers may release property under the following circumstances:

1. Prisoner bulk personal property; or,
2. If the officer has forgotten to return personal items, such as driver's licenses, ID cards, wallets, keys, etc.

D. All other releases must be authorized by an investigator. A Property Release Form (PD-184) **AND** release authorization, via the Request Monitor in EvidenceOnQ, is required when property is released per a court order.

E. Investigators are responsible for the release or disposal of impounded property associated with cases assigned to them. There will be occasions when property is needed for release and the assigned detective is unavailable. When this issue arise, a supervisor or anyone designated by the Captain, from the investigative unit who has been assigned the case, shall evaluate the request and, if warranted,

complete the property release process. When detectives retire, another detective may be assigned the impound for the purpose of reviewing for disposition.

NEW

F. Detectives must maintain a system to track evidence/property associated to cases assigned to them. Upon case assignment, if the detective's name is entered into CRMS, the interface will update the EvidenceOnQ impound record to reflect that detective assigned. All new impounds are assigned a retention period automatically based on criteria predetermined by the Property Room. If a detective requests the retention period be extended, that date will change. EvidenceOnQ will generate an email to the assigned detectives on a monthly basis. All impounds on which the retention period has expired, will be included in this email. The email will have the incident number, barcode number (as a direct link to EvidenceOnQ barcode number), CRMS case status (if there is one), a CRMS link (as a direct link to the incident number in CRMS), the item type and a general description of the item impounded. The detective must enter a request for each of these bar-coded impounds. The request options are:

1. **HOLD:** Location code" 07-Hold – The detective is requesting that the property/evidence be held. The desired retention date and the reason for the old must be entered in the REASON FIELD. If there is a court case number and the matter is pending or there is an active warrant, this number and information should be entered in the REASON FIELD.
2. **DISPOSITION:** Location codes: "01 – Ok to dispose, owner unknown," "03 – Ok to dispose – other." The detective is requesting the property/evidence be processed for appropriate disposition.
3. **FIREARM DISPOSITION:** Location code "10 – Firearm OK for disposition". The detective is indicating that the firearm is no longer needed for the investigation or court proceedings and the Gun Desk Officer can review and determine the proper disposition.
4. **RELEASE:** Location code: "02 – Ok to Return, Release Form Sent." The detective has issued a Property Release Form and mailed it to the owner. The detective is authorizing release of the property/evidence. The name of the person to whom the item is to be released must be entered in the REASON FIELD.

NEW

G. Any impounds not resolved during the month will appear on the next month's email. After three consecutive emails for the same barcode/incident number, the incident number will be counted as one record on the Investigator Review Report. The Investigator Review Report reflects the Investigator's Name, ID # and how many incident numbers have had emails sent, for ___ months in a row. The time period will be indicated at the top of the report.

The Investigator Review Report will be forwarded to each command after three consecutive notices have been generated.

The Prosecutor provides a list, on a quarterly basis, of incidents that have been resolved through the court system and MAY be eligible for evidence disposition. The retention code on these barcodes will be updated to “PRO,” which represents Prosecutor notification that evidence MAY be eligible for disposition. When the monthly e-mail notification is generated, the incidents on which the retention code has been modified to “PRO” will have an indicator in the REASON FIELD of “PRO.”

Incidents on which a case hasn't been filed with the court may have a hold request entered for a retention date after the statute of limitations has expired for filing a case.

“Found Property” impounds will be assigned to the area NRC if a detective name is not assigned in CRMS.

When detectives leave the Department, all active impounds will need to be reassigned to another detective from the same unit. Unless another detective is specifically identified for the reassignment, the area NRC will be assigned. If the impound is from a specialized unit, a representative from that unit will be assigned the impound for review purposes, at the direction of a supervisor.

1. General guidelines for the release/disposal of property impounded as evidence are:
 - a. Misdemeanor crimes:
 - (1) Retain property until the case has been adjudicated
 - (a) Defendant has been sentenced **AND**
 - (b) Co-defendants (if any) all sentenced or charges dismissed **AND**
 - (c) No appeal filed (*PC1417.1: hold 30 days after last day for filing appeal, CRC Rule 8.853, last day for filing an appeal on a misdemeanor is 30 days after judgment*) Department Policy is to hold 6 months after sentenced.

OR

- (2) One year after the offense date, if the City Attorney's Office has not filed charges, based on the statute of

limitations. There are certain offenses that have a longer statute of limitations (see exclusions listed below).

A statute of limitations chart for each violation is available on the POST website in the Evidence & Property Management Guide.

