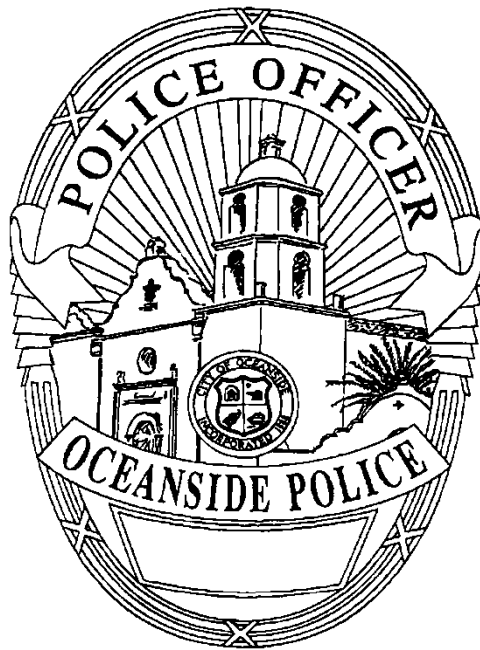


# OCEANSIDE POLICE DEPARTMENT



## EVIDENCE & PROPERTY PROCEDURAL MANUAL

## **OBJECTIVE**

This manual provides the written procedures and guidelines that define how the day-to-day operations of the Oceanside Police Department Evidence & Property Unit are accomplished.

## **EVIDENCE & PROPERTY MISSION STATEMENT**

To ensure all evidence and property is preserved and safeguarded in a manner that will not compromise its integrity.

## **EVIDENCE & PROPERTY VISION STATEMENT**

To be respected as a leading evidence control and storage facility by the law enforcement community and the people we serve.

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**REDACTED....**

**REDACTED...**



1. FACILITY MAP (REDACTED)

## **2. STAFFING & JOB CLASSIFICATIONS**

Evidence and Property Technicians are primarily responsible for receiving, identifying, preserving, recording, storing and disposing of items of physical and digital evidence acquired by the Oceanside Police Department.

### **DEFINED CLASSIFICATIONS**

- **EVIDENCE AND PROPERTY SUPERVISOR:** Under general direction, to plan, organize and direct the evidence and property operations of a police storage facility containing highly confidential records, evidence, firearms, cash, narcotics, property, etc.; to ensure the integrity and chain of custody of evidence from the crime scene to its final disposition; other duties as assigned.
  
- **SENIOR EVIDENCE AND PROPERTY TECHNICIAN:** To lead, oversee and participate in the more complex and difficult work of staff responsible for maintaining highly confidential records, evidence, firearms, cash, narcotics, property and a variety of other police items; to maintain the integrity and chain of custody of this evidence from the crime scene to its final disposition; and to perform a variety of technical tasks relative to assigned areas of responsibility.
  
- **EVIDENCE AND PROPERTY TECHNICIAN II:** To operate a police storage facility containing highly confidential records, evidence, firearms, cash, narcotics, property, etc.; to maintain the integrity and chain of custody of this evidence from the crime scene to its final disposition; and to perform other duties related to control and handling of evidence and property.
  
- **EVIDENCE AND PROPERTY TECHNICIAN I:** To maintain police property inventory issued to officers and acquire required office supplies; to support the functions of the evidence and property unit of the Police Department; and to perform duties involving receiving, inventory and packaging of property and evidence.

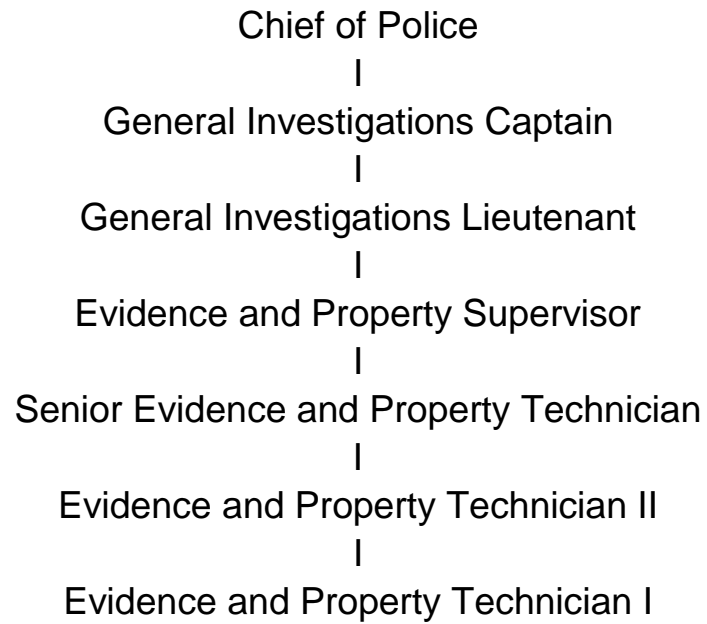
### **EXAMPLE OF DUTIES**

- **EVIDENCE AND PROPERTY SUPERVISOR:** Examples of duties performed by employees in this class may not include all required duties, nor are all listed tasks necessarily performed by everyone in this class.

- Plans, directs and supervises, the collection, receipt, storage, safekeeping and disposition of all evidence and property; maintains manuals and computerized records; supervises the disposition of evidentiary and found property and surplus materials; testifies in court regarding chain of custody on evidentiary items; oversees supply purchasing and equipment; participates in the development and implementation of goals, objectives, policies and priorities; recommends and implements resulting policies and procedures; identifies opportunities for improving procedures; participates in the preparation and administration of assigned budget; submits budget recommendations; monitors expenditures; maintains records and develops reports concerning new or ongoing evidence and property operations; writes reports, policies and procedures; ensures adherence to safety rules; and selects, trains and evaluates the work performance of subordinates.
  
- **SENIOR EVIDENCE AND PROPERTY TECHNICIAN:** Examples of duties performed by employees in this class may not include all required duties, nor are all listed tasks necessarily performed by everyone in this class.
  
- Leads, plans, trains and reviews the work of staff responsible for receiving, identifying, preserving, classifying, tagging and logging narcotics and other evidence and property; maintains accurate chain of custody records; trains assigned employees in their areas of work in evidence and property control methods, techniques and in the set up and use of equipment; supervises the use of evidence testing equipment; verifies the work of assigned employees for accuracy, proper work methods, techniques and compliance with applicable standards and specification; ensures the adherence to safe work practices and procedures; determines when to dispose of property and evidence; assures security of narcotics, cash and other evidence and property; transports evidence to labs for special testing and to storage, and/or to court hearings for hearings/trials; testifies in court; obtains court order for and performs firearms and narcotics destruction; enters and retrieves data using a computer database; plans, directs and participates in calculating weights, volumes and amounts of property, evidence and cash; reviews cases for final disposition and proper distribution of evidence and property; oversees and participates in all office procedures and resolves problems; conducts training for new personnel; maintains inventory and control of prisoner property; and performs related duties and responsibilities as required.
  
- **EVIDENCE AND PROPERTY TECHNICIAN II:** Examples of duties performed by employees in this class may not include all required duties, nor are all listed tasks necessarily performed by everyone in this class.

- Receives, identifies, preserves, classifies, tags and logs narcotics and other evidence and property; transports evidence and property to storage and labs; maintains inventory and control of prisoner property; pulls and processes evidence for special testing for hearings, trials or subpoenas; records dispositions of property; enters and retrieves data by barcode using a computer terminal; calculates weights, volumes and amounts of property, evidence and cash; participates in all office procedures; maintains inventory and orders supplies as needed; testifies in court and performs related duties and responsibilities as required.
  
- **EVIDENCE AND PROPERTY TECHNICIAN I:** Examples of duties performed by employees in this class may not include all required duties, nor are all listed tasks necessarily performed by everyone in this class.
  
- Receives, identifies, preserves, classifies, tags and logs narcotics and other evidence and property; releases and issues evidence and property to employees, victims or suspects according to guidelines, court orders and established department policies; transports evidence and property to storage and to labs; maintains inventory and control of prisoner property; determines or receives unit-division supply needs and orders supplies to ensure a timely delivery to the requesting unit; disposes of evidence no longer required to be kept as per unit policy or court order; records dispositions of evidence and property into a computer database using appropriate barcodes; answers phones and responds to inquiries from department personnel and the public; participates in all office procedures; and performs related duties and responsibilities as required.

## CHAIN OF COMMAND



### **3. GENERAL OPERATIONS**

#### **BUSINESS HOURS**

**Business Hours of operation:** 0630 – 1700 Monday through Thursday  
0700 – 1530 Friday  
(Excluding holidays)

**Department & Outside Agency Business Hours** 0630 – 1700 Monday through Thursday  
0700 – 1530 Fridays  
(Excluding holidays)

**Public business hours:** 0800 – 1600 Monday through Thursday

Closed to the public on Fridays and holidays.

**Special Handling:** Firearms releases and viewing/release of large amounts of property are conducted by appointment only.

#### **WEEKLY BRIEFINGS/MEETINGS**

- Briefings will be held bi-weekly and all Evidence and Property Unit employees are required to attend.

#### **FACILITY ACCESS**

- The Evidence and Property Facility is a high security area with controlled access. The Office and warehouse are restricted areas. Only those with official business inside the facility will be allowed access and will be accompanied by an Evidence and Property staff employee at all times.

#### **SECURITY**

- No outside personnel shall be permitted access to any part of the Evidence and Property Facility unless he/she has lawful business that requires access. A signature, date, time and reason for entry will be required on an Evidence and Property Room Access Log posted on a clipboard at the front counter.
- Members of the public and representatives of outside agencies may only be granted

access to the Evidence and Property Facility front counter where releasing of property is done. The public and members of outside agencies may access the Evidence Viewing Room only when escorted by a sworn officer or Evidence and Property employee.

- It is not necessary for members of the public or outside agency representatives to sign the Property Access Log when entering these two locations.
- There may be times when outside agency representatives have legitimate business inside the Evidence and Property Warehouse (eg. Crime Lab or FBI to process evidence). The Evidence and Property Supervisor will be notified in advance to provide approval.

### **LAB RUNS**

- The Evidence and Property Unit generally make one lab runs per week to drop off and pick up evidence.

### **CONFIDENTIAL INFORMATION**<sup>1,2</sup>

- Information and documents regarding official business shall be disseminated only to whom it is intended, in accordance with Department procedures and the law.
- The Evidence and Property Unit does not maintain original case records. All case records generated by the Evidence and Property Unit are scanned into RMS or WebExtender and maintained by the OPD Records Section. Therefore, requests to obtain original evidence records should be referred to the Records Unit.
- Members will exercise due caution in maintaining and protecting the safety and security of confidential documents.
- Members shall treat as confidential all matters relating to investigations, internal affairs, and personnel, and not discuss them unless lawfully required in the performance of their duties.

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<sup>1</sup> P&P Volume I, Section 120.32 Dissemination of Information

<sup>2</sup> P&P Volume I, Section 555 Care of Evidence & Found Property

## **GENERAL HANDLING OF EVIDENCE & PROPERTY**<sup>3</sup>

- It is a violation of Department policy for any member to retain possession of, secure or store any property or evidence except in such manner as provided by departmental policies or procedures. Evidence shall be collected, packaged, and preserved in accordance with OPD Policy and Procedure, Volume II Section 1400, and this manual. Found property shall be stored and disposed of in a manner consistent with Civil Code Section 2080 et seq.
  
- Members are responsible for all evidence and property coming into their possession in the course of their duties. This includes vehicles and the property therein. Members may be liable civilly, and the city may incur liability for their acts for the loss of any such property or evidence due to carelessness or negligence.<sup>4</sup>
  
- Members who first seize, confiscate or otherwise take possession of evidence or property are responsible for the proper gathering, preservation, identifying, marking, and tagging of said properties until such time as the member deposits the property or evidence to the control of the Evidence and Property Technician.
  
- Members shall forthwith place in evidence any and all property and/or evidence that they may take charge of or receive in the course of their official duties or employment as police employees.
  
- Members are required to place into evidence all narcotics and dangerous drugs that come into their possession regardless of the amount.<sup>5</sup>
  
- Evidence & Property Technicians shall wear gloves when handling items of evidence or property that have been removed from its protective packaging. This includes, but is not limited to, releasing of bulk property, disposition of property, verifying packaging for lab transport, or when something is identified as leaking or wet, biohazard evidence and narcotics.

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<sup>3</sup> P&P Volume II Section 1405 – 1425.02

<sup>4</sup> P&P Volume 1, Section 555.02 Member Responsibility

<sup>5</sup> P&P Volume I, Section 555 Care of Evidence and Property



## **FACILITY ASSIGNMENTS**

- In addition to the general responsibilities of an Evidence and Property Technician, each employee will have collateral assignments that may be rotated amongst technicians. The Evidence and Property Supervisor is responsible for setting up and maintaining the duty rotations. Collateral duties will include:
  1. Firearms Management
  2. Narcotics Management
  3. Currency Management
  4. Safety Officer
  5. Supplies & Inventory
  6. K-9 Narcotics Audit
  7. Portable Radio Inventory

## **CHAIN OF CUSTODY**

- This is the chronological documentation of the seizure, custody, control, transfer (temporary or permanent), and disposition of evidence, either physical or electronic.<sup>6</sup>
- The chain of custody monitors all movement of any items for temporary or permanent release.<sup>7</sup>
- The chain of custody will be recorded in the evidence tracking system each time the evidence is moved from one location to another, or changes hands, on a TRAQ System electronic generated Tracking Receipt. The tracking receipt will indicate the OPD case number, the item number, who the evidence is being given to, which evidence and property employee is releasing the item and the date and time.
- Each individual in the chain-of-custody is responsible for evidence under his/her control.
- The Evidence and Property Unit retains chain-of-custody electronic documentation of transactions.

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<sup>6</sup> IAPE, Glossary of Terms

<sup>7</sup> POST P&E Management Guide, Section 2-2

- **EVIDENCE CUSTODY:** All OPD evidence shall be stored at the main evidence facility <sup>8</sup> until final case disposition.
  
- **TEMPORARY EVIDENCE CHECK-OUT:** Evidence may be checked out to authorized personnel for investigative or court purposes only. Return of these items or submission of a completed Chain of Custody form is required within ten (10) working days of removal from the evidence facility. After the two-week retention period, an Evidence Status Notification form will be forwarded to the individual having custody of the item. Failure to acknowledge status will result in command notification.
  
- **180-DAY RELEASE:** Evidence may be signed out to the SDSO Crime Laboratory, RCFL, the LA County Coroner's Office, or other designated lab for the purpose of analysis. Return of these items is expected within 180 days of submission.

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<sup>8</sup> Watercraft evidence and/or found property is stored in the Harbor Evidence Container in the East Harbor Lot

## **FORMS USED BY EVIDENCE & PROPERTY UNIT** (See Appendix A)

### **EVIDENCE AND PROPERTY REPORT**

This is a form automatically generated by Traq when an item(s) is entered as evidence.

#### **LABORATORY SERVICE REQUEST**

When the San Diego Sheriff's Crime Lab receives items of evidence requiring analysis, the must be accompanied by an SDSO Lab Request on the SDSO Property/Evidence Form.

#### **EVIDENCE AND PROPERTY ROOM ACCESS LOG FORM**

A log which requires completion by all non-Evidence and Property Staff who enter the facility beyond the evidence viewing room and the lobby. All subjects entering the facility will complete the log which will include their name, date, time, and purpose of visit. An Evidence and Property Technician or Supervisor will be responsible for accompanying the subject at all times while in the facility.

#### **CHAIN OF CUSTODY FORM**

This form is a Chain of Custody Form used to transfer item(s) of evidence on a particular case from one employee to another, from an employee to an outside agency or to the Court Clerk. The OPD case number, item number(s), description, and chain of custody information shall be included on this form. This completed form will be submitted to Evidence and Property.

#### **PROPERTY RELEASE AUTHORIZATION AND RECEIPT**

This form is used to release property to an individual such as the owner. The OPD case number, date, item number and description of property, and chain of custody information shall be included on this form. Once property is released a copy must be scanned into RMS.

#### **AUTHORIZATION FOR THE DISPOSITION OF PROPERTY FORM**

This form authorizes the retention or disposal of property. The OPD case number, reason for retention, signature, ARJIS, division, and date of officer authorizing disposition must be included on this form.

□ **SAFEKEEPING & PRISONER PROPERTY RECEIPT** <sup>9</sup>

When the Oceanside Police Department obtains possession of personal property from a person for temporary safekeeping, a Safekeeping and Prison Property Receipt shall be completed and provided to the person from whom the property was taken with a receipt and instructions for the retrieval of the property.

The receipt and instructions shall either be given to the person from whom the property was taken or immediately mailed, by first-class mail, to the person from whom the property was taken.

The receipt and instructions shall notify the person from whom the property was taken that the property must be claimed within 60 days after it was held or the property will be disposed of in accordance with the disposal provisions in accordance of law.

This form may not be used for weapons confiscated per 18250 PC.

□ **FIREARM SAFEKEEPING FORM**

This form is to be used for weapons confiscated per 18250 PC. When the Oceanside Police Department comes into possession a firearm for the purposes of safekeeping, typically in connection with W&I 5150 and Domestic violence cases, a Firearms Safekeeping form shall be completed and provided to the subject from whom the guns were confiscated or collected.

□ **FINDER'S AFFIDAVIT**

If the subject who found the item wants to claim the item if the owner is not located, the finder will complete a Finder's Affidavit form, provided to them by the department employee handling their call. This form will be submitted to Evidence and Property with the item. If the owner cannot be located and the item goes unclaimed after 90 days, Evidence and Property personnel will notify the finder that the item can be retrieved.

□ **EVIDENCE CORRECTION NOTICE**

This form is used under the following circumstances:

- When property or evidence has been improperly submitted.
- When property or evidence has been improperly packaged or identified.
- When a discrepancy is noted during the evidence processing or inventory.

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<sup>9</sup> CA Civil Code Section 2080.10

Form Distribution:

- The employee ~~person~~ submitting the evidence and their FTO (if applicable)
- A notation will be made in the evidence tracking record
- If there is no response to the first evidence correction notice issued, notification will be made to the employee's direct supervisor

□ **CHECKOUT FORM**

When an item(s) of evidence is checked out using the computerized evidence tracking system, the person receiving the evidence will sign the checkout form using the electronic signature pad.

□ **TRANSFER OF PROPERTY TO CONTRACT AUCTION COMPANY**

Unclaimed property for disposition will be transferred to a private company for sale at public auction in accordance with Article 2080.4 of the California Civil Code. Other items transferred to the contract company for auction include department owned equipment which is no longer utilized. Lists of all items transferred will be attached to the Transfer of Property to Contract Company for Auction cover sheet. This sheet will be signed by the auction company representative accepting the items as well as the Evidence and Property Technician releasing the items. The completed forms will be maintained by the Evidence and Property Supervisor. The items transferred to the auction company will be individually scanned.

□ **PROPERTY DIVERSION REQUEST FORM**

The Oceanside Police Department may retain property for departmental or city use. A Property Diversion Request Form will be filled out listing the OPD case number, item number, description of property and serial number if known. Once completed, the form will be forwarded through the chain of command to the Investigations Division Captain, for approval. If the item requested is a firearm, narcotic, or money, the form will be forwarded to the Chief of Police for approval. If the property is approved for retention for Department use, documentation will be made available to the Professional Standards Unit for review. If the property is not approved for Department or City use, it will be disposed of following regular procedures.

□ **NARCOTICS FOR DESTRUCTION LIST**

An Oceanside Police Department Controlled Substance for Destruction list is generated from the evidence tracking system for all adjudicated cases, found property, court orders to destroy, or cases in which the statute of limitations have expired. This list will contain

the (1) case number, (2) item number, (3) description of controlled substance, and (4) gross weight of the controlled substance.

□ **DEPOSIT OF EVIDENCE CURRENCY TO CITY TRUST FUND ACCOUNT**

Once a month, all US Currency held as evidence (excluding Federally Seized, Homicide, Search Warrant seized, Tainted, Coin/Currency Collections or Foreign Currency) will be transferred to the Oceanside City Finance Department, via the OPD Records Unit, for deposit in the OPD Evidence Trust Fund.<sup>10</sup>

□ **FIREARMS FOR DESTRUCTION LIST**

An Oceanside Police Department Gun Destruction List is generated from the evidence tracking system. To process a firearm for destruction, each firearm shall be listed on this form have the following information entered:

- OPD case number
- Firearm serial number
- Firearm make
- Firearm caliber
- Firearm type
- Firearm category
- Firearm model
- Barrel length
- Original evidence item number
- Disposition reason

□ **MEMORANDUM FOR ISSUANCE OF CHECK**

If the release of money is authorized on a Property Release Authorization and Receipt form, but the money has already been deposited, the person to whom it was authorized for release will sign for the item. The signed form will be submitted to the Evidence and Property Supervisor. He/she will complete a memo requesting issuance of a check to the subject and the memo will be forwarded to the Senior Office Specialist. The request will be forwarded to the City Finance Department.

□ **RECORDS DESTRUCTION NOTICE**

When items require shredding beyond the use of a small shredder, they are transported to the City Clerk's office for destruction using the commercial grade shredder. A Records

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<sup>10</sup> See Administrative Directive – 50

Destruction Notice form requires completion and the signature of the Evidence and Property Supervisor before the items can be shredded.

□ **K9 NARCOTICS AUDIT FORM**

Upon issuance and audit of the narcotics used for K-9 training, a K9 Narcotics Audit form shall be completed and witnessed by the Evidence and Property Technician, the K9 handler, and the K9 Sergeant. The original will be kept on file in the Evidence and Property Facility and copies will be provided to the handler and the Sergeant.

□ **FIREARMS RELEASE AUTHORIZATION & RECEIPT FORM**

This form is used when facilitating the release of a firearm to the owner, owner's agent, or license firearms dealer. Prior to a firearm being released to the owner or a licensed firearms dealer, a Firearms Release Authorization and Receipt Form must be completed. This form must be verified by two Evidence and Property Technicians before a firearm can be released.

□ **PHOTO REQUEST FORM**

The Department contracts with a specific film developing firm for the development of department generated photographs. If an employee requires the development of photos, the Photo Request Form will be completed. This form requires the signature of the requestor's supervisor. Evidence and Property Personnel are responsible for transporting and pick up to and from the film developing company.

□ **EVIDENCE STATUS NOTIFICATION FORM**

Department personnel often check evidence items out of the evidence facility for a variety of reasons. Time allotted for review of these items is 10 days. If the item remains out of the facility for a period exceeding 10 days, Evidence and Property Personnel will complete an Evidence Status Notification form and forward it to the employee who checked the items out of the facility. The form will ask for the return of the item, a completed Chain of Custody Form, or an explanation as to the whereabouts of the item. This form can also be submitted to outside agencies (i.e. the Crime Lab, RCFL, etc.) requesting return of an item.

□ **EQUIPMENT/UNIFORM REPLACEMENT AUTHORIZATION RECEIPT**

Form submitted to Evidence and Property for the issuance or replacement of department issued gear or supplies (i.e. pepper spray, flashlight batteries, patches, etc.). The form must be signed by the requestor's supervisor.

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## **COURT ORDERS/SUBPOENAS**

- **COURT ORDER TO RELEASE PROPERTY:** When a court order is received for the release of property, the order *must* have an **original “filed with the court clerk” stamp and date.** An OPD Property Release Authorization signed by the case detective or designee, shall also accompany the court order.
  
- **REQUEST FOR RECORDS SEAL:** When a court order is received by Records ordering the seal of a record, that request is forwarded to, among other divisions, the Evidence and Property section. Upon receipt, the Evidence and Property supervisor or designee shall be responsible for deleting or redacting any reference to that subjects name and image from TRAQ as well as from any physical evidence. Any CDs and/or evidence lists forwarded to Records will be maintained in the purge folder for that case until the purge date specified in the court order. Review of a CD and/or evidence list submitted to Records in this manner would require another court order.
  
- **SUBPOENA (California Evidence Code 1560 – 1565)**  
When an *original* subpoena duces tecum is served upon the Custodian of Records or designee for the production of documents or photographs, the Department has a specific time limit to comply with the subpoena.

All original subpoenas shall be received by the Oceanside Police Department Records Unit, City Clerk’s Office and/or City Attorney’s Office. If the subpoena includes an order to produce/provide copies of evidence, compliance in five (5) business days is usually required for criminal actions and fifteen (15) business days for civil actions.<sup>11</sup>

- **COSTS:** The cost to duplicate or copy documents and photographs in a civil action are outlined in the California Evidence Code section 1563.

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<sup>11</sup> CA CIVIL CODE 1560

### **DUPLICATION OF PHOTOGRAPHS, CD's AND DVD's**

- In lieu of a subpoena, the Evidence and Property Unit will accept written and verbal requests for the duplication of photographs, CD's and DVD's.
  
- Outside requests, whether by an individual or agency, come directly from a Records Supervisor.
  
- Requests for copies may be made by a detective, or other OPD personnel with legitimate need.
  
- When fulfilling a request for the duplication of a CD or DVD, the Evidence and Property technician who receives and fulfills the request shall make note in the evidence tracking system that the item is to be copied and indicate the reason (i.e., per Records request, per the request of a Detective, etc.). After making the copy, the CD or DVD will be scanned back into its original location.

## **OPD EVIDENCE & PROPERTY PROCEDURAL MANUAL**

- The procedural manual will be reviewed annually for additions/deletions/modifications to ensure all procedures are in accordance with current Municipal, State, and Federal Law, and meet the standards and guidelines set forth by POST & industry standards. It is available at the Evidence and Property facility, FET offices, and copies are provided to all Evidence and Property personnel.

## **OPD EVIDENCE PACKAGING GUIDE**

- The evidence packaging guide will be reviewed bi-annually for additions/deletions/modifications to ensure packaging guidelines are up to date. It is available at the evidence facility and on a shared department drive. Copies are provided to all Evidence and Property personnel.

## **UNACCOUNTED ITEMS**

- Items can become “unaccounted” for by several means. After a comprehensive facility inventory, items said to be in the facility that are not located during the inventory are considered “unable to locate” or “UTL”. Additionally, a search of a particular item with negative results can conclude with the item being considered “UTL”. In these circumstances, the location codes for these items will be moved from their said location to a location of “UTL”.
  - After the completion of a comprehensive facility inventory or in such a circumstance where a search of a particular item yields negative results, a report will be forwarded to the Division Captain via the chain of command advising him/her that an item or items were not located, or were “UTL”. The Division Captain will determine what further action is required. Further action may include the following: preparation of a Crime Report or Officer’s Report under the case number of the unaccounted for item, stating it cannot be located and the reason or preparation of a memo to the Chief of Police requesting an internal investigation
- Although not categorized in the “UTL” location code, items in other location codes can be considered unaccounted for. Items checked out by “Officer”, items checked out to “District Attorney”, items checked out to the “Crime Lab”, items checked out to “RCFL”, or items checked out to the “LA County Coroner” which are not returned in a timely manner can also be considered unaccounted for items.
  - Items which remain in the location codes mentioned above require periodic review by the Evidence & Property Supervisor or designee. The Evidence & Property Supervisor or designee is responsible for running a report of all items in these locations. Any item held in one of the following locations: District Attorney, Crime Lab, RCFL, or LA County Coroner for a period of time exceeding six months will be individually evaluated and researched. A request for return of the item or explanation as to why the item needs to be retained longer may be submitted to the person or agency to whom the item was released. The exception will be for blood and urine submitted to the lab for crime types other than homicide. The crime lab will retain these samples for a period of one year at which point the item will be destroyed. The Evidence and Property Supervisor or designee will periodically research all blood and urine items submitted to the lab for testing and update the item’s location to a destroyed status if not received back from the crime lab one year after submission.

- Any item checked out by an officer for a period that exceeds 10 days will result in notification to the officer for return of the item.

### **EQUIPMENT/USE/MAINTENANCE/TRAINING**

- The designated Safety Officer for the Evidence & Property Unit is responsible for maintaining all procedural manuals, guides, protocols, or other publications on the various safety plans and programs, as well as other training materials. This information is maintained in the Evidence & Property business office.
  
- **MANDATED TRAINING FOR ALL EVIDENCE AND PROPERTY UNIT MEMBERS:**
  - Blood-Borne pathogens
  - Hazard communication and MSDS
  - Injury and illness prevention
  - Site emergency response
  - Sexual harassment
  - Domestic violence
  - Raymond Reach Truck
  - Firearms Safety
  - CPR/First Aid
  - Driver Safety
  
- **ONGOING & ADDITIONAL TRAINING:**
  - Refresher courses as necessary or when new information or a change in working conditions occurs.
  - Blood-Borne Pathogens
  - Injury Illness Prevention Plan (IIPP)
  - Hazardous Communication
  - Site Emergency Response Plan (SERP)
  - Radio Communication
  - 800 MHz
  - Basic Radio Communication
  - Fire Extinguisher
  - CPR/First Aid
  - Hazardous Spill Clean-up
  - Ergonomics
  - Stress Management
  - Firearm Safety

- Raymond Reach Truck

□ **SAFETY EQUIPMENT**

Safety equipment shall be that outlined in the Personal Protective Equipment list for the Evidence and Property Unit.

- Latex/neoprene gloves shall be worn whenever directly handling evidence outside of its packaging. Latex/neoprene gloves shall always be worn when destroying evidence and when handling materials contaminated with blood or body fluids.
- Particle masks shall be worn in dusty areas, when dealing with narcotics or other chemicals, and whenever handling possible contaminated or infectious evidence.
- Goggles or clear glasses shall be worn when purging evidence containing hard plastic, glass or metal.
- Half-masks are issued to every Evidence and Property Technician. Each employee will have their mask “fit tested” and certified annually. The mask will be worn as required.
- Bio-hazard suits are available to be worn when handling evidence with biological fluids.
- The above listed items are stored in the Evidence and Property outside warehouse for all Evidence and Property personnel to use.

□ **AUTHORIZED DESTRUCTION OF EVIDENCE (FIREARMS & NARCOTICS)**

Hard hats, long pants, and long-sleeved shirts shall be worn when destroying evidence at the narcotics and the firearms destruction contractor’s facilities.

□ **HANDLING OF HEAVY OBJECTS**

Whenever possible, at least two people should participate in lifting heavy objects.

Hand trucks and dollies will be utilized whenever possible to reduce the risk of injury to Evidence and Property personnel.

□ **LADDERS AND STAIR LADDERS**

- Six foot, 8 foot and 10 foot step ladders are available. Large rolling stair ladders are available in both warehouses. The rolling stair ladders have locking wheels

which must be set prior to use.

□ **SHARPS CONTAINERS**

- Sharps containers are provided for all needles, razor blades or small sharp objects. The sharps containers are located at the police station in the Report Writing Room, in the FET Office in Field Operations, in the FET Office in Investigations, the SES Office, and at the Evidence and Property Facility in the outside warehouse. When the sharps containers are full, they are to be placed in the bio-hazard disposal bin located at the Evidence and Property Facility. A new sharps container can be obtained from Evidence and Property Supply. Gloves shall be worn when handling sharps containers.

□ **HANDLING AND DISPOSING OF BIO-HAZARDOUS MATERIAL**

- Evidence and Property personnel shall wear latex or neoprene gloves and a face mask when handling bio-hazardous materials. When bio-hazardous evidence has been authorized to be destroyed, it shall be placed in one of the large biohazard bins. These bins will be picked up and the contents disposed of by a contracted medical waste disposal company.

□ **FIRST AID**

- A first aid kit is located in the front office of the Evidence and Property facility, next to the key locker, and in each of the evidence vehicles. Eye wash stations are located in the High Security Room and on the east wall of the outside warehouse. **9-1-1** shall be called immediately if any serious accidents or emergencies occur, and the chain of command will be immediately notified.

□ **SAFETY EQUIPMENT USE**

- In order to maintain a safe work environment, the Evidence and Property Unit has various types of safety equipment:
- Personal protective equipment (e.g., goggles, glasses, face shields, masks, laboratory coats or apron, gloves, safety belt, reflective vests, and steel toe shoes).
- Fire extinguishers.
- Spill Kits for the handling of carcinogenic, toxic, and other dangerous hazardous materials/wastes.
- Chemical and medical waste disposal containers.
- To prevent chemical inhalation exposure, the Narcotics Testing Area makes available the use of a laboratory exhaust hood.

- For injury or exposure the Evidence and Property Unit has two emergency eye wash stations, and three first aid kits located throughout the warehouse.

#### □ **EQUIPMENT MAINTENANCE**

- All equipment will be maintained in clean working condition. If any equipment is not operating properly, it is the responsibility of the technicians to immediately notify the supervisor so repairs are conducted in a timely manner.
- Scales: The Evidence and Property Unit maintains four (4) electronic scales. This scale is primarily used to weigh narcotics collected from the Drug Drop Box located in the Station Lobby. The scales are calibrated on an annual basis. The Evidence and Property Supervisor coordinates calibration scheduling for scales utilized by the Evidence and Property Section. The Department has two additional scales: one located in the Field Operations FET Work Room and the second located in the SES Office. These scales are used to weigh narcotics during the presumptive drug testing procedure. The FETs coordinate calibration scheduling for the scales in the patrol FET Office and the SES Office.
- Security Cameras and Video System: There are eight (8) video cameras, one (1) digital recorder and two (2) monitors that monitor and record the activity outside the door to the evidence office, in the evidence office lobby, in the Evidence Viewing Room, in the High Security Room, in the evidence warehouse, at the entry to the Electronic Storage area and in the long term vehicle storage lot. This system is maintained and serviced by the Information Technology Division through a private contractor. There is one (1) video camera and one DVD system that monitors and records the activity in the Station Sally Port. This system is maintained and serviced by the Information Technology Division. Currently, there are no interior cameras in the Field Operations or Investigations evidence locker area.
- Vehicle Coordinator: The Evidence and Property Supervisor ensures all vehicles are serviced and maintained on a regular basis. A vehicle log is maintained by Fleet Management which includes service information and vehicle inspections for cleanliness and/or damage.

#### **CALL-OUTS**

The purpose of the Callout is to provide the Oceanside Police Department with trained Evidence and Property personnel to handle all evidence related issues during off-duty hours.



□ **CALLOUT ROSTER**

- The Evidence and Property Supervisor, or his designee, shall maintain the schedule for the callout roster. A copy of the roster will be provided to each Evidence and Property member, all supervisors, and the Communications Center via e-mail. Probationary members, technicians in a light duty status, and all temporarily assigned light duty personnel shall not participate in callouts.

□ **CALLOUT PROTOCOL**

- Generally, Dispatch or the Watch Commander, or their designee, will be the individuals calling the Evidence and Property member to respond to a call out. When an Evidence and Property member is called out, they should also make notification to their immediate supervisor at that time, unless instructed otherwise by a supervisor. If, for someone reason, the duty Evidence and Property member cannot be contacted, the Evidence and Property Supervisor will be contacted.

□ **CALLOUT DURATION**

- Callouts are assigned on a rotational basis with each participating member having the duty for a one week period.
- The “Term of Duty” shall be for a period of time not to exceed seven (7) consecutive days, unless otherwise approved by the Police Captain. The new duty person shall begin their assignment at 1600 hours, or earlier as necessary to commence with the end of the shift of the prior duty holder.
- For Evidence & Property Technician I/II, Senior Evidence & Property Technician and Evidence and Property Supervisor the assignment shall begin at 1630 and end at 0600 hours the following day. The duty period shall begin at the end of the regular assigned work shift of the new duty holder and shall continue uninterrupted through the week and shall end at 0600 hours the following Tuesday. During assigned duty, employees will not be allowed to take vacation or sick leave. If an absence cannot be avoided, their duty assignment will be re-assigned by the supervisor. Every effort will be made to facilitate a “trade” of duty assignment with another employee, however, it is not guaranteed.

□ **ON-CALL EVIDENCE TRANSPORTATION**

- This covers the units’ after hours towing, search warrant assistance, and evidence

pick up requests.

- Evidence and Property personnel are responsible for making sure the warehouse is accessible after hours.

## **FIELD CALL RESPONSE CRITERIA**

### **□ VEHICLE TOWS**

- The Evidence and Property Unit maintains enclosed spaces within the outside warehouse for the temporary storage of vehicles not yet processed by the FETs and are not leaking fluids. Once processed, these vehicles are released or moved to the long term vehicle storage lot unless inside storage is requested by Investigations because of the nature of the case (i.e. homicide or OIS). In these exceptions, the vehicle may be stored inside the warehouse until the case has been adjudicated, at which point the vehicle should be released or moved to the long term vehicle storage lot.
- The Evidence and Property Unit maintains outside, uncovered storage spaces for temporary storage of vehicles involved in an accident and that are leaking fluids or present a safety hazard.
- The Evidence and Property Unit maintains a secure, uncovered outside storage vehicle lot for long-term evidence storage.

### **□ SEARCH WARRANT RESPONSE**

- The Evidence and Property Unit will respond to large search warrant scenes and assist detectives/FETs with the packaging and transportation of evidence.
- The Evidence and Property Unit requires at least a 2-hour notice requesting assistance.
- **If needed**, the Evidence and Property Unit will provide all packaging supplies e.g. bags, boxes, labels, sealing tape, markers, and butcher paper.
- The unit maintains a pickup truck and an evidence van, and has access to a 16' stake bed truck with a hydraulic lift gate.

### **□ CONTROLLED SUBSTANCE RESPONSE AND PACKAGING**

- The Evidence and Property Unit is available to transport large controlled substance seizures e.g. marijuana plants, to the main evidence warehouse for storage or disposition.

- If needed, The Evidence and Property Unit will provide a scale and all packaging supplies e.g. bags, boxes, labels, sealing tape, markers, and butcher paper
- If the seizure exceeds one hundred pounds, a sworn officer must accompany the transport vehicle to the evidence warehouse.
- All controlled substance seizures must be weighed and packaged prior to transportation by the officer, detective, or FET responsible for collecting the item.
  - Weigh and seal bottom of box.
  - Count each plant, kilo, brick, or item and place in evidence box.
  - Seal, initial, date, and weigh box.
  - List the number of kilos on the evidence label.
  - Item must be booked into TRAQ by the responsible officer, detective, or FET upon arrival at the Evidence and Property Facility

### **NEW EMPLOYEE TRAINING**

- All new employees will participate in an orientation that includes:
- Provided a copy of the Oceanside Police Department Policy & Procedure Manual
- Provided a copy of the Oceanside Police Department Evidence & Property Procedural Manual
- An overview of the organization of the Evidence and Property Unit, including the mission and function of the unit and each section within the unit.
- A tour of the facility, including introductions to management, technical and support staff.
- Time permitting, new employees are given the opportunity to observe other organizations within the building.
- Each new employee receives relevant documentation regarding evidence policies and procedures, including general and technical information as well as health and safety training.
- Each employee is provided a designated work area(s).

- City of Oceanside New Employee Orientation.
  
- All required safety classes & training

## **SUPPLIES & INVENTORY**

- Maintaining adequate inventories of office materials and supplies is the responsibility of the evidence personnel who use them. In general, as personnel draw office supplies from the stock storage areas, they should take notice of the amount of the item that remains. When it is apparent that the item(s) need to be re-ordered, notify the Evidence and Property Technician assigned the collateral duty of handling purchasing and inventory and that employee should prepare a Supply Order Form. Items will normally not be ordered without the General Investigations Division Lieutenant's approval.
  
- An annual inventory is conducted on all evidence packaging items in stock. The original inventory list is maintained in the office of the Evidence and Property Technician assigned to handle purchasing and inventory.
  
- Supplies, equipment, and all non-evidence items shall be stored on shelves designated as such. Non-evidence items will not be stored in locations designated to house or hold evidence.
  
- The assigned Evidence and Property Technician is responsible for maintaining a supply of each item required for packaging evidence and property collected in the field. Items are ordered on an as needed basis. If deemed necessary, the Evidence and Property Technician will solicit price quotes from suppliers; select the best vendor based on price, availability and quality of product. A Requisition will be prepared and sent to the General Investigations Lieutenant for approval.
  
- This same Evidence and Property Technician will be responsible for the ordering of forms and pre-printed materials. Pre-printed materials, such as cite books, notebooks, bulk property forms, etc., are ordered from the print shop. Other county forms, such as receipt and inventory forms, booking slips, etc., are produced by and ordered from the County.