<http://lib.post.ca.gov/Publications/Evidence-Property%20Management%20Guide.pdf>

EXCLUSIONS: PC647.6, PC647a, BP729 (or subsection).

OR

- (3) Over 3 years since arrested.

Retain all biological material (DNA evidence) the entire period of time the defendant remains incarcerated on case (PC1417.9).

All property seized via search warrant requires a court order prior to any disposition, whether release or disposal (PC1536 through 1540).

- b. Misdemeanor/felony “wobbler” arrest:

- (1) Retain property until the case has been adjudicated

- (a) Defendant has been sentenced **AND**
- (b) Co-defendants (if any) all sentenced or charges dismissed **AND**
- (c) No appeal filed (*PC1417.1: hold 30 days after last day for filing appeal, CRC Rule 8.853, last day for filing appeal on a felony is 60 days after judgment and on a misdemeanor is 30 days after judgment*)
Department Policy is to hold 6 months after sentenced.

OR

- (2) Over 5 years since arrested.

Retain all biological material (DNA evidence) the entire period of time the defendant remains incarcerated on case (PC1417.9).

All property seized via search warrant requires a court order prior to any disposition, whether release or disposal (PC1536 through 1540).

c. Felony arrest:

- (1) Retain property until the case has been adjudicated
 - (a) Defendant has been sentenced **AND**
 - (b) Co-defendants (if any) all sentenced or charges dismissed **AND**
 - (c) No appeal filed (*PC1417.1: hold 30 days after last day for filing appeal, CRC Rule 8.853, last day for filing an appeal on a felony is 60 days after judgment*) Department Policy is to hold 6 months after sentenced.

Retain all biological material (DNA evidence) the entire period of time the defendant remains incarcerated on case (PC1417.9).

All property seized via search warrant requires a court order prior to any disposition, whether release or disposal (PC1536 through 1540).

d. Felony crimes without an arrest:

- (1) Retain property per Department or specialized unit guidelines.
- (2) The property should be disposed of after the investigator determines that the items have no further evidentiary value.
- (3) Statute of limitations chart for each violation is available on the POST website in the Evidence & Property Management Guide.
<http://lib.post.ca.gov/Publications/Evidence-Property%20Management%20Guide.pdf>

DNA Evidence: Retain all biological material the entire period of time the defendant remains incarcerated on case (PC1417.9).

Search Warrant: All property seized via search warrant requires a court order prior to any disposition, whether release or disposal (PC1536 through 1540). A template is available.
(F:Template/Warrants/D & O Return of Property from SW)

Death Penalty Imposed: Retain evidence until 30 days after the date of execution of sentence. If defendant dies prior to execution, wait until one year after the death.

2. Investigators are expected to perform whatever investigations are necessary in order to locate property owners. Such investigations should include:
 - a. Physical inspection of the property to determine whether any identifying information is available on or within the property;
 - b. Conducting computer checks through all available systems, including ARJIS, County, CRMS and eSun; and,
 - c. Use of the reverse directory and the telephone book.
3. If unable to identify an owner, the investigator shall follow the procedures outlined previously.
4. When a property owner has been identified, or when found property is to be returned to the finder, the investigator shall authorize the release using the Request Monitor and generate three copies of a Property Release Form (PD-184) through EvidenceOnQ and distribute as follows:
 - a. Original to Property Room;
 - b. One copy to the property owner or his agent, or the property finder. It is the responsibility of the employee who completes the Property Release Form (PD-184) to mail or hand deliver the form to the owner, agent, or finder; and,
 - c. One copy is retained by the investigator for his/her case report.
5. If all property listed on the property tag is to be released, the investigator will mark the reverse side of the YELLOW copy of the property tag appropriately, and forward the YELLOW copy to the Property Room with the original of the Property Release Form (PD-184). If using the EvidenceOnQ system, the investigator will authorize the release through the Request Monitor with location code "02-Ok to Return/Release Sent/Given" AND send the Property Room a completed computer generated Property Release Form.
6. **Partial releases per barcode are not permitted in EvidenceOnQ.** If there is a situation that requires a partial release for part of an item under one barcode, the investigator will separate this item from the group and create a new entry for this item. It is this barcode number the investigator would include on the Property Release Form to release to the owner, along with providing release authorization via the Request Monitor.

7. The property owner should be notified when and where to pick up the property.
8. It is permissible to release property directly to the owner.
 - a. The investigator must sign the chain of custody on the reverse side of the white copy of the Property Tag for older impounds. The investigator's signature will be obtained using the Fileroom/Checkout feature in the EvidenceOnQ system.
 - b. A signed Property Release Form (PD-184) shall be obtained from the person receiving the property, witnessed and signed by the Investigator and forwarded to the Property Room.