## **DEPARTMENT ISSUED EQUIPMENT**

- The Evidence and Property Unit is responsible for the housing and issuance of many types of department issued equipment to include, but not limited to: batons, flashlights, radios, CPR masks, biohazard kits, and other related equipment. Such equipment is issued upon presentation of an Equipment Authorization Receipt form signed by the employee's supervisor
- When a member leaves the Department, Evidence and Property personnel are responsible for accepting return of that employee's department issued equipment (with the exception of fitted masks, firearms, and TASERs). All serviceable equipment will be retained and unserviceable equipment will be disposed of.
- The Evidence and Property Unit is tasked with the responsibility of radio issuance and acceptance of radios needing repair. Radios in need of repair are submitted to the County Radio Shop (RCS) for repair. Evidence and Property personnel are responsible for coordinating the drop-off and pick-up of all OPD issued radios for repair to RCS. Any time a radio is issued to an officer or a spare radio is temporarily issued, that action will be recorded in the "Radio Checkout Log". Radio assignments are maintained in a file on the Police J drive to allow accessibility to Dispatch.

#### **4. EVIDENCE & PROPERTY CLASSIFICATIONS/SHORT TERM STORAGE LOCATIONS**

**EVIDENCE & PROPERTY CLASSIFICATIONS** Evidence and Property collected by the Oceanside Police department is classified into the following categories:

##### **EVIDENCE**

- Items known to be related to a crime, or a possible crime, shall be booked as Evidence. This indicates that the item may be used for the prosecution of a suspect in the crime. Evidence items shall not be released without the written authorization of a supervisor or the officer/detective assigned the case. In the case of a court order, the officer/detective assigned the case, or a General Investigations Sergeant, must sign a property release for prior to turning over evidence or property pursuant to court order.
  
- In order to release evidence seized pursuant to a search warrant, a court order must be on file under that case number providing a description of the property authorized for release.<sup>12</sup>

##### **SAFEKEEPING** <sup>13</sup>

- Property taken as safekeeping is done so for the temporary protection of said items when the owner is not able to care for them due to incapacity or arrest. These items have a short storage turnaround time and this property is generally released to the owner prior to a time limit for disposition.
  
- The arresting officer shall provide the owner of the property with a Safekeeping Form which explains how and where the owner can claim the items. The form shall also have an itemized list of those items taken in for safekeeping. The owner has 60 days in which to retrieve the property or it may be disposed of in accordance with the law.
  
- Within 60 days, the owner may do one of the following:
  - Retrieve the property.
  
  - Authorize, in writing, another person to retrieve the property and have the document notarized prior to submitting to the Evidence and Property Facility.

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<sup>12</sup> California Penal Code 1536

<sup>13</sup> California Civil Code 2080.10

- Notify the Department, in writing, that he/she is unable to retrieve the property, because he/she is in custody, and request the Department continue to hold the property.
- If a person notifies the Department that he/she is unable to retrieve the property within 60 days, or have an authorized person retrieve the property, the Department shall hold the property for no longer than 10 additional months.
- The Department shall not be liable for damages caused by any official action performed with due care regarding the disposition of personal property pursuant to this section and the disposal provisions of this article.
- Safekeeping items may be released immediately to the owner upon his/her request (except firearms), without permission of any officer/detective assigned the case.

### **FOUND PROPERTY**

- Found property may consist of items that are lost or misplaced by the owner, or it may be items that are evidence of criminal activity that has not yet been reported.
- Prior to submitting the found items into Evidence and Property, the receiving Officer/CSO/FET should make a reasonable attempt to locate the owner and notify them of their found property.
- Once the found items are submitted to Evidence and Property, there should be reasonable efforts made to identify the owner. If the owner is identified, a receipt and instructions for the retrieval shall be mailed via First Class mail.
- Regardless of the value of the property, the property may be released to its owner if the owner appears to claim it within 90 days, provides proof of ownership, and pays any costs associated with its storage.<sup>14</sup>
- If the finder wishes to claim the item, he/she will complete a Finder's Affidavit Form.
- In cases where the property is valued \$250.00 or more, and no owner appears and proves his or her ownership of the property within 90 days, the police department or sheriff's

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<sup>14</sup> CA Civil Code 2080.2

department shall cause notice of the property to be published at least once in a newspaper of general circulation. If, after seven days following the first publication of the notice, no owner appears and proves his or her ownership of the property and the person who found or saved the property pays the cost of the publication, the title shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction. Title to the property shall not vest in the person who found or saved the property or in the successful bidder at the public auction unless the cost of publication is first paid to the city, county, or city and county whose police or sheriff's department caused the notice to be published.<sup>15</sup>

- If the owner cannot be located within 90 days, the finder may claim any property reasonably valued at less than \$250.00.<sup>16</sup> If any electronic item capable of storing personal information, including, but not limited to, computers, tablets, digital cameras, flash drives, thumb drives, and cell phones, cannot be “wiped” of personal information, the item will be recycled as e-waste and not subject to release under the found property rules. Other items which will not be returned to the finder include: weapons (such as knives), illegal substances, medications, anything with biological fluids or blood on them, items with someone else’s name on them including personal ID or credit cards, and BB-Guns or Air soft guns.

### **PROPERTY TURNED IN FOR DESTRUCTION**

- Items that are turned into the Oceanside Police Department for destruction, include, but are not limited to:
  - Firearms
  - Ammunition
  - Knives, Swords
  - Other legal, but unwanted weapons.
  - Contraband: Items that, by law, are illegal to own or possess. Items such as dirks, daggers, switch blade knives, brass knuckles, unregistered assault weapons, etc. Contraband items will never be released to anyone claiming ownership and will normally be destroyed.
  - Medical Waste: Unwanted prescription and over-the-counter pharmaceuticals, anonymously deposited in the Narcotics Drop Box in the Police Station Lobby.

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<sup>15</sup> CA Civil Code 2080.3

<sup>16</sup> CA Civil Code 2080.1



- Firearms: Weapons by law that are illegal to own and/or possess, weapons turned in for destruction.
- Items that are turned into the Oceanside Police Department for destruction must be turned in by the owner. If the person submitting the item is not the owner, they must be able to provide either documentation or a reasonable explanation as to how they came into rightful possession of the item or how they have the authority to turn the item over for destruction. If the person is not the owner and cannot establish rights to the item, the item will be booked as found property.

**SHORT TERM STORAGE LOCATIONS** Evidence and Property collected by the Oceanside Police Department personnel is stored in several temporary storage locations awaiting pick-up by Evidence and Property staff.

- The Main Police Station is equipped with lockers for the temporary storage of most evidence. Boxes, envelopes, labels and a variety of supplies are available at both the main police station and the Harbor police station to accommodate the packaging of evidence. Large evidence items are placed in the Sally Port cages at the main police station. Refrigerated evidence will be temporarily stored in the small refrigerator located in the Booking Room at the main police station.

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## **5. EVIDENCE TRACKING**

### **GREEN CARDS – MANUALLY TRACKED**

- Prior to the computerization of all property and evidence, inventory cards, identified as either an EVID -1 or EVID – 2 were used to track the chain of custody of evidence under the custodial care of the Oceanside Evidence & Property Unit. These cards are used to track items of evidence for cases prior to 2005. Any new evidence that comes in on cases prior to 2005, the green cards are still utilized if the case has yet to be transferred into the TRAQ system.
  
- The Evidence and Property Unit utilizes the resources of a manual evidence tracking system (green card) to track case and item history.

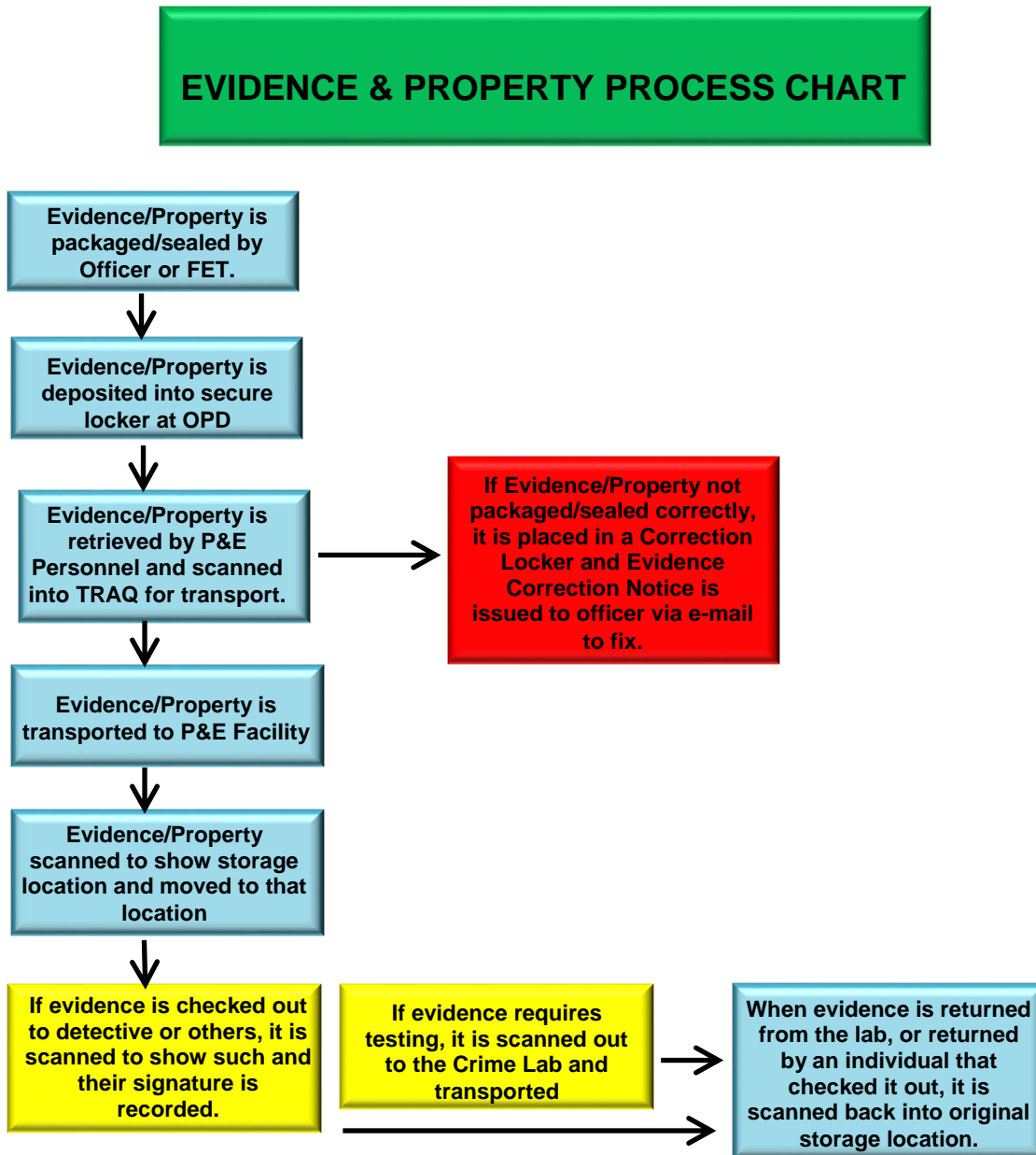
### **QUE-TEL – EVIDENCE CONTROL SYSTEM**

- QueTel operates on a Microsoft SQL database server. This is a menu-driven web based inventory system that tracks evidence, as well as the chain-of-custody of evidence and property placed into the custodial care of the Oceanside Police Department Evidence and Property Unit, through disposition.
  
- All evidence or property acquired by the Oceanside Police Department shall be entered into the QueTel Evidence Control System. The system is designed to track evidence and property from the time it is entered into the tracking system through disposition. The system provides safeguards for the accountability of all evidence and property.
  - The Evidence and Property Unit is responsible for ensuring all evidence and property deposited into a temporary storage locker is entered into TRAQ and scanned into Transit before being transferred to the Evidence and Property Facility for long term storage.

### **SYSTEM SECURITY**

- The computerized evidence tracking system operates on four (4) levels of security.
  - **Level 1:** Viewing capabilities
  - **Level 2:** Data Entry capabilities
  - **Level 3:** Reinstate and quantity changes
  - **Level 4:** High access capabilities

# EVIDENCE AND PROPERTY PROCESS CHART



## **6. CASE NUMBERS**

The Oceanside Police Department Communications Center issues all case numbers through the Computer Aided Dispatch (CAD) system.

All evidence and property submitted to the Evidence and Property Unit will have a case number assigned prior to submission into the evidence tracking system.

### **□ CITATION CASE NUMBERS**

- When evidence is submitted from a citation only, the officer assigns the evidence a “derivative” case number. This will be accomplished by eliminating the beginning “letter” of the cite number, replacing it with the two digit year identifier.
- All documentation associated with OPD cases is scanned into RMS and/or forwarded to the OPD Records Unit.

## **7. EVIDENCE ITEM NUMBERS**

This is the number that is assigned to each item of evidence or property that has been seized or collected.

### **□ DERIVATIVE/ASSOCIATIVE EVIDENCE ITEMS**

Evidence that is taken from or off of an item of evidence (the source item) that already has an assigned item number.

This type of collection is typically done by the Crime Lab when items are sent for testing or additional processing.

The Oceanside Police Department does not use derivative item numbers. Every item of evidence will be itemized with a whole number.

When OPD Evidence and Property receives an item of derivative evidence from the Crime Lab, it will be re-packaged and entered into the evidence tracking system as a new item of evidence in the appropriate OPD case. The system will assign each item of evidence the next number in sequence.

## **8. RECEIVING & PROCESSING EVIDENCE & PROPERTY**

### **EVIDENCE PACKAGING & SUBMISSION**

All evidence and property submitted to the Evidence and Property Unit must be submitted in a manner that does not compromise its integrity. If the items are improperly submitted to the Evidence and Property Unit, an Evidence Deficiency Notice will be generated and forwarded to the person submitting the evidence and his/her supervisor.

### **MARKING OF EVIDENCE AND PROPERTY ITEMS AND EVIDENCE PACKAGING**

The purpose for marking evidence and property items or evidence packaging is to retain the identity of the evidence. Each individual item of evidence must be marked for identification prior to submission into the evidence tracking system. Each item is identified with a computer generated evidence label containing the case number, item number, bar code, bar code number, item description and name/number of person submitting the item. The label must agree with the information recorded in TRAQ.

Information should be placed on packaging so it can be sealed and reopened without disturbing or covering up the written information. For example, when labeling an envelope, the evidence label should be placed in the upper left hand portion of the envelope away from the open flap edges of the package.

### **SEALING OF EVIDENCE AND PROPERTY**

The purpose of a proper seal is to protect the integrity of the evidence and therefore reduce the risk of evidence loss, cross-transfer or contamination.

All evidence and property submitted to the Evidence & Property Unit will be received in a sealed condition.<sup>17</sup> An exception may be made if the item is so large it cannot be properly packaged & sealed.

Proper seals may be accomplished in various ways, including tape and heat seal.<sup>18</sup> A container is properly sealed only if the contents cannot readily escape and only if entering the container results in obvious damage or alteration to the container or seal. Stapling a packaged closed is not an acceptable seal.

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<sup>17</sup> This is includes any evidence or property submitted to the Sheriff's Crime Laboratory for analysis, per ASCLD/LAB standards.

<sup>18</sup> Refer to Evidence Packaging Guide for illustration.

Packaged evidence is required to have the initials, ID number and the date sealed on the outside of the package, across the tape, and packaging, to be considered properly sealed. For heat sealing, the seal will be applied to the entire opening of the packaging to create an airtight seal. Initials, ID number, and the date sealed will be written across the seal and packaging to be considered properly sealed.

When the sealed evidence or property is received by the Evidence and Property Unit the seal will not be broken by evidence and property personnel.

All evidence-packaging materials received by evidence personnel must be retained. If an item of evidence needs to be repackaged, the original packaging must be retained, along with documentation reflecting the change in packaging. The Evidence Label must be placed on the outside surface of the new packaging. When an item has been heat-sealed, the Evidence Label must be visible.

- **EXCEPTIONS**

Currency envelopes are opened and the currency is counted when it is received and/or returned to the Evidence and Property Unit in all cases other than money that is expected to be part of a Federal Asset Seizure.

Narcotics envelopes being submitted to the SDSO Crime Lab for testing will be opened and checked for proper packaging and identification prior to being sent to the lab.

### **BARCODE NUMBERS**

This term refers to a unique barcode identifier consisting of a series of numbers on the evidence label. The evidence label is then affixed to the packaged item. The matching barcode identifier is recorded on the Evidence and Property Form in TRAQ. This barcode is contained in the computerized evidence tracking system and is used to track each individual piece of property or evidence.

### **EVIDENCE AND PROPERTY RECEIVING**

All evidence and property will be picked up and transported to the Evidence and Property Facility by assigned evidence and property personnel. At the time the items are picked up, the assigned person will compare the inventory of the items with the TRAQ printout to ensure that the two match.

When an item is picked up, the assigned person will scan the item into the "TRANSIT" location.



This will indicate which Evidence and Property Technician has picked up the item and transported the item to the Evidence Facility as part of the chain of custody.

The evidence and property picked up at the station will be transported to the Evidence and Property Facility and scanned into its storage location.

In addition to checking packaged evidence for accuracy and proper packaging, Evidence and Property Technicians compare information on all Safekeeping Receipts, Firearms Receipts, and any SDSO Lab Request Forms against the booking person's label on the items. When discrepancies requiring correction are discovered, the technician will send a Discrepancy Notice to the person who booked the evidence, with a courtesy copy to the person's supervisor via e-mail. The Discrepancy Notice will be scanned and attached in TRAQ. The Right of Refusal Procedure will be enacted and the individual will be responsible for correcting or re-booking the item prior to the end of the Department Member's next shift.

### **RIGHT OF REFUSAL**

When the Evidence and Property Unit receives improperly documented, labeled, or packaged property, personnel in the evidence and property unit shall complete an "Evidence Correction Notice" without delay and forward it to the submitting officer for his/her correction. Copies of this form can be placed in the team supervisors' subpoena folder and distributed during daily briefings.

The item(s) needing correction will be scanned and placed into a temporary evidence correction locker at the police department designated for this purpose. The particular locker shall be referred to in the evidence deficiency notice with a corresponding locker number. The officer and his or her immediate supervisor shall be advised of the location and entry instructions (combination) so he/she can access the property. The Correction Lockers will be secured with a combination lock. The lock combination will be emailed to the officer. A number of combination locks will be on hand and rotated randomly to protect the chain of custody. Additionally, the locks utilized will be the type for which the combinations can be changed.

The submitting employee will be able to retrieve the items(s) from the designated "Correction Locker", make the corrections, and rebook the items into Evidence and Property. The correction is to be made by the officer/FET receiving the notice and shall not be delegated to another employee. Retrieval of the corrected item from the standard evidence lockers shall be controlled by the evidence and property technician.

The submitting employee's supervisor shall be responsible for notifying the employee that he/she

needs to correct the problem(s) by the end of the officer's next duty shift. If the item(s) are needed for immediate investigative purposes or court, the submitting officer shall be notified by phone by a sworn supervisor to respond to the station to correct the problem on an "as needed" emergency basis. If the employee's supervisor is not available, the notices shall be forward to the employee's manager for resolution.

If the property that was not booked correctly is not corrected within the booking officer's next duty shift from the date of the original notice, a second "Evidence Deficiency Notice" shall be forwarded to the employee, the employee's supervisor and copied to the Investigations Lieutenant.

The exception to this procedure will occur in a case where a correction needs to be made to the packaging of urine or blood that has been booked into OPD evidence. In those circumstances, the urine and blood will be transported to the evidence facility and stored in the "Evidence Deficiency – Fridge" location. Personnel in the Evidence and Property Unit will complete and forward an "Evidence Deficiency Notice" to the officer and his/her supervisor for correction. Copies of this form can be placed in the team supervisors subpoena folder and distributed during daily briefings.

### **TRANSFER OF EVIDENCE**

All evidence transferred to the Sheriff's Crime Laboratory, case detectives, or outside agencies, will be released in a sealed condition, upon presentation of valid identification. If an item of evidence has not been sealed, or is improperly sealed, and is in the custody of the Property/Evidence Unit, the item will be rejected back to the last individual with custody and control to correct the packaging issue. Evidence cannot be released to any other entities until the packing issue has been corrected.

At time of transfer, the officer receiving the evidence should check the evidence description and barcode number on the packaging to make sure the description and barcode number on the form match, prior to signing the checkout form. This will help to help ensure they received the proper item(s).

Evidence description discrepancies should be brought to the attention of Evidence and Property Technicians at the time of checkout or release. After checking the evidence, the person receiving the evidence must sign the electronic checkout form, which lists evidence items by barcode number. If an Evidence and Property Green Card has been used, the back of the card must be signed (with ARJIS number) and dated. Once the receiving person signs for the items of evidence, they are held responsible. The chain-of-custody of all evidence and property shall be

maintained at all times.

Prior to releasing evidence or property to an outside agency, or to another party other than an OPD employee, a written authorization *must* be forwarded to the Evidence and Property Unit prior to the release.

### **PHOTO AND RELEASE**

In special circumstances, photos may be taken in the field and the evidence or property released to the owner. This can be accomplished if the victim is present, or is able to respond to the scene in a timely manner, and a department member is available to take the photo. The victim should be advised to preserve the evidence for court. The photo is then booked as evidence per department policy. The evidence should not be photographed and released if it is a firearm; was used in the commission of a crime; is illegal to possess; is related to sexual assault, homicide, or deaths involving suspicious circumstances; was seized in a search warrant; must be processed for prints or the crime lab; or was recovered for an allied agency.

If the victim cannot be located or cannot arrive at the scene in a timely manner, photos may be taken at the Evidence and Property Facility and the evidence or property released to the owner. However, if the item is transported to the Evidence and Property Facility, it will be booked into evidence. Photographing the item will not serve as a substitute to the item being booked into TRAQ. When photographing and releasing evidence, department policy or instructions from the District Attorney's office should be followed (e.g., declaration of ownership requirement, photographing serial numbers or other unique or distinguishing characteristics, compliance with 1413 PC, etc.).

### **TRANSPORTATION AND STORAGE OF ITEMS**

When the Evidence and Property Technician transports an item from the police station to the evidence facility for storage he/she should be the only person to handle the evidence. Upon arrival at the evidence facility, the transporting Evidence and Property Technician will scan the evidence from the Transit location to the storage location. As items are scanned into their storage location, the technician should verify the status of each item is clear in the tracking system.

A storage location for each item will be selected by the Evidence and Property Technician processing the evidence and he/she will be the only person to place the items in the selected location. The permanent storage location will be documented by scanning the item into the location. Any further movement of the item will require re-scanning to update its location.

## **DISTRIBUTION OF EVIDENCE FORMS**

When the processing of evidence is complete and the permanent storage locations have been scanned, the evidence forms will be disseminated in the following manner:

SDSO Lab Request Forms: Attach to the evidence and placed in the appropriate Lab Pending Box (Lab Pending, DNA Lab Pending, Refrigerated Lab Pending, etc.). For urine/blood specimens, attach the Lab Request Form to the clip on the front of the Lab Pending Box. The forms will be attached to the specimens at the time they are transported to the Lab.

Safekeeping/Prisoner Property Forms: Place in the appropriate folder in the file cabinet in the front office.

RCFL Request Forms: Attach to the evidence and place in the Lab Pending Box.

**9. FACILITY STORAGE LOCATIONS (REDACTED)**

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## **10. EVIDENCE & PROPERTY – SPECIAL HANDLING**

### **FIREARMS**

Although the original person booking the firearm is required to unload all firearms and render them safe prior to booking, it is possible that a jammed or unknown loaded firearm may be booked.

If the evidence and property technician suspects the firearm has not been properly unloaded, he/she will leave the firearm secured in the evidence locker at the station. A Department Armorer will be called to unload the firearm and render it safe.

All firearms will be packaged in white, cardboard boxes designed to store handguns or long guns. Boxes will be labeled by the submitting officer.

#### **□ RECEIVING/INSPECTING FIREARMS**

- Gloves are to be worn when handling all firearms.
- Information needed to prepare firearm for storage and entry into AFS:
- Category type (Evidence, Safekeeping, Found Property etc...)
- Ensure the firearm is unloaded and rendered safe.
- Remove the firearm from its packaging (box).
- Inspect the firearm and determine that the correct information is indicated on the Firearms Entry Form:
  - Make
  - Model
  - Importer (if not made in the U.S.A.)
  - Country of origin
  - Serial Number (Verify the number is written correctly (eg. Letter O vs. number 0))
  - Any “owner applied numbers” (CDL, SSN, etc.)
  - Caliber
  - Barrel length
  - AFS Type of firearm (revolver, semi-auto, pump action, etc.).AFS Category of firearm (pistol, rifle, shotgun, etc.)
  - Owner information. If not indicated, get information from RMS or from booking officer.
  - Identify if a lab request was submitted requiring the firearm be sent out for further testing (Lab Request should be attached)

#### **□ PREPARING DOCUMENTATION**

- While wearing latex gloves, identify the serial number of the firearm. Run the firearm’s

serial number through the California Department of Justice (DOJ) Automated Firearms System (AFS) to determine Dealer Record of Sale (DROS), Firearms Ownership Record (FOR) and lost/stolen status. If reported lost/stolen, review the report to see if noted. If not, notify the officer. Print all AFS returns to attach to TRAQ and RMS.

**\*\*Note**, pay special attention to letters and numbers, see above examples, which can be viewed as either a number or a letter. If you encounter this situation, substitute each possible number/letter combination to obtain the best results. DROS entry is done by the firearms dealer.

- Examine the firearm and compare firearm and Firearms Entry Form for correct information and to determine if it is an illegal assault weapon utilizing the Assault Weapon Worksheet. Correct Firearms Entry Form as required. If the firearm is an illegal assault weapon and not registered, retain the worksheet and make a notation on its firearm box.

**\*\*Note**, do not alter or correct the description of the firearm entered into the “description” box even if the description is incorrect. This is what the Officer, Detective, FET, or CSO thought was correct at the time of entry.

- Submit the firearm in TRAQ and print out a copy of the completed evidence list.
- Attach a month and year sticker next to the TRAQ label. Scan the firearm in the correct storage location.
- Attach the Firearms Entry Form, AFS printouts, and Assault Weapon Worksheet (if needed), the evidence list, to the Records Management System (RMS) under the assigned case number. Upload the Firearms Entry Form into RMS utilizing the format; case number, Firearms Entry Form, serial number of firearm. If multiple firearms are to be entered, instead of serial number use the word “multiple” to signify more than one firearm for entry into AFS.

## □ **MAKING REQUIRED NOTIFICATIONS**

- Upon receipt of a firearm report that is categorized as Safekeeping, prepare a Law Enforcement Gun Release Letter (LEGR), with a completed Application Form and send by Certified Mail to the registered owner of the firearm. Scan a copy of the USPS Certified Mail receipt into RMS and TRAQ. The receipt serves as proof that Penal Code 33875 was adhered to. Due diligence will be used to locate the owners most current address using Department computer resources including TLO, COPLink, NCIC etc...
- Once the owner of the firearm responds to the letter, they should immediately follow the process to have the firearm released. If, after 150 days, the owner has taken no affirmative action for the return of the weapon, a “Final Notice” letter will be sent reminding them that they have 30 days to respond or the weapon will be destroyed per governmental statute and department policy and procedure.
- Upon receipt of a firearm report that is categorized as Safekeeping and the firearm is not registered, send the letter and the application to the person listed on the Firearm Entry Form or in RMS and include a DOJ Firearm Ownership Record Form. Place a Month and Year sticker on the box and scan to the appropriate storage location.
- Upon receipt of a firearm report that is categorized as Found Property and is registered in AFS, send the LEGR Letter and application to the registered owner. Apply the appropriate Month and Year sticker to the box and scan to the appropriate storage location.
- Upon receipt of a firearm report that is categorized as Turned in for Destruction, if the firearm was turned in by the person to whom it is registered or a reasonable explanation can be provided by the person who turned in the firearm as to their relationship status to the registered owner (ie, firearm turned over by the son of the registered owner and the registered owner recently passed away) and is registered in AFS, a LEGR Letter is not necessary and may be processed for destruction.
- Upon receipt of a firearm that is not registered and is Found Property or Turned in for Destruction, apply the appropriate Month and Year sticker to the box and scan to the appropriate storage location. Unregistered Found or Turned in for Destruction firearms must be retained for 180 days. At the end of that term, the firearms may be processed

for destruction<sup>19</sup>.

- If the firearm report is categorized as Evidence, or Search Warrant, no LEGR Letter is required until the completion of the case and the case detective authorizes the release of the firearm. When firearms are released from an Evidence or Search Warrant hold, contact the Integrated Ballistic Identification System (IBIS) FET before beginning the required notifications. If the firearm qualifies for IBIS, hold it until the firearm has been tested and the results obtained. After the results have been obtained, confirm with the FET if the firearm is cleared for release. If so, follow the above guidelines.

### **PREPARE THE LEGR LETTER/APPLICATION TO BE SENT TO THE REQUESTOR/REGISTERED OWNER**

- Using the “Firearms Notification Letter” located in the “Evidence” folder on the “G” drive, complete a notification letter (LEGR) and send to the requestor with the most current address available.
- If the SDLAW/AFS firearms record indicates a registered owner other than the requestor, address the letter to that person.
- Firearm(s) received through familial relationships, and unregistered, shall require written proof of the transfer (Firearm Ownership Record form) before the firearm(s) will be released. The release and/or final disposition will be at the discretion of the General Investigations Lieutenant or designee.
- If the SDLAW/AFS firearms record indicates the firearm is a handgun and there is no registered owner recorded, include a Firearm Ownership Record Application with your letter (available in the “Evidence” folder on the “G” drive).
- Using the “LEGR Application” from the “Evidence” folder on the “G” drive, complete as much of the application as possible, print a copy of the application with the instruction sheet, and stamp the instruction sheet with the “Appointment Necessary” stamp.
- All documents associated with a firearm logged into the evidence tracking system will be scanned into RMS under the associated case number, as well as attached in the

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<sup>19</sup> CA Penal Code 34000(a)

evidence tracking system. The technician preparing the paperwork associated with a firearms case should maintain a copy of all documents associated with the particular firearm for easy access later.

- Place the original of each document in a 9" x 12" manila envelope and seal the envelope. Fill out an "OPD Address" label and a "Certified Mail" label and attach them to the envelope. Stamp and mail the envelope "First Class."
- Scan the firearm(s) to the appropriate location in the High Security Room.

**Note: It is the responsibility of the requestor to prove ownership. Mere possession does not constitute ownership. If the requestor received the firearm from someone else, or brought it to California from out of state, and failed to comply with state law by not notifying the DOJ, the firearm still belongs to the registered owner until the requestor files the required application and is recognized as the owner by the DOJ.**

**If there is a question over ownership, and/or the release of the firearm, the General Investigations Lieutenant or designee will determine final disposition.**

## **NARCOTICS**

Most seized narcotics received (cocaine, heroin, marijuana and methamphetamine), will have been field tested (presumptive tested), by the seizing officer and packaged in an orange Narcotics Envelope. A SDSO Lab Request Form will be filled out by the testing officer and must accompany any narcotics submitted for Lab analysis.

Narcotics that have not been presumptive tested, but require Lab analysis (LSD, liquid narcotics, unknown narcotics, etc.), must also have a Lab Request Form attached.

Some narcotics (Found property, medical marijuana, etc.), may not require Lab analysis and need not have a Lab Request form attached.

All seized narcotics, regardless of type or category, must be packaged in an orange Narcotics Envelope.

### **INSPECTING THE NARCOTICS**

- Remove the narcotics from the orange envelope and check for the following:

- Different types of narcotics must be packaged individually and assigned a separate item number. Different types of narcotics **may be** submitted in the same envelope as long as they are packaged and labeled separately.
- Methamphetamine cannot be packaged in the same KPAK bag as cocaine, marijuana, etc., or have the same item number assigned.
- Different kinds of pills, capsules, tablets, etc., cannot be packaged in the same KPAK bag, or have the same item number assigned.
- Each kind of narcotic is packaged in its own KPAK bag.
- Each KPAK bag is heat sealed.
- The submitting officer has signed his/her initials, employee number and the date over the heat seal, partially on the seal itself, with a permanent marker.
- Each KPAK bag contains a filled out Narcotics Evidence label affixed to the outside packaging.

**DOCUMENTATION**

Narcotics items that need Lab analysis must be accompanied by a properly filled out SDSO Lab Request Form. Check the form for the following minimum required information:

Header section of form:

- Case Number (SDSO Lab Number if items in case have been previously submitted to the Crime Lab)
- Seizure date
- Incident type (must be H&S, Penal Code, W&IC or other section)
- Juvenile Case (yes or no)
- Crime date (usually the same as seizure date)
- Incident/Seizure location
- Reporting officer and I.D. number (person seizing narcotics)
- Person submitting and I.D. number (person transporting item to the Lab)
- Outside Agency (OPD)
- Outside Agency Case Number (OPD Case Number)
- Phone number (phone number of person transporting item)

- Other evidence in the case submitted to Lab (yes or no)
- People affiliated with listed property.
- Type of person (victim, witness, suspect, etc.)
- Suspect's name and date of birth must be listed unless case is a "Buy/Walk."
- Victim is "State of California."
- Evidence Information section.
- Evidence item number (should be listed in numerical order)
- Lab Service (yes, unless no Lab service is required)
- Item description (example: "plastic zip-lock bag containing green leafy substance")
- Quantity (how many plastic-lock bags)
- Evidence Type (CR=Crime, FP=Found Property, etc.)
- Search Warrant (yes or no)
- Finder wishes to claim (yes or no)
- Lab Request/Comment (must list presumptive results. example: 2.1grams net weight/presumptive positive for marijuana). Must have "WEIGHT and ANALYSIS" printed on Lab Request line.

Bottom margin of page:

- Name and I.D number of person performing presumptive must be written, along with date of presumptive

#### **PROCESSING AND STORAGE**

The Evidence and Property Technician processing the narcotics will generate an Evidence Deficiency Notice for any discrepancies found with a deadline for return. A copy of the notice will be sent by email to the officer who booked the evidence, and to his/her supervisor and will be scanned into TRAQ. The evidence will be scanned into an evidence Correction Locker at the OPD station. Narcotics that are to be submitted to the SDSO Crime Lab will be scanned into the LAB PENDING box at the Evidence Facility, with their Lab Request attached.

#### **NARCOTICS AUDITS**

Once per quarter, the Oceanside Police Department Professional Standards Sergeant, or Chief's designee shall perform a random audit of the narcotics storage and records system of the Evidence and Property Unit. Suggestions may be made on updating policy and procedures during this audit. A complete report will be sent to the Chief of Police.

## **PRESCRIPTION DRUG DROP-OFF PROGRAM**

The Prescription Drug Drop-off Program provides a safe disposal location for citizens to properly dispose of unwanted prescription medications. This program provides an environmentally safe alternative to disposing of medications in the landfill or sewer systems, which may later negatively affect the environment. Additionally, this program encourages citizens to remove unwanted medications from their homes, thereby reducing access to addictive medications for accidental or intentional misuse by children in the home or acquisition by criminals.

The Oceanside Police Department will provide a steel mailbox style collection box in which Oceanside residents may deposit prescription medications. The following procedures will be adhered to regarding the installation of the collection boxes and disposal of medications/drugs from the boxes:

Collection boxes shall be clearly marked for this purpose.

Collection boxes shall be securely mounted to prohibit removal of the box.

Collection boxes shall be locked to prohibit retrieval of medication/drugs from within the box without a key.

Citizens may anonymously release their unused medications/drugs to an Evidence and Property Technician for placement into the collection box.

Medications in containers or prescription bottles shall be removed from their containers and placed into Ziploc-type bags. Ziplock-type bags will be provided by the Department.

Syringes and inhalers are not accepted.

This program is not intended for the collection of over-the-counter medication, supplements, and vitamins.

### **□ RETRIEVAL AND DISPOSAL OF MEDICATIONS AND DRUGS FROM THE DROP BOX**

An Evidence and Property Technician shall be responsible for collection of the deposited medications.

The Evidence and Property technician will remove the contents of the Drop Box. The collected medications will be inspected for any hazards or non-medication (i.e.: syringes, trash, etc.).



Place the contents in an Evidence Banker's Box (empty box with lid must be weighed first and the scale zeroed out so that only the contents are weighed).

- Weigh each box and write the weight and box number on the box.
- Lock the Drop Box after emptying.
- Give the boxes to the Front Desk personnel who will seal the boxes, initial the seal, and write a report.
- Evidence and Property staff will wait for the CSO to seal the boxes and turn them over for transport.
- Prescription Drugs are destroyed with illegal narcotics on a scheduled Drug Burn.

## **CURRENCY**

The Evidence and Property Technician and another member will open each currency envelope (except P.C. 187 and Federal Asset Seizure Money), and verify that the denomination amounts in the currency envelopes match the amount indicated on the Currency Form in the envelope. If the amount is correct, the money will be recorded in the Cash Ledger Evidence Tracking System and deposited in the Money Safe. The Evidence and Property Supervisor shall immediately be advised of any discrepancies, notify the chain of command in writing, and attempt to locate.

### **□ RELEASING MONEY**

When money has been authorized for release to the rightful owner, it can be released in one of two ways:

- Releasing the original money stored in the safe.
- Releasing the money in the form of a check (original money has been deposited in the Evidence Trust Account).

In the event money is released in the form of a check, the person to whom the money is released will sign the electronic checkout form. Notification will be made to the Evidence and Property Supervisor who will then draft a memo requesting a check by issued to the signer. The memo is forwarded to the Administration Captain for submission to finance.

Whichever situation is appropriate, the Evidence and Property person releasing the money will update the TRAQ System to show the release of the money.

□ **DEPOSIT OF MONEY INTO THE EVIDENCE TRUST ACCOUNT**

Each week, all money that has been held in the Evidence and Property Unit Safe will be deposited in the Evidence Trust Account (with the exception of monies to be returned via Federal Asset Seizure or monies collected under a homicide case). The following procedure will be followed:

Each money envelope will be opened, counted and confirmed by at least two members.

A Deposit of Evidence Currency to City of Oceanside Trust Fund Account form will be completed.

The money will be deposited with the OPD Records Unit.

The Records Unit employee and the Evidence and Property Technician will count the money together and the Records Unit will issue a receipt.

The TRAQ System will be updated to reflect the deposit.

□ **FINAL DISPOSITION OF UNCLAIMED AND EVIDENCE MONEY**

All unclaimed money sent to the Records Unit will be transferred to the City Finance Department for Deposit in the Evidence Trust Account. When authorized to do so, the Finance Department will move the funds from the Evidence Trust Account to the City General Fund.

□ **TAINTED MONEY**

Money that has been tainted with red dye and/or chemicals should be released back to the bank when it has been authorized for release. If the bank does not want this money back because of the contamination, it shall be destroyed. Also, any money that is severely covered with blood, urine or body fluids that will not be accepted by the bank shall be destroyed after all court dates are over.

Tainted money should be cut it into numerous pieces and placed in the bio-hazardous container. The medical waste system contracted by our agency will pick up the container and burn the contents. The TRAQ System will be updated to reflect the destruction of the money with and explanation for the destruction.

☐ **MONEY INVOLVED IN HOMICIDE CASES**

Money which has been booked into the Evidence and Property Unit as being involved in a homicide case will be given a permanent storage location in the Money Safe. Money from homicide cases will not be counted when received and will not be deposited in the Trust Account.

☐ **COLLECTIBLE U. S. COINS AND CURRENCY**

Collectible U. S. coins and currency are booked into the TRAQ System as “CURRENCY” but are given a permanent location in the safe as “CURRENCY COLLECTIONS.” This currency and coins will be counted based on face value and recorded as the total.

☐ **COUNTERFEIT MONEY**

Counterfeit money is not treated as currency. It will be placed in the “SECRET SERVICE” box in the Money Safe. Counterfeit money will not be counted and no entry will be made in the Cash Ledger. As required, the Secret Service will be notified and will respond to the Evidence and Property Facility to collect all counterfeit money. If the Secret Service determines the currency to be real, they will return it to Evidence and Property and it will be booked as evidence and deposited into the Trust Account. Whoever originally booked the currency will be responsible to make the correction and re-book it as real currency. Evidence and Property staff will be responsible for making an attempt to return the money to the owner.