XIII. HEARINGS: RELEASE/DISPOSAL OF PAWNED PROPERTY – SPECIAL PROCEDURES

California law addresses disposal of property stolen or embezzled (Penal Code section 1413). Stolen or embezzled property may be released when the following procedures have been met. These procedures must be followed when the property was seized from a pawnbroker or secondhand dealer. If two parties have a dispute in ownership, they will both be given an opportunity to present their case during a hearing that is held and determined by the Senior Property Room Supervisor.

- A. The person claiming ownership must produce satisfactory proof of ownership of the property and proper identification to the investigator handling the case {PC § 1413(b)}.
- B. A photographic record of the property must be made and retained by the investigator with the case file {PC § 1413(b)}.
- C. The person to whom property is delivered shall sign, under penalty of perjury, a declaration of ownership, which shall be retained by the Senior Property Supervisor. This declaration of ownership will be scanned and stored as a document in reference to the impound entry for the stolen or embezzled property {PC § 1413(b)}.
- D. If a criminal prosecution involving the property is pending, the appropriate prosecuting agency representative must be contacted and grant approval for the release of the property.
- E. The investigator, on behalf of the Senior Police Property Supervisor, shall send a form letter (pawn letter) to the individual from whom the property was seized. The letter should be sent via registered mail with a return receipt requested. This letter is available on the LAN at F:\Templates\Administrative\Pawn Letter.doc.

This document should be completed on-line and printed on Department letterhead. If necessary, the completed document should be saved to an appropriate media.

1. A copy of the Notice of Claim of Ownership and Declaration of Ownership form (PD-76) and a copy of satisfactory proof of ownership must accompany the pawn letter. This document is available on the LAN at F:\Templates\Administrative\Declaration of Ownership.doc. This document should be printed and completed by hand.
 2. The investigator shall notify the Senior Police Property Supervisor (at MS 729) in writing, of the proceedings, prior to sending the letter, and send official copies of all case-related documentation.
- F. The individual from whom the property was seized will be advised to contact the Senior Police Property Supervisor within 15 days of the date of receipt of the letter, if they desire to be heard as to why the property should not be delivered to the person claiming ownership{PC § 1413(b)}.
1. If the person from whom the property was seized desires to be heard, the Senior Police Property Supervisor must schedule an informal hearing to determine ownership. A demand for return of the property by any claimant shall be considered a request for a hearing. If a hearing is held and the Senior Police Property Supervisor determines that the property should be returned to either claimant, the investigator will be advised to prepare a Property Release Form (PD-184).
 2. If there is no response within 15 days, the Senior Police Property Supervisor will contact the investigator, informing him/her that the conditions of 1413 PC have been met. The investigator may then authorize release of the property by filling out a Property Release Form (PD-184).
 3. If a hearing is requested, the Senior Police Property Supervisor shall schedule a date and time and notify all claimants by first class mail or by telephone. At the hearing, the Senior Police Property Supervisor shall hear all claimants and review all documents submitted, including the investigative files and court documents maintained by the case investigator. At the conclusion of a hearing, or within ten days, the Senior Police Property Supervisor shall determine the disposition of the property and shall notify all claimants who appeared at the hearing, in writing. This notification shall also, as appropriate, advise the person, from whose custody the property was taken, that, if not satisfied with the result of the hearing, he or she may seek judicial remedies, including those available in 1413(c) PC.

XIV. DISPOSITION OF UNIDENTIFIED, UNCLAIMED, OR WORTHLESS PROPERTY

- A. Retention period time limits begin from the date the property first came into the Department's possession.
1. Property impounded relative to a case under investigation must be retained until such time that it is no longer needed as evidence.
 2. Found property must be retained for at least 90 days, unless it is released to the owner (Cal. Civil Code § 2080.4; SDMC § 22.0603).
 3. Property impounded as "Other" may be released or disposed of at any time it has been determined to have no evidentiary value.
 4. Any property for which a Property Release Form (PD-184) has been issued and the release form has expired may be disposed of as unclaimed property.
- B. The investigator is responsible for determining the necessity for retention of impounded property. If retention is no longer required and ownership cannot be determined, the investigator shall so note on the back of the **YELLOW** copy of the property tag and forward it to the Property Room at MS 729. If the items were impounded using the EvidenceOnQsystem, the investigator must authorize that it is "Okay to dispo" using the Request Monitor. If the item is a firearm, the investigator should select " #10 firearm okay to dispo." The Gun Desk will then begin the firearm disposal process.
- C. Investigators are responsible for disposing of property as quickly as possible. All appropriate computer checks and other research is to be conducted to determine if property may be released or processed for disposal. Property files should be reviewed and processed every 30 days, but must be reviewed and processed at least every six months.
- D. Once the property has been authorized by a police investigator for disposal, either a property supervisor or the supervisor's designee shall examine the property and make the final disposition. The property may be:
1. Destroyed;
 2. Sold at public auction;
 3. Donated to non-profit organizations;
 4. Deposited in the City's General Fund;