☐ **FOREIGN MONEY**

Foreign money is not treated as currency. Because of its value, it is stored in the Money Safe but not recorded in the Cash Ledger.

☐ **MONEY AUDITS**

Once per year, the Oceanside Police Department Professional Standards Sergeant, or Chief’s designee, shall perform a random audit of the money storage and records system of the Evidence and Property Unit. Suggestions may be made on updating policy and procedures during this audit. A complete report will be sent to the Chief of Police.

## **FEDERAL SEIZURE OF MONEY LOGGED INTO EVIDENCE**

There are times when currency, jewelry, and high value property is seized in accordance with the Federal Asset Seizure laws and booked into OPD evidence. The Drug Enforcement Agency (DEA) typically sends representatives from the Narcotics Task Force (NTF), San Diego's County's law enforcement officers assigned to work with the DEA, to pick up the evidence and assume jurisdiction. One of those representatives is usually an OPD Detective assigned to NTF.

Under provisions established by the DEA, seized currency is handled in a specific manner, in accordance with the established protocol of that agency. Failure to follow the established protocol jeopardizes the chain of custody, audit, and prosecutorial objectives set by the federal government.

When currency is seized under the Federal Asset Seizure laws it will be handled in the following manner by OPD Evidence & Property personnel:

- Currency will come into the facility in the normal manner with the appropriate initials, ID number and date across the packaging seal.
- Collecting officer will either note on the packaging or advise Evidence and Property Personnel that the money is expected to be seized.
- Evidence and Property personnel will verify the correct labels have been affixed to the packaging prior to transport to the Evidence and Property facility.
- Federally seized currency is not treated in the same manner as currency that will be deposited into the City Trust Fund account.
- Evidence and Property personnel will log the currency into the evidence tracking system and assign it a location.
- The currency will remain in the sealed packaging and **WILL NOT** be counted so as to preserve the chain of custody as established by Federal Asset Seizure laws.
- The currency will be turned over to the assigned federal agents upon showing the appropriate law enforcement ID. Currency will not be opened or verified at this time either.

The agent will sign for the currency in the evidence tracking system prior to taking possession and provide a receipt for the case file.

## **11. VIEWING EVIDENCE AND PROPERTY**

An Evidence Viewing Request should be made by the officer requesting the viewing, listing the case number, item(s) to be viewed, date, time, who will be viewing the item(s), and submitted to the Evidence and Property Unit at least 24 hours in advance. This request usually arrives in the form of an email or phone call. Large cases such as homicide or search warrant cases should be viewed as early as possible; morning preferred.

In most cases, the case detective or designee will be present for each viewing. These investigators must re-seal the evidence, and initial and date the seal.

## **12. TRANSFER OF EVIDENCE**

An evidence or property transfer occurs when one person relinquishes custody of an item of evidence or property to another person. A Property Release Authorization & Receipt, Chain of Custody Form, and/or an Evidence Tracking Receipt is used to document the transfer. At minimum, the transfer information will include the OPD case number, a brief description of the Evidence/Property and item number, the signature of the person relinquishing the evidence or property, the signature of the person receiving the evidence/property, and the date and time of the transaction.

### **TRANSFER TO A FORENSICS LAB**

The Evidence and Property Unit transfers evidence and property to and from the OPD Evidence Facility, the Sheriff's Crime Lab, and the FBI/RCFL building as well as other approved labs.

Transfers of evidence or property to one of the labs will be documented on the Lab Request Form.

### **LARGE SEIZURES**

Seizures of narcotics exceeding 100 lbs. and vehicles seized as evidence must be escorted or transported by a peace officer.

### **EVIDENCE DRYING/HANDLING/SAFETY**

Evidence and Property Technicians who handle potentially hazardous and/or dangerous evidentiary material must comply with the appropriate safety policy and procedures.

The Evidence and Property Facility will only accept items that have been thoroughly dried and properly packaged.

Wet evidence is hung in a secured and well-ventilated area inside the FET trailer at the main station.

The Evidence and Property Unit provides secure areas for Department personnel that need to dry out large amounts of marijuana seized. The seized drugs shall be booked into evidence and entered into TRAQ at this time. The same officer/FET will be expected to return to the Evidence and Property facility to secure items in final packaging as soon as possible after the evidence is dry.

## **13. RELEASE & DISPOSITION OF EVIDENCE**

### **GENERAL DISPOSITION OF EVIDENCE**

Evidence will be returned to its lawful owner, disposed of, or destroyed in the manner authorized by law. Immediate disposition of evidence will be based on the statute of limitations<sup>20</sup> and legal authorities for each particular offense.<sup>21</sup> A Disposition of Property Form will be used for the disposition of evidence and attached to the case file once complete. Evidence may be disposed of under the following circumstances:

- When it can be shown the evidence is not linked to other case.
- Ownership is not in question
- In any case rejected by the District Attorney, and when there is no likelihood of re-filing.
- When the underlying criminal case has been adjudicated and all appeals have been completed for all defendants.

When an entire case is approved for disposition, the Evidence and Property Technician handling the disposition authorization will reconcile the case after disposition is complete. This will entail running the case number in TRAQ to verify that all items in the case have been scanned out of the facility. If any item(s) remain, verification will be made to ascertain if the item was mis-scanned or the item(s) will be located and subsequently disposed of accordingly.

### **GENERAL RELEASE OF PROPERTY**

All property will be released to the owner or with a signed authorization from the case detective i.e. Property Release Authorization and Receipt or a Safekeeping and Prisoner Property Receipt. Valid picture identification must be presented prior to release.

Individuals presenting a court order for the return of property are required to first obtain a Property Release Authorization and Receipt from the case detective or a detective supervisor. The original court order must be scanned into RMS or submitted to OPD Records for inclusion with the case along with the Property Release Authorization and Receipt after the property is released.

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<sup>20</sup> Refer to CA Penal Code Section 799 et seq. for time limits and legal authorities on purging evidence.

<sup>21</sup> SB 1342, 1417.9, and PC 801.1 regarding Biological evidence and 261 & 288

All items of property must be inventoried prior to release by physically opening each container, checking description and barcode number on the packaging against the description and barcode number on the property release and receipt form.

The person receiving property must sign and date the Property Release Authorization and Receipt Form.

### **RELEASE OF EVIDENCE VEHICLES**

Vehicles accepted into the facility as evidence are escorted to the facility by an Officer. The vehicle is booked into TRAQ and assigned an item number.

At the point it is determined that the vehicle no longer needs to be held at the facility, the vehicle will be released. These releases are initiated by the case agent or handled by the Traffic Unit's Senior Office Specialist. When a vehicle has been cleared for release, the Senior Officer Specialist will forward a release form to Evidence and Property. An Evidence and Property Technician will then contact the responsible tow agency (the agency which towed the vehicle to the facility) to arrange retrieval of the vehicle. Upon arrival, the vehicle will be scanned out to the tow agency, the tow driver will sign for the vehicle, and the vehicle will be released. Typically, vehicles will not be released directly to the R/O from the facility. The exception to this is when the City assumes the cost of the tow fees. To minimize the cost to the City, the vehicle may be released directly to the R/O from the facility. This arrangement requires authorization by the Division Lieutenant.

### **EVIDENCE DISPOSITION REQUESTS GENERATED BY EVIDENCE AND PROPERTY**

There will be times when the release, disposal, or destruction of evidence does not fall within these provisions. Such instances may arise when case detectives close a case, when a case has not been rejected but the District Attorney has not issued a complaint and the statute of limitations has expired. The following procedure should be followed in these instances:

The Evidence and Property Unit Supervisor, or designee, will send notification of a case requiring review for disposition to the case agent, if that person is still assigned to Investigations, and their supervisor. If the case agent is no longer assigned to Investigations, notification will only be sent to the Investigations Sergeant assigned to that unit. The supervisor will review the information and either notify the individual of their responsibility to authorize the release of evidence or review the case themselves. Cases requiring review will typically be addressed based on the amount of time that has lapsed with attention paid to the statute of limitations.



The officer, detective or FET is responsible for reviewing and signing off a Disposition of Property Form and completing appropriate Property Release Form. The determination of whom property is released is determined by the officer/Detective/FET/ or Sergeant and is not the responsibility of Evidence and Property Personnel.

### **PURSUANT TO A COURT ORDER/SEARCH WARRANT**

When property is seized pursuant to a search warrant, a court order is required for disposition. *“All property or things taken on a warrant must be retained by the officer in his custody, subject to the order of the court to which he is required to return the proceedings before him, or of any other court in which the offense in respect to which the property or things taken is triable.”<sup>22</sup>*

Further, *“If it appears that the property taken is not the same as that described in the warrant, or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the magistrate must cause it to be restored to the person from whom it was taken.”<sup>23</sup>*

The Evidence and Property Unit will also accept a search warrant that includes a clause stating the evidence may be disposed of according to law once the case has been adjudicated. A signed Property Release Form must also be submitted before items can be released. At initial presentation of such a court order by the requesting party, the copy of the court order and the presenting parties contact info is forwarded to the case agent or Investigations Sergeant by the accepting Evidence and Property Technician. The case agent or Investigations Sergeant is advised that the person presented a court order for the return of their property and a property release form is required for release. The case agent or Investigations Sergeant is responsible for completing the property release form and forwarding that form to the Evidence and Property Unit. The case agent or Investigations Sergeant is also responsible for notifying the presenting party that their items are ready for release.

### **DISPOSITION OF SERIALIZED PROPERTY**

When property comes into the custody of a peace officer, it becomes subject to the provision of Penal Code Sections 1407 – 1411 relating to disposal of stolen or embezzled property. Property subject to this section shall be considered stolen or embezzled property and, prior to being disposed of, may have an identification mark imbedded or engraved in, or permanently affixed to it.

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<sup>22</sup> Penal Code Section 1536

<sup>23</sup> Penal Code Section 1540

If serialized property is returned to the finder or auctioned, the appropriate disposition should be entered into the California Department of Justice (DOJ) Automated Property System. If the original serial number has been tampered with or destroyed, an attempt will be made to restore the serial number.<sup>24</sup>

### **DISPOSITION OF FOUND/SAFEKEEPING/BULK PROPERTY**

Found property can be disposed of 90 days after intake if the owner cannot be located and the finder does not wish to claim the item.

Bulk property and safekeeping property can be disposed of 60 days after intake if the owner has not requested an additional retention period.

Items in these categories are usually housed together based on date of receipt by the facility. When a simultaneous purge of a particular location is conducted based on the specific purge date being met, after the shelf, box, or storage location is cleared or purged of items, the Evidence and Property Technician responsible for the disposition of that particular area will be responsible for running that area in TRAQ to ensure the location is clear and no items remain per TRAQ. If any item(s) remain, verification will be made to ascertain if the item was mis-scanned or the item(s) will be located and subsequently disposed of accordingly.

### **METHODS OF DISPOSAL**

The primary methods used to dispose of items from the Evidence and Property facility include:

- Returned to the Owner or Finder – When appropriate
- Sold at Public Auction – The City of Oceanside has a negotiated contract with an auction company that will handle all notices and forms required in addition to picking up the items.
- Converted for Department/City Use – A clearance memo from the Division Captain is required prior to the approval of the transfer. A clearance memo from the Chief is required if the item converted is money, firearms, or narcotics.
- Destroyed – This includes melting, shredding, burning, cutting up, and hazmat disposal.
- Landfill – Dumpster, garbage can, etc...
- Other Claims of Ownership – Civil, pawn, insurance company etc...
- Donations – Local Charity
- City Trust Fund/General Fund
- Hazardous Waste Disposal

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<sup>24</sup> POST Property & Evidence Management Guide, Chapter 6, Section 4

- Medical Waste Disposal

In order to auction computers, cell phones, tablets and other devices that store sensitive information, the hard drives and storage media must be deleted of all information and wipe out any traces of files for folders. If this cannot be accomplished, the hard drives and storage media shall be destroyed and then recycled.

### **ITEMS CONVERTED TO DEPARTMENT USE FOR RELEASE TO THE ARMORY**

If an item comes up for disposition that may be useful to the Armory, the item will be scanned into an evidence location pending Amory review. When The Armory Coordinator, or designee, responds to the evidence facility he/she can review the items and deem if the item can be used by the armory. If the item can be utilized by the Armory, it will be signed out to “Armory” in the designee’s name and he/she will sign for the item. If the Armory has no use for the item, the item will be disposed of accordingly.

- Ammunition that may be held for the armory includes legal ammo in the manufacturer’s box of the following calibers:
  - 9mm (aka 9 x 19mm, 9mm parabellum, or 9mm luger)
  - .45 cal
  - .40 cal
  - .380 auto
  - .12 gauge 00 buckshot
  - .12 gauge 1 ounce slug
  - .12 gauge various hunting loads
  - .223 cal (also known by military designation 5.56 x 45 mm)
  - .308 cal (also known by military designation 7.62 x 54 mm)

Re-loads and ammunition not in the manufacturer’s box will not be held for the armory as they will not accept it. Illegal ammo (ie armor piercing ammunition) will not be released to the armory without written authorization from the Investigations Lieutenant.

- Additional firearm related equipment that may be held for the armory include the following:
  - Cases for handguns, rifles, shotguns
  - Tools specific to the repair of firearms
  - Power tools to build training props
  - Power garden tools

- Traffic cones
- Industrial traffic lighting equipment
- New or near new Accumold gear
- Firearm magazines
- Gun cleaning kits
- Range cleaning equipment
- Range timers
- White spray paint
- Saw horses
- Hard plastic chairs
- Portable heaters
- Folding tables
- Heavy duty rolling carts
- Dollies
- Building supplies
- Other equipment approved by the Investigations Lieutenant via memo.

Illegal firearm equipment (ie high capacity magazines) will not be released to the armory without written authorization from the Investigations Lieutenant.

**All items released for Armory use will require a Property Diversion Request Form signed by the Division Captain.**

**DAMAGE TO SEIZED PROPERTY**

The Evidence and Property Supervisor or designee is not liable for damages for any official action performed hereunder in good faith.<sup>25</sup>

**DESTRUCTION OF CONTROLLED SUBSTANCES**

Prior to destruction, in accordance with California Health and Safety Code 11474, a court order must be obtained authorizing the destruction of all controlled substances. The court order shall specify the agency responsible for the destruction.

All controlled substances are processed for destruction in teams of two Evidence and Property Technicians. Prior to a judge signing a court order for the destruction of identified controlled substances, they will be inventoried and the OPD Evidence and Property staff will seal each

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<sup>25</sup> Penal Code Section 1413(d)

container.

Narcotics authorized for destruction will be pulled and relocated to the Narcotics pending destruction location and scanned/assigned to the appropriate drawer by narcotic type (i.e., marijuana, methamphetamine, heroin, etc.)., If multiple narcotics are in one envelope, it will be assigned to the “mixed” drawer.

Once a drawer is full, the Technician who placed the last item in the drawer will transfer all items to a burn box and complete an itemized list of the box’s contents, and take a gross weight of the controlled substances, packaging, and box. The list will be attached to the front of the burn box and the box sealed with packing tape.

Burns should be conducted biannually by the appointed Technician. The Evidence and Property Technician will determine the burn date by calling the current burn facility and scheduling an appointment. Once the appointment is set a complete inventory of the burn boxes will be conducted by the Evidence and Property Staff.

After a complete and accurate inventory is completed a copy of the manifest along with an overview of the burn and a total weight will be sent to the Professional Standards Sergeant, the Evidence and Property Supervisor, and the General Investigations Lieutenant. A Court Order will be written and signed and Professional Standards will conduct a final audit of the burn boxes.

#### □ IDENTIFYING ITEMS FOR DESTRUCTION

Court Dispo Sheets: Disposition of Arrest and Court Action forms are first reviewed by an Investigations Sergeant and forwarded to the Evidence and Property supervisor for approval and assigned to Evidence and Property staff for case evidence disposal.

Quarterly purge of: Citations older than six (6) months, “No Lab”, and Found Narcotics . On a quarterly (January, April, July, & October) basis all “Found” narcotics and citation narcotics will be moved to Narcotics Pending Destruction location. All “No Lab” narcotics will be reviewed to determine if the H&S may be available for destruction. A “Request for Disposition of Property” may be sent to the appropriate Sergeant or Detective.

Detective/Sergeant Disposition: Remaining narcotics should be reviewed quarterly, checking for case adjudication and cleared warrants. A Request for Disposition of Property may be sent to the appropriate Sergeant or Detective.

Note: Large quantities of narcotics that have been lab tested and can be used for K-9 training will be placed in the K-9 Training Aids drawer rather than flagged for destruction.

□ **PREPPING THE BURN BOX**

Consult the most recent Drug Burn spreadsheet located in the NARCOTICS folder on the G: drive for a box number.

Write the box number and drug type on the outside of the box.

□ **TRANSFERRING ITEMS TO BURN BOX**

Using the “transfer” function in TraQ, utilize “drug burn” for location and put the burn box number in the “remarks” section.

Scan each item as it is moved from the drawer to the box

Run a “location” query in TraQ of the now empty drawer to ensure all items were transferred

Create an inventory of the box on a new tab in the Drug Burn spreadsheet.

Print 2 copies of the completed inventory, place one copy in the box and affix the other copy on the outside front of the box

Seal the box and place it in the 18 row, level one of the DNA room.

□ **PRE-BURN INVENTORY**

Once a burn date has been established, Evidence and Property staff will conduct a complete inventory of the “Drug Burn Boxes”.

The location title in Traq will be changed from “Drug Burn” to “Drug Burn month and year” (i.e. “Drug Burn 11 2013”). The title of the spread sheet will be changed to match.

A copy of the entire “drug burn” spread sheet will be printed and the contents of each box will be confirmed as accurate.

The gross weights of each box will be added together by the appointed technician for a total burn weight. This total weight will be entered into the last page of the spreadsheet.

The completed inventory will now be emailed to the E & P Supervisor, the Professional Standards Sergeant, and the General Investigations Lieutenant. The email also needs to include the burn date and a request for the required escort.

□ **BEFORE THE BURN**

The Professional Standards Sergeant will schedule a time to perform an audit of the Burn Boxes.

□ **OBTAIN A COURT ORDER**

A case number must be requested from Dispatch for an officer’s report which will ultimately have the court order attached as reference.

The court order form and declaration must be completed and submitted to the City Attorney’s office for approval, and signature, prior to the review and signature of a judge.

Once signed by the City Attorney’s office the Court order will be taken to the Court for the Judge’s final approval and signature.

The finalized court order is scanned into RMS under the assigned case number.

□ **AFTER THE BURN**

Upon return, mark the location value for the “Drug Burn Month and Year” as OUT PERM (formerly IN).

Write an officers’ report, noting the details of the burn, and enter it in RMS.

Scan all supporting documents (court order, final list of destroyed narcotics, etc) onto the Evidence drive for posterity. The file name should correspond with the drug burn date. Additionally, retain paper copy of the drug burn list in a binder maintained in the evidence facility. The binder should contain all drugs burns conducted.

## **DISPOSITION OF FIREARMS**<sup>26</sup>

Generally, firearms held by the Oceanside Police Department may be released:

- To the rightful owner
- Converted to departmental use
- Destroyed.

**\*\*NOTE: PRIOR TO THE RELEASE, TRANSFER OR DESTRUCTION OF ANY FIREARM, A SECOND EVIDENCE AND PROPERTY TECHNICIAN SHALL REVIEW AND SIGN ALL DOCUMENTATION FOR ACCURACY.**

### **□ RELEASING FIREARMS-REQUESTS AND RELEASES/INDIVIDUALS & DEALERS**<sup>27</sup>

- Upon receipt of a telephonic or other form of request, the Evidence and Property Technician receiving the request shall initiate a “Case Correspondence” sheet listing the case number, date/time of the request and contact information for the requestor/owner of the firearm(s).
- If the firearm in question was seized as “Evidence,” the technician should refer the requestor to the assigned Case Detective or Investigations Sergeant to determine if the weapon is returnable. The technician will provide the requestor/owner the Evidence and Property Facility contact information for follow up regarding final disposition of the firearm.
- If the firearm in question was taken as “Safekeeping,” or received as “Found Property”, the employee receiving the request shall complete the Case Correspondence sheet and inform the requestor/owner that he/she will be contacted to schedule an appointment for follow up.
- The Evidence and Property Technician will contact the requestor and schedule a date and time for the release of the firearm(s).

**PRIOR TO SETTING AN APPOINTMENT FOR THE RELEASE OF ANY FIREARM, THE FOLLOWING SHALL OCCUR:**

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<sup>26</sup> Penal Code Section 34000– 34010 Firearms that are unclaimed, abandoned, or subject to destruction

<sup>27</sup> Penal Code Section 18000 - 18420



- Notify the IBIS FET regarding a possible pending release of a firearm so he/she can make an effort to have the firearm test fired prior to its release.
- If an LEGR Letter/Application has not been sent, the technician will prepare and mail a letter in accordance with this procedure.
- Verify the requestor has received a DOJ Law Enforcement Gun Release (LEGR) Authorization Declaration Letter and the person is eligible to possess firearms in California. LEGR letters are only good for thirty (30) days. If the letter is more than 30 days old, the requestor will need to repeat the process with DOJ.
- Prepare a "Firearms Release Authorization and Receipt." All areas of the form must be completed. If the firearm(s) was seized as "Evidence," the form must be signed by the Case Detective or Investigations Sergeant.
- Run the serial number of each firearm in "SDLAW/AFS" and print a copy of the AFS printout for each firearm.
- AFS must show the weapon is in the possession of the Oceanside Police Department as evidence, crime gun, found, safekeeping, turned in for destruction or other entry. If the firearm does not have an Automated Firearms System (AFS) entry, the firearm SHALL NOT be released until the appropriate correction is made in the Automated Firearms System by the Records Division.
- All firearms, to include both handguns and long guns, must also have a Dealer's Record of Sale (DROS) recorded in AFS in the name of the requestor/owner. If the weapon does not have a DROS paper trail, it shall not be released. If an assault weapon does not have a DROS listed in AFS as the requestor seeking possession, pursuant to state law the gun shall be destroyed as contraband.
- If the handgun does not have a DROS, and is a family heirloom, antique, or other, the Investigations Lieutenant must approve the release.
- Run the requestor's name in "SDLAW/Driver's License" and print a copy of the driver's license information, indicating the requestor/owner current address.
- Run the requestor's name and date of birth in "SDLAW/County/RI01" and determine

there are no “new” warrants that would prevent the release of the firearm.

- Run the requestor’s name and date of birth in “SDLAW/Mental Health” and determine that the requestor is not prohibited from possessing a firearm.
- Attach the SDLAW printouts to the Case Correspondence Sheet. Attach a copy of the Case Correspondence Sheet to the outside of the firearms box, until the requestor arrives to pick up the firearm. Firearms will not be removed from their storage location, in the High Security Room, until the requestor arrives at the facility to take possession.

**WHEN RELEASING FIREARMS TO AN INDIVIDUAL, THE AFOREMENTIONED PROCEDURE MUST BE FOLLOWED AS WELL AS THE FOLLOWING:**

**☐ FIREARMS SEIZED PURSUANT TO PENAL CODE SECTIONS 18250-18500 (DOMESTIC VIOLENCE STATUTE)**

- No firearm or other deadly weapon taken into custody shall be held less than 48 hours, notwithstanding the LEGR requirement.<sup>28</sup>
- If a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm or other deadly weapon shall be made available to the owner or person who was in lawful possession 48 hours after the seizure, or as soon thereafter as possible, but no later than five business days after the owner or person who was in lawful possession demonstrates compliance with Chapter 2 (commencing with Section 33850) of Division 11 of Title 4.<sup>29</sup>
- The Exception:<sup>30</sup> When the police department has reasonable cause to believe that the return of a firearm or other deadly weapon seized would be likely to result in endangering the victim or the person who reported the assault or threat, the department shall so advise the owner of the firearm or other deadly weapon, and within 60 days of the date of seizure, initiate a petition in superior court to determine if the firearm or other

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<sup>28</sup> CA Penal Code Section 18265(a)

<sup>29</sup> CA Penal Code Section 18265(b)

<sup>30</sup> CA Penal Code Section 18400(a)-(c )

deadly weapon should be returned.

- The police department may make an ex parte application stating good cause for an order extending the time to file a petition. Including any extension of time granted in response to an ex-parte request, a petition must be filed within 90 days of the date of seizure of the firearm or other deadly weapon.
- In this type of case, the owner of the firearm will be notified by the case detective or Investigations Sergeant, that the weapon will not be released pending court action.
- The case detective or Investigations Sergeant will be responsible for informing the owner or person who had lawful possession of the firearm or other deadly weapon, at that person's last known address, by registered mail, return receipt requested, that the person has 30 days from the date of receipt of the notice to respond to the court clerk to confirm the person's desire for a hearing, and that the failure to respond shall result in a default order forfeiting the confiscated firearm or other deadly weapon.
- The person's last known address shall be presumed to be the address provided to the law enforcement officer by that person at the time of the family violence incident.
- In the event the person whose firearm or other deadly weapon was seized does not reside at the last address provided to the department, the department shall make a diligent, good faith effort to learn the whereabouts of the person and to comply with these notification requirements.<sup>31</sup>

□ **FIREARMS SEIZED IN ACCORDANCE WITH WELFARE & INSTITUTIONS CODE 5150:**

- Firearms shall only be released if the individual was not admitted to a mental health facility. Simply being transported to a local hospital for a 72-hour evaluation does not qualify. The person would have to have been admitted to the mental health ward or facility for it to qualify as an admission.
- No person who has been taken into custody as provided in Section 5150 because that person is a danger to himself, herself, or to others, assessed within the meaning of Section 5151, **and admitted to a designated facility** because that person is a danger

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<sup>31</sup> CA Penal Code Section 18405 (a)

to himself, herself, or others, shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years after the person is released from the facility.<sup>32</sup>

- A person described in the preceding sentence, however, may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm if the superior court has found that the people of the State of California have not met their burden.
- Any person who claims title to any firearm that is in the custody or control of a court or law enforcement agency and who wishes to have the firearm returned shall make application for a determination by the Department of Justice as to whether the applicant is eligible to possess a firearm.<sup>33</sup>

**NO LAW ENFORCEMENT AGENCY THAT HAS TAKEN CUSTODY OF ANY FIREARM MAY RETURN THE FIREARM TO ANY INDIVIDUAL UNLESS THE FOLLOWING REQUIREMENTS ARE SATISFIED<sup>34</sup>:**

- The individual presents proof from DOJ they are eligible to possess firearms.
- The agency verifies through AFS the firearm is not listed as stolen, and the firearm is registered in AFS to the person seeking its return.
- If the firearm has been reported lost or stolen, the department shall notify the owner or person entitled to possession. However, that person shall provide proof of eligibility to possess a firearm.
- Notwithstanding any other provision of law, no law enforcement agency or court shall be required to retain a firearm for more than 180 days after the owner of the firearm has been notified by the court or law enforcement agency that the firearm has been made available for return. An unclaimed firearm may be disposed of after the 180-day period has expired.<sup>35</sup>

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<sup>32</sup> Welfare & Institutions Code 8103(f)(1)-(6)

<sup>33</sup> CA Penal Code Section 33850

<sup>34</sup> CA Penal Code Section 33855

<sup>35</sup> CA Penal Code Section 33875

- If the department determines the applicant is the legal owner of any firearm deposited with the agency, that the applicant is prohibited from possessing any firearm, and that the firearm is an otherwise legal firearm, the applicant shall be entitled to sell or transfer the firearm to a licensed firearms dealer.<sup>36</sup>
- For both long guns and handguns, verify that the LEGR Letter either shows that the handgun is registered in the name of the individual or that the individual has a separate original letter from DOJ acknowledging the individual as the owner.
- Obtain and verify the supporting documentation (owner's identification, bill of sale or consignment, etc.), is accurate. Make color copies of the documentation to be scanned into the file.
- Verify the complete description and serial number of the firearm on the Firearms Release Authorization and Receipt is the same as the serial number on the Firearms Property Receipt, the actual serial number on the firearm, and matches the information listed in AFS.
- Scan the firearm(s) to the individual in the QUETEL Evidence Tracking System and have them place their signature on the electronic signature pad.
- Print a copy of the QUETEL Transfer Receipt.
- In the "Released By" and the "Date/Time" location, print your name and employee number and the date and time indicated on the QUETEL "Transfer Receipt".
- A second technician shall verify all of the information on the firearm for the transfer and sign in the "2<sup>nd</sup> verification by:" line of the Firearms Release Authorization and Receipt form.
- Verify that the firearm(s) is/are unloaded and rendered safe and release the firearm(s) to the dealer.
- Make a copy of the Firearms Release Authorization and Receipt for the Investigations

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<sup>36</sup> CA Penal Code Section 33870(a)

FET assigned to handle IBIS (the Sheriff's IBIS Technician must be notified whenever a firearm entered to IBIS is released or destroyed).

- Unregistered assault weapons will not be released to any person and will be destroyed as contraband.<sup>37</sup>
- The case and evidence list should be reviewed to determine if other firearms equipment seized or handed over in the case should be released as well. If ammunition was initially seized that should be returned to the owner, an appointment on a separate date must be made for pick-up of those items. For safety reasons, ammo and firearms cannot be released to the same person at the same time.

**WHEN RELEASING FIREARMS TO A LICENSED FEDERAL FIREARMS DEALER, THE AFOREMENTIONED PROCEDURE WILL BE FOLLOWED AS WELL AS THE FOLLOWING:**

- Obtain and verify the supporting documentation (owner's identification, bill of sale or consignment, etc.), is accurate. Make color copies of the documentation to be scanned into the file.
- Have the dealer fill out the required identifying information on the Firearms Property Receipt and sign the receipt.
- Verify that the firearm(s) is/are unloaded and rendered safe and release the firearm(s) to the dealer.
- Present their original Federal Firearms License to the Evidence and Property Technician. The Technician shall examine the license to verify the dealer is licensed for the type of weapon they plan to take possession of.
- Make a color copy of the FFL for the files and verify the original has not been altered.
- Make a color copy of the firearm dealer's state/government identification card.
- Make a color copy of the original document authorizing the dealer to take custody of the firearm and verify the original has not been altered.

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<sup>37</sup> Pursuant to CA Penal Code Section 12276, 12276.5, 12280, 12285 and 30510 & 30515(current sections)

- Registered assault weapons being transferred from the registered owner to a firearms dealer will be released only to a Licensed Federal Firearms Dealer with a valid license allowing sales/transfers of assault weapons.
- Unregistered assault weapons will not be released to any dealer, regardless of their type of license. Unregistered assault weapons will be destroyed as contraband.<sup>38</sup>
- Verify the complete description and serial number of the firearm on the Firearms Release Authorization and Receipt is the same as the serial number on the Firearms Property Receipt, the actual serial number on the firearm, and matches the information listed in AFS.
- Scan the firearm(s) to the individual in the QUETEL System and have them place their signature on the electronic signature pad.
- Print a copy of the QUETEL Transfer Receipt.
- In the “Released By” and the “Date/Time” location, print your name and employee number and the date and time indicated on the QUETEL “Transfer Receipt”.
- A second technician shall verify all of the information on the firearm for the transfer and sign in the “2<sup>nd</sup> verification by:” line.
- Verify that the firearm(s) is/are unloaded and rendered safe and release the firearm(s) to the dealer.
- Make a copy of the Firearms Release Authorization and Receipt for the Investigations FET assigned to handle IBIS (the Sheriff’s IBIS Technician must be notified whenever a firearm entered to IBIS is released or destroyed).

## **DESTRUCTION OF FIREARMS**

### **IDENTIFYING ITEMS FOR DESTRUCTION:**

- If the firearm was evidence in a court case, verify the case has been adjudicated, and appeal process time limits have been exhausted. If there is any question, contact the

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<sup>38</sup> Pursuant to CA Penal Code Section 12276, 12276.5, 12280, 12285 and 30510 & 30515(current sections)

General Investigations Lieutenant, or designee, for further direction.

- If the firearm was originally Turned In For Destruction, it is not necessary to make any additional attempts to contact the owner.
- If the firearm was originally turned in as Found Property, review the original case to verify the details of the find. If there is evidence an attempt was made to contact the owner, and the owner did not respond, or is now deceased, there is no need to send out a new LEGR Letter.
- Firearms used in the commission of a crime will be destroyed as a nuisance under state law unless reported stolen or being retained by the police department for official use and training.

□ **TRANSFERRING ITEMS TO GUN DESTRUCTION BIN**

- In order to set firearms for destruction, they shall be properly identified and documented for destruction. Prior to the actual destruction, the Professional Standards Unit will be notified and an appointment set up for the audit of weapons set for destruction.
- Run the serial number of each firearm in “SDLAW/AFS” and print a copy of the AFS printout for each firearm.
- AFS must show the weapon is in the possession of the Oceanside Police Department as Evidence, Crime Gun, Found, Safekeeping, Turned In For Destruction or Other entry. If the firearm does not have an Automated Firearms System (AFS) entry, the firearm SHALL NOT be set for destruction until the appropriate correction is made in the Automated Firearms System by the Records Division.
- All firearms processed for destruction are inventoried and sealed in the Gun Destruction Bin by Evidence and Property Technicians
- Each firearm transferred to this location will be recorded on the working copy of the current “Firearms for Destruction List”

□ **BEFORE THE BURN**

- Prior to the actual destruction, the Professional Standards Unit will be notified and an appointment set up for the audit of weapons set for destruction.



- Once the date of the burn has been established, scan each item into a newly created location code which reflects the date of the burn (ie “Gun Burn February 2014”). This location will be created as an “IN” location until the firearms have left the facility.

□ **OBTAIN A COURT ORDER**

- A case number must be requested from Dispatch for an officer’s report which will ultimately have the court order attached as reference.
- The court order form and declaration must be completed and submitted to the City Attorney’s office for approval, and signature, prior to the review and signature of a judge.
- Once signed by the City Attorney’s office the court order will be taken to the Court for the judge’s final approval and signature.
- The finalized court order is scanned into RMS under the assigned case number.

□ **GUN BURN**

- The destruction shall be witnessed by two OPD Evidence and Property Technicians.

□ **AFTER THE BURN**

- Mark the location value for the “Gun Burn Month and Year” as OUT PERM (formerly IN).
- Write an officers’ report, noting the details of the burn, and enter it in RMS.
- Scan all supporting documents (court order, final list of destroyed firearms, etc) onto the Evidence drive for posterity. The file name should correspond with the gun burn date. Additionally, retain paper copy of the drug burn list in a binder maintained in the evidence facility. The binder should contain all drugs burns conducted.

## **DISPOSITION OF FOUND AND UNCLAIMED PROPERTY**

Found property may consist of items that are lost or misplaced by the owner, or it may be items that are evidence of criminal activity that has not yet been reported. If finder indicates desire to claim property if owner is not located and/or property is not retrieved in 90 days, finder will be required to complete a "Finder's Affidavit" form. This form will be supplied to the finder by the officer at the time the report is filed. A copy of the completed form will be forwarded to Evidence and Property. Evidence and Property personnel will be responsible for documenting receipt of this form and contacting the finder should the property remain in Evidence and Property custody after 90 days.

Once the found items are submitted to Evidence and Property, there should be reasonable efforts made to identify the owner. If the owner is identified, a receipt and instructions for the retrieval shall be mailed via First Class mail.

The receipt and instructions shall notify the person from whom the property was taken that the property must be claimed within 90 days after it was held or the property will be disposed of in accordance with the disposal provisions in accordance of law. Within 90 days, the person may do one of the following:

- Retrieve the property.
- Authorize in writing another person to retrieve the property and have notarized prior to submitting to the Evidence and Property Facility.

Regardless of the value of the property, the property may be released to its owner if the owner appears to claim it within 90 days, provides proof of ownership, and pays any costs associated with its storage.<sup>39</sup>

In cases where the property is valued \$250.00 or more, and no owner appears and proves his or her ownership of the property within 90 days, the police department or sheriff's department shall cause notice of the property to be published at least once in a newspaper of general circulation.

If, after seven days following the first publication of the notice, no owner appears and proves his or her ownership of the property and the person who found or saved the property pays the cost of the publication, the title shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of any public agency, in which

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<sup>39</sup> CA Civil Code 2080.2

case the property shall be sold at public auction.

Title to the property shall not vest in the person who found or saved the property or in the successful bidder at the public auction unless the cost of publication is first paid to the city, county, or city and county whose police or sheriff's department caused the notice to be published.<sup>40</sup>

If the owner cannot be located within 90 days, the finder may claim any property reasonably valued at less than \$250.00.<sup>41</sup> Notice of property is not required to be published in a newspaper of general circulation, but a "Finder's Affidavit" does need to be completed.

### **DISPOSITION OF UNCLAIMED MONIES<sup>42</sup>**

Money, excluding restitution to victims, that is not the property of the police department, that remains unclaimed in the official custody for three years is the property of the Department after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the City Treasurer may cause a notice to be published once a week, for two successive weeks in a newspaper of general circulation published in the local area.

The notice shall state the amount of money, the fund in which it is held, and that it is proposed that the money will become the property of the City of Oceanside on a designated date not less than forty-five days nor more than sixty days after the first publication of the notice.

When any such money becomes the property of the City of Oceanside, and is in a special fund, the legislative body may transfer it to the General Fund.

### **DISPOSITION OF PERISHABLE ITEMS<sup>43</sup>**

The Oceanside Police Department may cause the sale of items in danger of perishing, or of losing the greater part of its value by public auction if it is a thing which is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or, being found, refuses upon demand to pay the lawful charges provided by Civil Code Sections 2080 and 2080.1.

All other perishable items of no value **will not** be stored in evidence. The perishable item will be photographed and processed for disposition.

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<sup>40</sup> CA Civil Code 2080.3

<sup>41</sup> CA Civil Code 2080.1

<sup>42</sup> Per California Government Code 50050, 50051, 50053

<sup>43</sup> Per Civil Code 2080.5

This procedure will minimize possible rodent problems within the evidence warehouse.

### **EVIDENCE MAIL-OUT**

There are times when requests are made by other law enforcement agencies, or private citizens, to have evidence and/or property mailed to them.

Citizens may request the Evidence and Property Unit send Recovered Evidence, Safekeeping and Found Property items to them. Evidence and Property personnel will document the transfer on a Property Release Authorization and Receipt Form, and send the necessary items by appropriate methods, usually UPS or FedEx.

Items of Prisoner Property, or items of evidence, claimed by a suspect, may be sent at the **requester's expense**. A pre-paid UPS Pick Up Order is required. In cases where the property is evidence, the case detective or designee must authorize the release and provide a completed Property Release Authorization and Receipt Form.

Items will be sent to crime victims at Department expense.

Case detectives may request property be mailed out to other law enforcement agencies. Evidence and Property personnel will document the disposition release and mail the listed items by certified mail. The case detective authorizing release signs a Property Release Authorization and Receipt Form listing the item(s) to be released.

If the item requested to be sent is a firearm, a blue Firearm Release Authorization and Receipt<sup>44</sup> authorizing the firearm transfer is required. Firearms may only be shipped to a law enforcement agency and must be shipped UPS Overnight.

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<sup>44</sup> OPD E&P Firearms Release Authorization and Receipt-Appendix N

**14. EVIDENCE ESCORT (REDACTED)**

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## 15. SPECIAL PROGRAMS

### K-9 NARCOTIC KIT ISSUANCE

- The Oceanside Police Department Canine Program is authorized to procure and utilize narcotics for training of their canines.
- It is the responsibility of the Evidence and Property Unit to put together the K-9 narcotic kits issued to Oceanside Police Canine Officers.
- Narcotics used in the kits will be from items identified for destruction, with pre-approval by the Evidence and Property Supervisor, for the specific purpose of Canine Narcotics training.
- The narcotics used will be replaced one year from date of issuance. With this in mind, Evidence and Property technicians will retain enough of each narcotic, otherwise set for destruction, for the annual replacement.
- Preparing the kit shall be completed by two (2) Evidence and Property Technicians, the Canine Officer being issued the kit, and the Canine Supervisor.
- Gloves **MUST** be worn at all times. The work area must be a clean surface with fresh butcher paper used to set up each type of narcotic to be packaged.
- Each measured amount of narcotic will be packaged in a KPak bag.
- Prior to sealing the package, a slip of paper identifying the drug type, net weight, and bag number (eg. 1/4, 2/4, 3 /4 etc...) will be placed in the bag.
- Each sealed package will be weighed and recorded as the gross weight of the packaging and narcotic.
- When the technician finishes packaging one type of narcotic, the work area will be wiped down and cleaned and fresh paper put down for the next drug. Gloves must also be changed out when finishing with one type of drug, cleaning the work area, and moving on to the next drug. The slightest variance from this procedure can cross contaminate the drug samples and make them unusable for training.