NEW

5. Converted to Department use. (Refer to Department Procedure 3.24, Conversion of Seized Property); or,
6. Recycled.

XV. DISPOSITION OF ARTICLES MISSING IDENTIFICATION MARKS

- A. Penal Code section 537e makes it a crime to possess property from which the distinguishing number has been removed. After the Property Room assigns a property disposition number, these items may only be released to their lawful owner or sold at auction.
 1. When impounded property that falls under 537e PC is to be released to its lawful owner, the officer authorizing the release shall notify the Property Room to assign a disposition number.
 2. The Property Room will affix a disposition number to the article and document the information in the file.
 3. The same process shall take place for items sent to public auction by the Property Room.
- B. Penal Code section 23920 makes it a crime to possess firearms which have had the serial number or other identifying marks removed. When impounded firearms that fall under PC23920 are to be released to the lawful owner, the Gun Desk will assist the lawful owner with the procedure to obtain a new identification number.
 1. Gun Desk personnel will mail the lawful owner of the firearm the Department of Justice (DOJ) Law Enforcement Gun Release Application (LEGRA) to complete and submit to DOJ, per PC33855.
 2. The owner will notify the Gun Desk upon receipt of the DOJ approval letter.
 3. Upon presentation of the DOJ approval letter, Gun Desk personnel will issue a Property Release Form (PD-184) to the lawful owner or a representative of the San Diego Sheriff's Office (SDSO), with specific instructions to have the serial number re-established.
 4. Once the SDSO completes the process to assign a new identification number, the owner MUST return the firearm to the Gun Desk for verification of the new number. Gun Desk personnel will enter the new number into the firearms computer database, as well as onto the property tag or EvidenceOnQsystem.

5. Steps 3 and 4 of this process shall be completed in the same day.
- C. A permanent file will be retained in the Headquarters Property Room to document all impounded property which has had a disposition number assigned, with the exception of firearms. The file shall contain a description of the item, the property tag number, the Property Disposition number, and the date the number was assigned.

XVI. LOCATION OF EVIDENCE

Evidence may be stored at any one of the Property Room's storage facilities (Aero Drive, Jerome's, Area Stations, etc.).

Giving the Property Room 24 hour notice prior to check-out will ensure that your evidence is at Headquarters.

XVII. PROPERTY CHECK-OUTS/VIEWING

NEW

- A. Authorized Department personnel may sign out property from the Property Room only for purposes of investigation, examination by the Crime Laboratory, presentation as evidence in court, or viewing. Property may only be viewed by personnel assigned to the case for which the property has been impounded or for investigation into possible ties to another case under investigation. City Attorneys, City Attorney Investigators, District Attorneys, and District Attorney Investigators with agency photo identification may check-out evidence that has NOT BEEN SEALED FOR LAB EXAMINATION for the purpose of their investigation, viewing and photographing. If they want to view an item that has been sealed for lab examination, they will need a signed PRF from the assigned investigator or approval from a supervisor, who has checked with the lab and confirmed that all lab examination has been completed. The Harbor Police Department agrees with this procedure and has no objection to the Property Room staff allowing these agencies to check-out their evidence in the same manner.

NEW

- B. The "Lab Master Disks" may only be checked out by lab personnel, not detectives. The Lab will attach a label indicating "Lab Checkout Only" on all new master disks.

NEW

- C. The Records Unit may checkout "Lab Working Copies" of CDs for handling Department discovery.

NEW

- D. Twenty-four hour notice to the Property Room via telephone will ensure that the items are ready and available for pick-up.