- Once the kit is completed the Initial K-9 Narcotic Audit will take place.

## **STING OPERATIONS**

With the exception of e-waste, evidence staged for disposition may be used for sting operations. The officer shall submit a Property Diversion Authorization Form, listing the items requested, through the chain of command for approval by the Investigations Division Captain. If the items requested are money, firearms, or narcotics, approval must be obtained by the Chief.

If an officer wishes to use an e-waste item, in addition to authorization from the Investigations Division Captain, the hard drive/memory shall first be completely erased with a clean swipe software program. In the un-likely event the e-waste is not recovered during a sting operation, wiping out the memory will prevent a crime victim's information from being used by others.

## **UNCLAIMED BICYCLES OR TOYS FOR JUVENILE PROGRAMS<sup>45/46</sup>**

By ordinance of the city council, bicycles and toys unclaimed for a period of three (3) months may be given to charitable or nonprofit organizations, programs or activities designed to prevent juvenile delinquency.

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<sup>45</sup> W&I Section 217

<sup>46</sup> Oceanside Municipal Code Section 13.4(5)



## **16. INVENTORY/AUDITS**

### **SECTIONAL INVENTORY**

A complete inventory of the contents of the Evidence and Property Facility should be completed yearly by Evidence and Property Personnel. This inventory verifies all items of evidence and property are in the facility and in their designated locations. It is not expected that this inventory be conducted all at once, but should be broken up by section throughout the year for manageability purposes. The goal is that in a calendar year, every single area of the facility will be inventoried. Evidence and Property Personnel should be assigned areas or locations so that all areas of the facility are assigned and accounted for. Missing items or areas of concern will be addressed to the Evidence and Property Supervisor and may be brought forth through the chain of command.

### **FACILITY INVENTORY**

A facility inventory includes inventorying every single item in the Evidence and Property Facility to verify that all items of evidence and property are in the facility and in their designated location. This inventory is to be conducted by personnel other than full-time Evidence and Property staff and should be completed in a designated time span (i.e. 3-6 months). The need for such an inventory will be determined by the Division Lieutenant, but likely occur every 2-5 years. A final report, at the completion of a facility inventory, will be drafted by the employee responsible for the inventory and will be forwarded to the Division Lieutenant. The report should include a list of all items not located during the inventory (UTL items) and any issues of note or recommended areas of improvement for change.

### **QUARTERLY AUDIT BY PROFESSIONAL STANDARDS**

The annual, random audit is conducted by the Professional Standards Sergeant, or Chief's designee. The purpose of an audit is not solely to verify compliance, but also to identify areas that may need improvement or updating, and to correct procedural deficiencies. If an issue is identified, immediate action can be taken to rectify the situation(s). Audits of the Evidence and Property Facility, and its functions, are conducted quarterly. The audit, minimally, shall include a review of cases involving cash, drugs, and firearms to determine whether items have been properly recorded and safeguarded.<sup>47</sup>

The audit minimally includes the following:

1. Narcotics being held as evidence

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<sup>47</sup> Policy & Procedure Manual Volume II, Section 1415.02

2. Narcotics being prepared for destruction
3. Firearms being held as evidence, found property, and/or safekeeping.
4. Firearms being prepared for destruction
5. Currency not deposited into the Trust Account and being held as evidence, found property, and/or safekeeping
6. Review & Reconciliation of currency ledger
7. Review of Firearms Entry Forms
8. Review of Security & Safety Features

### **INITIAL K-9 NARCOTIC AUDIT**

- The initial audit must be conducted by a total of three (3) Department Members:
  - One (1) Evidence and Property Technician
  - Canine Unit Supervisor to sign as audit verification or another supervisor designee
  - The Canine Officer who will maintain the issued K-9 Narcotic Aid Kit.
- A blank OCEANSIDE POLICE DEPARTMENT K-9 NARCOTIC AUDIT sheet will be completely filled out.
- Gloves **MUST** be worn at all times. The gloves shall be switched out for each narcotic.
- The gross weight of each bag in the kit will be taken and verified using the scale in Evidence and Property.
  - Gross weight of the drug is the sealed KPak bag that contains the narcotics and slip of paper with narcotic information.
- Once verified, the gross weight will be noted on the OCEANSIDE POLICE DEPARTMENT K-9 NARCOTIC AUDIT sheet.
- Make sure the correct weight corresponds with the appropriate bag.
- Any notes or comments will be placed on the sheet to help with future audits.
- The bottom of the OCEANSIDE POLICE DEPARTMENT K-9 NARCOTIC AUDIT sheet will be signed by all three department members present for the audit.
- A copy of the audit sheet will be given to the Canine Officer and the Canine Unit Supervisor, and the original will be placed in the K-9 Narcotic Audit Book maintained under the control

of Evidence and Property Unit.

### **QUARTERLY K-9 NARCOTIC AUDIT**

- It is the responsibility of the canine handler and canine supervisor to schedule the audits.
- Audits will be conducted quarterly/ four (4) times a year. January, April, July, October.
- The canine handler, canine supervisor (or supervisor designee) and an Evidence and Property Technician will participate in the audit.
- A blank OCEANSIDE POLICE DEPARTMENT K-9 NARCOTIC AUDIT sheet will be completely filled out with the Quarterly Audit box marked.
- Gloves **MUST** be worn at all times. The gloves must be switched for every class of narcotic.
- The gross weight of each bag in the kit will be taken and verified using the scale in Evidence and Property.
  - If any bags are found to be in poor condition, they must be repaired and a new weight taken after the repair. The repair must be noted on the audit form.
    - In making the repair, the damaged KPak bag, with all of its contents will be placed directly into a new, larger size KPak and be re-weighed. There is no need to pull the narcotics out of the original KPak bag.
- Once verified the gross weight will be noted on the OCEANSIDE POLICE DEPARTMENT K-9 NARCOTIC AUDIT sheet.
  - Make sure the correct weight corresponds with the appropriate bag.
- Any notes or comments will be placed to help with future audits.
- The following portion of the bottom of the OCEANSIDE POLICE DEPARTMENT K-9 NARCOTIC AUDIT sheet will be completed by all parties involved:
  - Audit completed by
  - K-9 Officer
  - Witness
- A copy will be given to the Canine Officer and the Canine Unit Supervisor, and the original will be placed in the book under the control of Evidence and Property.

- If there is a significant discrepancy, the K-9 supervisor will author a memo, through the chain of command to the Patrol Division Captain.

## **17. REFERENCE GUIDES**

1. Oceanside Police Department Policy & Procedure Manual
2. Peace officer Standards & Training (POST) Evidence & Property Management Guide
3. Peace officer Standards & Training (POST) Property & Evidence Audit Guide
4. International Association for Property & Evidence (IAPE) Guide
5. City of Oceanside Administrative Directives
6. City of Oceanside Rules & Regulations
7. California Penal Code
8. California Vehicle Code
9. California Civil Code
10. Business & Professions Code
11. Welfare & Institutions Code

## **18. INDEX OF TERMS**

1. **Audit:** The process of reviewing and evaluating the systems used to locate, track, and account for items of evidence/property in the agency's custody. The purpose of the audit is not solely to verify compliance, but also to identify areas that may need improvement or updating, and to correct procedural deficiencies. Audits of the Evidence and Property Facility, and its functions, are conducted quarterly. The audits are conducted by the Professional Standards Sergeant.
2. **Bar Coding:** Any number of codes comprised of a series of wide and narrow, alternating black and white stripes which are created to encode a numeric alpha value. The ability to electronically gather data via a scanner results in increased accuracy and decreases the need for manual data entry.
3. **Biological Evidence:** Biological material recovered from crime scenes commonly appear in the form of hair, tissue, bones, teeth, blood, semen, or other bodily fluids. Biological evidence refers to samples of biological materials or evidence items containing biological material.
4. **Biohazardous Material:** Materials that contain blood or other potentially infectious materials. These materials include many of those found in biological evidence including: semen, vaginal secretions or any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids as well as any unfixed tissue or organ from a human (living or dead) that can be collected at a crime scene and stored.
5. **Case number:** The number that items of property or evidence are filed under in the property room. The bar code is adjoined to the case number issued to the evidence by the original seizing person.
6. **Chain-of-Custody:** Refers to the chronological documentation of the seizure, custody, control, transfer (temporary or permanent), and disposition of evidence, either physical or electronic from the time it is received to its final disposition.
7. **Contamination:** The unwanted transfer of material from another source to a piece of physical evidence.

8. Crime Lab: A facility (government or private) that analyzes physical evidence.
9. Crime Scene: A location in which (or a person upon whom) a crime may have occurred.
10. Currency/High-Value Items: Evidence/property in the form cash/currency of any amount or denomination, or items such as travelers checks, negotiable bonds, jewelry, collector items, and any other item determined by the agency to be of potentially high value.
11. Degradation: The transition from a higher to a lower level of quality.
12. Disposition of Property: Authorized and approved method of purging evidence/property.
13. DNA Room: A secure, temperature-controlled room that is maintained between 60–75F (15.5– 24C), with less than 60% humidity. The DNA room houses items of a biologically sensitive or fragile nature. The temperature and humidity readings must be verified for accuracy and entered into the daily log listing (1) date, (2) temperature, (3) humidity, (4) ARJIS Number of employee taking reading, and (4) comments.
14. Drug Burn: Narcotics that have been cleared for disposition that are ready for destruction will be destroyed in a drug burn. Narcotics cannot be disposed of via normal means and must be incinerated.
15. Evidence: Usually refers to “physical evidence” which consists of any object that may be related to a crime, can provide a link between a crime and its victim or between a crime and its perpetrator, or which may implicate or clear a person of a criminal charge.
16. Evidence Packaging: The manner in which items with potential evidentiary value are wrapped, bagged, or boxed to be preserved, documented, and labeled.
17. Found Property: Non-evidentiary property which, after coming into the custody of a law enforcement agency, has been determined to be lost or abandoned and is NOT known or suspected to be connected with any criminal offense.
18. Freezer: Equipment used to keep an item or group of items cooler than room temperature. The Evidence and Property Unit houses one (1) three door freezer. The Evidence and Property Unit contracts with a private refrigeration company for maintenance of these units. The freezer unit is connected to the emergency generator. The unit maintains a freezer

reading log. The readouts must be verified for accuracy and entered into the daily log listing (1) date, (2) temperature, (3) ARJIS Number of employee taking reading, and (4) comments. The temperature of the freezer is set at -2°F.

19. Frozen: Storing by freezing. Lab freezer storage temperatures are at or below -10°C (14°F).

20. Gun Burn: Firearms that have been cleared for disposition that are ready for destruction will be destroyed in a drug burn. Firearms cannot be disposed of via normal means and must be incinerated.

21. Inventory: An accounting of all evidence/property items in an agency's custody.

a) Sectional inventory: A complete inventory of the contents of the Evidence and Property Facility completed yearly by Evidence and Property Personnel. This inventory verifies all items of evidence and property are in the facility and in their designated location. It is not expected that this inventory be conducted all at once, but should be broken up by section throughout the year for manageability purposes. The goal is that in a calendar year, every single area of the facility will be inventoried.

b) Facility Inventory: A facility inventory includes inventorying every single item in the Evidence and Property Facility to verify that all items of evidence and property are in the facility and in their designated location. This inventory is to be conducted by personnel other than full-time Evidence and Property staff and should be completed in a designated time span (ie 3-6 months). The need for such an inventory will be determined by the Division Lieutenant, but likely occur every 2-5 years.

22. New Employee Training Manual: Manual designed to provide structure in the training of new employees.

23. Personal Protective Equipment (PPE): Items used to prevent an individual's direct contact with blood borne pathogens. PPE includes disposable gloves, disposable overalls, disposable shoe covers, lab coats, masks, and eye protection.

24. Policy & Procedural Manual: The standard operating procedure for the department.

25. Refrigerated: Stored between 2°C (35°F) and 8°C (46°F) with less than 25% humidity.

26. Refrigerator: Equipment used to keep an item or group of items cooler than room



temperature. The Evidence and Property Unit houses one (1) 8'w x 10'd x 8'h walk-in refrigerator and one (1) two door refrigerator. The Evidence and Property Unit contracts with a private refrigeration company for maintenance of these units. The refrigerator units are connected to the emergency generator. The unit maintains a refrigerator reading log. The readouts must be verified for accuracy and entered into the daily log listing (1) date, (2) temperature, (3) ARJIS Number of employee taking reading, and (4) comments. The temperature of the walk-in refrigerator 1 is set at 40° Fahrenheit. The temperature of refrigerator 2 is set at 37°F. Both units must be maintained between 35°F and 46°F with less than 25% humidity.

27. Safekeeping: Non-evidentiary property which is placed into the custody of a law enforcement agency for temporary protection on behalf of the owner.
28. Safety Manuals: Safety standard protocol for equipment utilized by Evidence and Property and safety standard protocol for employees concerning a variety of situations and duties.
29. Sharps: Typically, a medical instrument or device, or a grooming implement (e.g., syringe, razor blade), that is capable of carrying a pathogen, and transmitting that pathogen via cutting or piercing the skin of the handler.
30. Temperature Controlled: Refers to storage conditions that are monitored to maintain a constant temperature between 15.5°C (60°F) and 24°C (75°F) with less than 60% humidity.
31. Temporary Storage: Storage of evidence from the time collected to reception by property room personnel. Temporary storage refers to any location that can hold evidence for up to 72 hours.
32. Temporary Storage Lockers: Secure lockers used to temporarily house evidence/property that has been properly packaged and tagged, and is booked into the evidence system.
33. Trust Account: City bank account that monies accepted into the Evidence and Property facility are deposited and held.
34. Two-Person Rule: The process whereby two agency employees verify the condition/amount/description of evidence/property, and in particular, currency/high-value items, prior to packaging and submission.

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## **19. LEGAL AND REGULATORY CODES**

### **California Code References<sup>48</sup>**

The following list is an alphabetical index, by subject, of California codes relating to property and evidence. The table below is a quick reference to abbreviations used for the legal code sections cited.

### **California Code Abbreviations**

Business and Professions Code	B&P
Civil Code	CC
Code of Civil Procedures	CCP
Code of Regulations	CR
Evidence Code	EC
Government Code	GC
Health and Safety Code	H&S
Penal Code	PC
Rules of Court	RC
United States Code	USC
Vehicle Code	VC
Welfare and Institutions Code	W&I

### **Abandoned Property**

Bicycles and Toys	217 W&I
Currency – District Attorney or Court Clerk possession	1420-1422 PC
Exhibits – Court Clerk possession	1417.5 PC
Firearms	34000 PC
Found	2080.1 PC
Intentionally abandoned	2080.7 CC
Stolen	1411 PC

### **Advertisement**

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<sup>48</sup> Taken from POST P&E Management Guide: Legal and Regulatory Issues

Auction	2080.4/2080.6 CC
Currency – District attorney or Court Clerk possession	1420-1422 PC
Found	2080.3 CC
Sale	
Found, saved or unclaimed	2080.4/2080.6 CC
Seized pursuant to narcotics arrest	11488.6 H&S
Vehicle lien	3071 CC

### **Affidavit**

Controlled substances	11479 H&S
Found on Saved	2080.1 CC
Hazardous chemicals	11479.5 H&S
PCP destruction	11479.1 H&S

### **Ammunition**

Prohibition against possession by convicted felon	30305(a) PC
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### **Appeals**

Appeal period on felony convictions (within 60 day)	8.308 RC
Appeal period on misdemeanor convictions (within 30 days)	8.782 RC

### **Auction**

Auction	2080.3 CC
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### **Bicycles**

Unclaimed, diversion to juvenile programs	217 W&I
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### **Contraband**

Ammunition – Armor penetrating	34350-34370 PC
Booby traps	16310, 20110 PC
Counterfeit / Forged	

Counterfeiting equipment	480 PC
Forged public or corporate seals	472 PC
Forged keys	466.5–466.8 PC
Identification card or drivers license	470a, 470b PC
Lottery	319–326, 328, 329 PC
Destruction	
Controlled substances/contraband as exhibit	1417.6 PC
Court order	11474 HS
Large quantities of dangerous substances	11479 HS
Property with conviction	11473 HS
Property without conviction	11473.5 HS
Transportation of exempt controlled substances	66261.4 CR
Destructive device	18710–18780, 18800 PC
Diversion from Adjudicated Cases for Training	11367.5 HS
Firearms/Weapons	
Altered marks, number	23900, 23920, 23925 PC
Prohibited persons	29800–29875 PC
Commission of crime	1417.6 PC
Confiscate	18000, 18250 PC
Nuisance	19190, 21390, 21590, 25700, 29300 PC
Prohibited persons	29800–29875 PC
Prohibited weapons	29900–29905 PC
Forfeiture	11470 HS
Containers	11470(c) HS
Currency	11470(f) HS
Materials and equipment	11470(b) HS
Science equipment: Division for schools	11473(b), 11473.5(b) HS
Written materials, books, or information	11470(d) HS
Hypodermic needles	4141-4149.5 B&P
Knives	20310, 21590 PC
Mental health	8103(f)(i) W&IC
Narcotics	
Destruction – Controlled substances, Contraband	11473/11473.5/11475/11476 H&S
Forfeiture of substances, property, valuables	11470 H&S
Possession-controlled substances	11350/11357 H&S
Science equipment for education	11473/11473.5 H&S

Paraphernalia	11364 HS
PCP (Large Quantity)	11479.1 HS
Receipt for Property Taken	11488(b) HS
Seizure	
Plants	11476 HS
Recovery of expenses	11470.1 HS
Schedule 1 substances	11475 HS
Vehicles	11470(e) HS
Serialized property	537e PC
Silencer	17210 PC
Sniper scope	468 PC
Stun gun	22610 PC
Tear gas	22810 PC

### **Costs**

Found Property	
Agency storage	2080.1(b), 2080.2 CC
Publication notice	2080.3 CC
Controlled Substances/Material Seized: Recovery of Expenses	11470.1 HS
Restitution to Agency	1203.1(a)(3) PC
Vehicle	
Lien sale	3073 CC
Recovery by lien holder (low-value vehicle)	22851.2 VC
Recovery from lien sale	3074 CC

### **Counterfeiting**

Destruction: Dies and Plates	480 PC
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### **Court**

Controlled Substances (Claim for Third-party Interest in Property Seized)	11488.5 HS
Motion to Return Property or Suppress Evidence	1538.5 PC
Notification of Court-held Property	1417.7, 1420 PC
Orders	
Destruction: Narcotics	11473.5, 11474 HS
Exhibits	1417, 1417.1 PC
Mental health restriction/Authorization Certificate for Firearm	8103 WI
Motion to challenge order: 10 days	1008 CP

Search warrant	1536 PC
Stolen or embezzled property	1408 PC
Vehicle/Components Seizure Hearing	10751 VC

### **Currency/Valuables**

Abandoned/Unclaimed	
Exhibits	1420 PC
Found	2080–2080.3 CC
Stolen	1411 PC
Controlled Substances	
Valuables seized upon conviction	11470 HS
Disposition of proceeds from sale of forfeited property	11489 HS

### **Declaration of Ownership**

Stolen/Embezzled Property	1413(b) PC
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### **Destruction/Disposal**

Controlled Substances:	
Controlled substances/paraphernalia	11474 HS
Large quantities of dangerous substances	11479 HS
Without conviction	11473.5 HS
Counterfeiting Dies, Plates, Etc.	480 PC
Cremated Remains (Human)	7104 HS
Destructive Devices	18710, 18800 PC
Firearms/Weapons	34000 PC
Nuisances	18000, 19190, 21390, 21590, 25700, 29300(a) PC
Official use no longer needed	34005 PC
Lottery/Gambling Devices	335a PC
Machine Guns	32750 PC
Obscene Material	312 PC
PCP (Large Quantity)	11479.1 HS
Unclaimed Property	2080.4, 2080.6 CC
Vehicles/Components	10751 VC