- E. The individual who checks property out from the Property Room is responsible for the item. If property is not returned to the Property Room because it was retained in court or released to the owner, the person who checked it out must provide appropriate paperwork to the Property Room to account for the property.
- F. Investigators who wish to have property examined by the Crime Laboratory are to complete the appropriate work order and submit it to the Crime Laboratory for analysis. Laboratory personnel will then sign-out the requested property for examination. Under no circumstances are investigators to check out items from the Property Room to take to the Crime Laboratory for examination unless they remain with the property while it is being tested and return it to the Property Room immediately following the test.
- G. The property should be returned to the same property room from which it was checked-out by the same person who checked it out.
- H. All evidence and property checked-out from the Property Room must be returned to the Property Room within 24 hours of being checked-out. The only exceptions to this is property checked-out by Laboratory personnel in order to conduct laboratory analysis and property checked out by ICAC. The Laboratory and ICAC must return evidence within 90 days of it being checked-out. Lab checked-out items will be secured in the individual's workstation in accordance with existing Laboratory procedures in order to maintain chain of custody. If the individual needs to retain the item for a longer period of time, they must check the item back in, then initiate a new check-out. This will reset the automated tracking for the tracking and chain of custody of the item. Items retained by court or released to the property owner will be properly documented and the paperwork immediately forwarded to the Property Room. Under no circumstances will property or evidence be stored in personal lockers, desks or file cabinets.

NEW

If checked-out property is not returned to the Property Room, Property Room personnel will notify the individual and his or her supervisor to inquire about the whereabouts of the property. If no response is received within one week, the matter will be forwarded up the chain of command as necessary to get the checkout resolved.

- I. With agreement of the Investigating Control Group, the assigned detective does not need to approve the check-out of evidence to another law enforcement agency lab. Approval must be received from a lab supervisor prior to any check-outs being granted to another law enforcement agency lab member. The Lab supervisor will enter code #20 through the request monitor, which reflects "LAB SUPERVISOR AUTH. – OKAY TO CHECK-OUT TO OTHER AGENCY." The Lab supervisor will enter the name of the lab representative, his or her ID number and agency in the RESEARCH field.

NEW

- J. If signed-out property is released to anyone (i.e., suspect, victim, attorney, District Attorney, City Attorney), a signed Property Release Form (PD-184) must be brought to the Headquarters Property Room immediately.
- K. When property is checked-out for court use, the person receiving the property will be given a Court Evidence Receipt form (PD-233).
1. If the evidence is retained by the Court, the Courtroom Clerk must sign for the evidence retained and stamp the form with the Court Seal in the space provided.
 2. The Court Evidence Receipt form (PD-233) shall be returned to the Headquarters Property Room on the same day the court assumed control of the evidence. If the Property Room is closed, the receipt must be returned on the next business day.
 3. A property clerk will sign for receipt of the Court Evidence Receipt and give the pink copy of the form to the officer/ employee.
 4. Signed-out property that is not retained by the court must be returned to the Headquarters Property Room immediately.
 - a. Signed-out money over \$20.00 will be in a sealed package. A witness is strongly suggested if a money seal must be broken. The impound must be sealed when returned to the Property Room.
 - b. Crime Laboratory personnel must provide an interoffice memorandum, signed by their supervisor, to obtain impounded money amounts over \$20.00 for examination.
 - c. Impounding officers from other jurisdictions may sign-out property that was impounded by them. They may not sign-out property that they did not impound without prior approval of the assigned investigator or his/her supervisor.
- L. In order to maintain the integrity and chain of custody of impounded property associated with an open case, videotaping, filming, or photographing of any of the property may only be done under the following circumstances:
1. As a necessary part of an assigned investigation;
 2. As required for the prosecution or defense of a case; and,
 3. To assist in identifying suspects or victims.

- M. General photographing or videotaping of property facilities may only be conducted with prior approval of the Senior Police Property Supervisor.
- N. Returned property must be entered on the impound chain of custody and on the check-out log for impounds made using the prior system by the person who returns the property. A property clerk will verify and re-enter the property.
- O. Property that is being checked-out from the Laboratory to be entered into the EvidenceOnQ system from a property tag impound, will be signed in the "Chain of Custody" section of the property tag and the log. From this point on, the chain of custody for this item will be captured using the EvidenceOnQ system. The property clerk will highlight the item that was transferred and notate the barcode number adjacent to the item number. The property clerk will also write "EE" next to the item number on the face of the tag to the item to indicate that the item has been electronically entered into the system.

XVIII. ACCESS TO PROPERTY AND EVIDENCE FACILITIES

NEW

- A. Public access to the Property Room is through the E Street entrance to the Headquarters Building only. For security reasons, the public is not authorized to enter the Officer Impound Area at the Headquarters Property Room. Personnel from other law enforcement and prosecuting agencies may use the Officer Impound Counter.

NEW

- B. Property will be released only during normal business hours, unless an exception is made by the Senior Property Room Supervisor for special circumstances.
- C. Citizens must have a Property Release Form (PD-184) to receive property. The citizen's identity will be verified by Property Room personnel before property is released.
- D. Area command property facilities are open for limited hours. Each command should be contacted for specific hours of operation.