### **Discovery**

Effect of Discovery	1054 PC
Exclusive Means, Procedures	1054.5 PC

## Disposition

Explosives	12355 HS
Firearms/Weapons	
Destruction requirements	34000 PC
DOJ notification requirement	34010 PC
Firearms to crime lab	34005(b)(2) PC
Nuisances	25700 PC
Found/Saved	2080.6 CC
Funds	
Sale of forfeited property	11489 HS
Sale proceeds	11495 HS
Identification Marks	537e, 1413 PC
Narcotics	
Liens on seized property	11488.6 HS
Property: Seized	11495 HS
Property: Third-party interest or forfeiture	11488.5 HS
Search Warrant	1536 PC
Vehicle	
Lien holder cost recovery	22851.12 VC
Lien sale proceeds	3073 CC
Low valued	22851.10, 22851.2, 22851.8 VC
Numbers removed	10751 VC

## Diversion/Delivery

Agency Use	
Found or saved: Unclaimed	2080.4, 2080.6 CC
Stolen: Unclaimed	1411 PC
Firearms/Weapons	
– Agency: Law enforcement use	34005(b) PC
– Firearms: Military use	34005(a)(1), 34005(c)(2) PC
Bicycles/Toys	217 WI
Controlled Substances	
Agency: Delivery to for destruction	11474 HS
Forfeiture: Vehicles	11470(e) HS
Science equipment: School use	11473(b) HS
Stolen/Embezzled Property	



County officer	1411 PC
Owner	1408-1411, 1413(b) PC
Pawnbroker	1411 PC

### **DNA Evidence**

Post-conviction	
Disposal	1417.9(b) PC
Retention	1405 PC , 1417.9(a) PC

### **Domestic Violence**

Liability: Officer (Good Faith Actions)	18500 PC
Weapons	
Court-ordered retention	6389(f) FC
Disposal process	18415 PC
Prior cases/holding of evidence	1109(e) EC
Receipt/seizure	18255 PC
Stolen	18270 PC
Time-frame for holding	18265(c) PC
Unclaimed	18275 PC

### **Embezzled Property (see Stolen Property)**

### **Employee in Charge of Property Section**

DMV Confidentiality	1808.4(22) VC
Liability	1413(d), 18500 PC

### **Evidence**

Admissibility: Relevant	350, 351 EC
Defined	140 EC
Retaking: Illegal Attempt to Obtain Evidence from Officer	102 PC

### **Explosives**

Disposal	12355 HS
Return: Petition	12353, 12354 HS
Storage	12353 HS

### **Firearms/Weapons**

Assault Weapons		
Definition		30510, 30515, 30710 PC
Possession		30605 PC
Relinquishment		30605 PC
Nuisance		30800 PC
Delivery		
Lawful owner		18005(b) PC
Military agency		34005(a) PC
Destruction/Sale/Preservation		18005 PC
Destructive devices		19000 PC
Exhibit in criminal action		34000 PC
Machine guns		32750 PC
Nuisances: Other weapons		18010 PC
Domestic Violence		
Conviction		29805 PC
Federal laws	18 [921(a)(33)(A), 922(d)(9), 922(g)(9) US	
Firearms storage fees		6389(e) FC
Petition for destruction		18400 PC
Relinquish firearms		6389(c) FC
Restraining orders		29825 PC
Eligibility: Personal Firearms Eligibility Check		30105 PC
Exhibit: Use in Commission of Crime		1417.6 PC
Found Firearms		
Return to finder		16960(i) PC
DOJ notification		11108 PC
Identification Mark/Serial Number: Assigned by DOJ		23910 PC
Serial number restoration plan		11108.9 PC
Mental Health		
Prohibition and return		8100–8103 WI
Minors		
BB guns: Furnish to minor		19915 PC
Sale of BB device		19910 PC
Notification		
ATF: Trace firearm used in crime (Crime Firearms, used in)		11108.3 PC
DOJ for firearm used in crime		11108 PC
Retention or destruction		34010 PC
Retention		

Certification	32005 PC
– Official use	34005(b) PC
Sale	18005(a) PC
Firearm storage fees	33880 PC
Short-Barreled Shotguns/Rifles: Permit for Use as Props	33300 PC
Transfer of Firearm from Prohibited Person	29810 PC
Unclaimed Firearms: Disposition	18275, 34000 PC
Violent Use of Firearm: Offenses	23515 PC

### **Found Property**

Abandoned	2080.7 CC
Affidavit	2080.1 CC
Controlled Substances/Paraphernalia	11473.5(a) HS
Firearms: Return to Finder	16960(i) PC
Illegal Appropriation: Known Owner	485 PC
Public Employee as Finder	2080.3(b) CC
Requirements	
Advertisement:	
– Auction	2080.4–2080.6 CC
– Value over \$250	2080.3(a) CC
Legislative body: Adopted regulations	2080.4 CC
Public agency: Adopted regulations	2080.6 CC
Submission to agency	2080.1(a) CC
Restoration to Owner	2080.2 CC
Serialized/Non-Serialized Property: Report to DOJ	11108 PC
Storage Costs: Agency	2080.1(b), 2080.2 CC

### **Gambling Devices**

Antique Slot Machines	330.7 PC
Destruction/Notice of Intent to Destroy	335a PC

### **Hearings**

Controlled Substances:	
Seized property	11488.1, 11488.5 HS
Third-party interest	11488.5 HS
Explosives	12353 HS
Firearms/Weapons	

Mental health	8102, 8103 WI
Pawnbrokers/Second-Hand Dealers	21647 BPC
Stolen Property	1413(c) PC
Vehicles:	
Lien sale	3071 VC
Low-valued	22851.8 VC
Post-seizure	10751 VC
Storage	22852 VC

### Identification Numbers

Altered/Removed:	
Property	537e PC
Vehicles/components	10751 VC
Requirements/Notifications	
DOJ: Firearms	
– Destruction or agency retention	34010 PC
– Firearm history	11108.3 PC
– Sheriff: Release for academy training	34005(d) PC
Serialized/Uniquely Marked Property	11108 PC
Notice to owner of stolen serialized property	11108.5 PC

### Inventory

Annual County Property	24051 GC
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### Liens (see Vehicles)

### Lottery Devices (see Gambling Devices)

### Mental health

Weapons	
Hearing	8102, 8103 WI
Prohibition	
– Giving weapon to mental patient	8101 WI
– Patient prohibition (5 years)	8103 WI

### Money (see Currency/Valuables )

## Notices

Auction: Found, Unclaimed, Perishable, or Saved Property	2080.4–2080.6 CC
Controlled Substances	
Sale of seized property	11488.6 HS
Third-party interest in seized property	11488.5 HS
Firearms/Weapons	
ATF: Trace of firearm used in crime	11108.3 PC
Department of Health Services: Firearm Injury Report (Juvenile)	23685 PC
DOJ	
– Agency recovery of firearms	11108 PC
– Destruction/retention of firearms	34010 PC
– Firearm acquired by operations of law	27875, 27870 PC
– Serial number restoration plan	11108.9 PC
– Sheriff: Use of weapons for academy/training (AFS)	34005(d)(2) PC
Owner: Notice prior to destruction of stolen	18005(d) PC
Found Property	
Finder affidavit	2080.1(a) CC
Value over \$250	2080.3(a) CC
Gambling Devices	335a PC
Serialized/Uniquely Marked Property	11108 PC
Notice to owner of stolen serialized property	11108.5 PC
Stolen/Embezzled Property	
Owner: Return to identifiable owner	1411 PC
Ownership claim: Person from whom property was taken	1413 PC
Pawnbroker	21647 BPC
Vehicles	
DMV	
– Disposal of low-valued vehicle to dismantler	22851.10 VC
– Lien holder notification (low-valued vehicle)	22851.8 VC
– Removal of low-valued vehicle	22851.2 VC
– Vehicle seizures/impounds	10751 VC
– Vehicle storage: No owner notification	22852, 22853 VC
Lien sale	
– Application	3071 CC
– Value \$4000 or less	3072 CC

## Nuisances

Destructive Device	19000 PC
Firearms/Weapons	
Unclaimed/abandoned	18275, 34000 PC
Used in commission of crime: Upon conviction	29300 PC
Machine Guns	32750 PC
Weapons Classified as Nuisances	18010 PC

### **Obscene Materials**

Destruction upon Conviction	312 PC
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### **Payment**

Found Property	
Finder: Cost of publication (property over \$250 value)	2080.3(a) CC
Storage costs	2080, 2080.1(b), 2080.2 CC
Pawnbroker: Cost Recovery/Surrender of Stolen Property	21647 BPC

### **Photographs**

Controlled Substances	
Large quantities/Hazardous	11479(b) HS
PCP (large quantities)	11479.1(a)(2) HS
Exhibits	1417.7 PC
Toxic/hazardous introduced in court	1417.3(b) PC
Stolen/Embezzled: Notification upon Release to Owner	1413(b) PC

### **Records/Forms/Reports**

Controlled Substances, Materials, or Property	
Receipt requirement	11488 HS
Large quantities/hazardous	11479 / 11479.1HS
Court Clerk	
Money: Unclaimed exhibits	1420 PC
Photographic record of exhibits	1417.3(a), 1417.7 PC
Firearms/Weapons: Delivery to Military	34005(a) PC
Found Property: Affidavit	2080.1 CC
Reports: Misdemeanors/Felonies: Notice to DOJ	11107 PC
Search Warrant: Receipt	1535 PC
Serialized/Uniquely Marked Property: Notice to DOJ	11108 PC
Stolen/Embezzled Property	
Photographic record	1413(b) PC

Receipt to person property taken from	1412 PC
Record of property	1413(a) PC
Vehicle	
Storage: Notice to DOJ	22853 VC
Lien: DMV prescribed forms	3067.1CC
Lien satisfaction: Notice to DMV	22851.6 VC

### **Regulations (Adopting)**

Found/Saved Property: Public Agency	2080.6 CC
Unclaimed Property	
Local legislative body	2080.4 CC
Public agency	2080.6 CC

**Release** (see Return and Release)

**Reports** (see Records/Forms)

### **Retention for Official Use**

Firearms for Official Duties	34005(b) PC
Unclaimed Property	
Exhibits	1417.5(c)(2) PC
– Currency	1420 PC
– Found	2080.4, 2080.6 CC
– Stolen	1411 PC
Uncontaminated science equipment for schools	11473(b), 11473.5(b) HS

### **Return and Release**

Controlled Substances	
Lawfully possessed	11473.5(a) HS
Seized property	11488.5 HS
Explosives	12353, 12354 HS
Firearms/Weapons	
Mental health hold	8102, 8103 WI
Stolen weapon: Notification to owner prior to destruction	18005(d) PC
Used in crime without owner's knowledge	18005(d) PC
Found Property	2080.1, 2080.2 CC
Motion to Return Property: Defendant	1538.5 PC
Pawnbroker	

Claim to unclaimed stolen property	1411 PC
– Stolen property held	21647 BPC
Stolen/Embezzled Property to Owner	1408, 1411 PC
Declaration of ownership	1413(b) PC
Vehicles	
Impounded on hit and run investigation	22655 VC
Owner’s interest: Vehicle possessed by lienor	3071.5 CC
Stored	22853 VC

### **Safekeeping**

Receipt/Retrieval Instructions	2080.10(2) CC
Responsibilities of Public Agency	2080.10 CC
Serialized Property: Notice to DOJ Required	11108 PC

### **Sale**

Auction: Found, Unclaimed, Perishable, or Saved Property	2080.4–2080.6 CC
Controlled Substances Forfeiture Property	
Sale and distribution of proceeds from sale	11489, 11495 HS
Third-party interest	11488.5, 11488.6 HS
Exhibits: Disposition	1417.5 PC
Firearms/Weapons	18005(a) PC
Found/Saved: Unclaimed	2080.4, 2080.6 CC
Advertisement	
– Auction	2080.4–2080.6 CC
– Value over \$250	2080.3(a) CC
Legislative body: Adopted regulations	2080.4 CC
Perishables	2080.5(1) CC
Public agency: Adopted regulations	2080.6 CC
Public employee: Finder	2080.3 CC
Stolen/Embezzled: Unclaimed	1411 PC
Vehicle	
Identification number altered or removed	10751 VC
Lien sale	
– Application	3071 CC
– Cost recovery by lien holder	22851.2 VC
– Lien sale proceeds	3073 CC
– Recovery from lien sale	3074 CC



– Vehicle value \$4000 or less 3072 CC

### **Stolen/Embezzled Property**

Agency Use of Unclaimed 1411 PC  
Disposition 1407 PC  
Firearms/Weapons  
    Destruction of stolen firearms 34000 PC  
    Return to owner 18270, 18005(b), 18005(d) PC  
Pawnbroker  
    Claim to unclaimed stolen property 1411 PC  
    Stolen property held 21647 BP  
Return to Owner  
    Declaration of ownership/Photographs requirement 1413(b) PC  
    Ownership claim: Person from whom property was taken 1413(b) PC  
    Photographic record 1413(b) PC  
    Property in custody of court 1409 PC  
    Property in custody of peace officer 1408 PC  
    Return by order of the court 1410 PC  
Receipt to Person Property Taken From 1412 PC  
Record of Property 1413(a) PC  
Sale of Unclaimed 1411 PC  
Serialized Property: Notice to Owner 11108.5 PC

### **Storage**

Explosives: Return of Seized 12353, 12354 HS  
Found Property: Reasonable Costs Paid for Storage 2080/2080.1(b), 2080.2 CC  
Stolen/Embezzled: Costs for Storage 1408, 1409, 1411 PC  
Vehicles 22850–22854 VC

### **Time Requirement**

Controlled Substances  
    Affidavit with court: Large quantities/dangerous sub. destruction 11479(d) HS  
    Affidavit with court: PCP (large quantity) 11479.1(3)(b) HS  
    Claimant on forfeiture property seized 11488.5 HS  
    Return of seized property/non-forfeiture 11488.2 HS  
Currency: Possession of District Attorney or Court Clerk 1420 PC  
DOJ Reports 11107, 11108 PC

Exhibits	
Disposition	1417.1, 1417.5, 1417.7 PC
Instruments used in the commission of crime	1417.6 PC
Explosives: Return to Petitioner	12353, 12354 HS
Firearms/Weapons	
Convicted felon	29800(a)(1) PC
Convicted of certain misdemeanors	29805 PC
Destruction: Unclaimed firearm	34000 PC
Domestic violence	
– Petition for holding by agency	18400 PC
– Temporary holding by agency	18250 PC
– Unclaimed	18275 PC
Nuisances	18010, 18275 PC
Found Property	2080.2–2080.6 CC
Finder claim	2080.3 CC
Owner	2080.2 CC
Gambling Devices: Destruction	335a PC
Inventory: County Property	24051 GC
Mental Health	
Hearing for weapon destruction	8102 WI
Prohibition for committed persons	8103 WI
Motion by Defendant to Return Property	1538.5 PC
Pawnbroker: Property Hold Placed by Agency	21647 BP
Sexual Assault/DNA Evidence (statute of limitations)	803(f)–(h) PC
Stolen or Embezzled Property	
Notice of claim: Person from whom property was taken	1413 PC
Unclaimed: Notification to owner	1411 PC
Vehicles (see Vehicles: Controlled Substances)	

### **Toys/Bicycles**

Unclaimed: Use in Programs to Prevent Juvenile Delinquency 217 WI

### **Unclaimed Property**

Bicycles/Toys	217 WI
Exhibits	1417.5(c) PC
Currency	1420 PC
Found	2080.4, 2080.6 CC

Stolen 1411 PC

## Vehicles

### Controlled Substances

Forfeiture hearing on vehicles used to transport 11488.5 HS

Return of property 11488.2 HS

Seizure of vehicle used in narcotics crime 11470(e) HS

Identification Number Altered or Removed 10751 VC

Impound: Hit and Run Investigation 22655, 22655.5 VC

### Liens

Application for sale 3071 CC

Lien holder cost recovery 22851.12 VC

Lien sale: Proceeds 3073 CC

Lien satisfaction: Notice to DMV 22851.6 VC

Lien holder notification (low-valued vehicle) 22851.8 VC

Loss through trick, fraud, or device 22852.5 VC / 3070 CC

Notice to DMV 3067.1 CC

Recovery by lien holder (low-valued vehicle) 22851.2 VC

Recovery from lien sale 3074 CC

Service 3068 CC

Vehicle value \$4000 or less 3072 CC

Vehicle storage 22852 VC

– No owner notification 22853 VC

### Low-Valued Vehicle

Disposal to dismantler 22851.10 VC

– Disposition 22851.2, 22851.8 VC

– Notice to DOJ of removal 22851.2 VC

Mobile homes: Non-applicable 3067.2 CC

Owner's interest: Vehicle possessed by lienor 3071.5 CC

### Storage

– Notice to DOJ 22853 VC

– Notice to owner 22852 VC

## Video/Digital media

Mobile Video System Tapes 34090.6 GC

Video Digital Media 1550, 1553 EC

22851.2/22851.8 VC

Notice to DOJ of removal	22851.2 VC
Mobile homes – Non-applicable	3067.2 CC
Owner’s interest – Vehicle possesses by lienor	3071.5 CC
Storage	

Notice to DOJ 22853 VC

Notice to owner If the total weight of the

controlled substances scheduled for the drug burn is 500lbs or more, the Evidence and Property Technicians must be accompanied by at least six sworn officers.

22852 VC

**Medical Waste Management Act 1990**

The California Health and Safety Code (117605) allows local ordinances to regulate infectious waste, providing the ordinances meet or exceed the state regulations to ensure statewide standards. Each agency should research their county agencies in order to be sure of compliance with the most aggressive set of standards. The below is an example of minimum standards of the state act.

**STATE ACT: Chapter 9, section 118280 (d) (1)**

Except as provided in paragraph (5), a person generating 20 or more pounds of medical waste per month shall comply with the following requirements:

**If the person generates 20 or more pounds of biohazardous waste per month, the person**

shall not contain or store biohazardous or sharps waste above 0 degrees Centigrade (32 degrees Fahrenheit) at any onsite location for more than seven days **without obtaining prior written approval of the enforcement agency.**

If a person **generates** less than 20 pounds of biohazardous waste per month, the person may contain or store the biohazardous waste or sharps waste above 0 degrees Centigrade (32 degrees Fahrenheit) at any onsite location for more than 30 days.

Evidence and property officers should consider that material associated with potential biohazard(s) (e.g., homicide evidence, sexual assault kits, etc.) *are, in general, not considered to be “medical waste” except when it comes to disposal of the material.*

Agency policy regarding disposal of biohazard/medical evidence and property should reflect the need to utilize an approved medical waste disposal contractor or facility.

## **20. Appendix A**

### **Forms used by Evidence and Property Unit**

1. EVIDENCE & PROPERTY FORMS - EVID-1: (GREEN CARD)
2. EVIDENCE & PROPERTY FORMS - EVID-2: (GREEN CARD)
3. EVIDENCE & PROPERTY FORMS – TRAQ GENERATED EVIDENCE AND PROPERTY REPORT
4. LABORATORY SERVICE REQUEST
5. EVIDENCE AND PROPERTY ROOM ACCESS LOG FORM
6. CHAIN OF CUSTODY FORM
7. PROPERTY RELEASE AUTHORIZATION AND RECEIPT
8. AUTHORIZATION FOR THE DISPOSITION OF PROPERTY FORM
9. SAFEKEEPING & PRISONER PROPERTY RECEIPT
10. FIREARM SAFEKEEPING FORM
11. FINDER'S AFFIDAVIT
12. EVIDENCE CORRECTION NOTICE
13. TRANSFER OF PROPERTY TO CONTRACT AUCTION COMPANY
14. PROPERTY DIVERSION REQUEST FORM
15. DEPOSIT OF EVIDENCE CURRENCY TO CITY TRUST FUND ACCOUNT
16. MEMORANDUM FOR ISSUANCE OF CHECK
17. RECORDS DESTRUCTION NOTICE
18. K9 NARCOTICS AUDIT FORM
19. FIREARMS RELEASE AUTHORIZATION & RECEIPT FORM
20. PHOTO REQUEST FORM
21. EVIDENCE STATUS NOTIFICATION FORM
22. EQUIPMENT/UNIFORM REPLACEMENT AUTHORIZATION RECEIPT