

POLICIES and PROCEDURES MANUAL:

Subject: PROPERTY ROOM

INTENT

The intent of this policy is to explain the procedure to be used when placing evidence and/or property in the Property Room.

POLICY

It is the policy of this department to impound property only when absolutely necessary. Officers are encouraged to photograph and release property and/or evidence to the owner whenever possible. Evidence should be impounded only when required by law, or to do otherwise would jeopardize the investigation.

When property and/or evidence is impounded, it shall be handled, packaged, and stored according to the Property Manual, and in keeping with current law. Further, property shall be released and/or disposed of as soon as practical.

I. Property Classifications

The following definitions refer to classifications used in processing evidence and property:

- A. Evidence: property connected with a crime or suspected crime that can assist in the prosecution of the perpetrator. Evidence shall be held and released in accordance with PC Sections 1417-1419.
- B. Found property: property that has been lost/abandoned, and is not connected with a crime, It may be released to the owner as soon as possible, or reporting party after 90 days, if unclaimed.
- C. Safe keeping: property that may be connected with a crime, suspect, or incident, but will not be used as evidence. Property may be released to the owner with valid identification. Safekeeping includes weapons brought to the station by an individual requesting the department maintain it for a specific time, or dispose of. These items will be held for 90 days, then destroyed. Firearms seized for safekeeping as a result of a domestic violence incident shall be handled in accordance with PC 12028.5.

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II. Property Room

The Property Room is defined as that secure area designated for property/evidence storage by the Chief of Police. Property awaiting disposal and oversized property may also be stored at the boxcar at City Corp Yard.

The Property Room shall operate Monday through Friday from 0800 to 1700 hours. Access shall be limited to the Property Officer and the Detective Sergeant. Only the Property Officer may remove evidence or property from that location. All property stored in the Property Room shall be properly marked, packaged, and assigned a property tag. The storage of any evidence and/or property in desks, lockers, or elsewhere is forbidden.

III. Receipt of Property

- A. Upon the receipt of property or the impounding of evidence, the officer shall complete a property form and provide the owner/finder with the pink copy. The yellow copy should be directed to the Property Officer, and the white copy shall be attached to the officer's report.
- B. When property has a serial number, inquiries shall be made through NCIC and CJIS. Copies of teletypes shall be directed to the Property Officer, and an additional copy shall be attached to the report.
- C. Property should be packaged in the various size manila envelopes that are provided. Property tags should be stapled to the top left corner of the envelope or bag. All items with serial numbers shall be packaged individually with a separate property tag. Large bulky items that will not fit in the evidence envelopes shall have an individual property tag.
- D. There are a number of items that require special handling and marking, they are:
 1. Explosives—do not book explosives, military ordinance, or flammable liquids in the Property Room. Explosives should be left in place, then call EOD Fort Irwin, or the SBSO bomb squad.
 2. Narcotics and dangerous drugs—fill out a narcotics envelope and seal contents inside, then place the envelope in the narcotic's drop box.

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3. Perishable items—do not impound, photograph and release, or dispose of.
4. Blood/urine kits for drug cases—blood and urine samples shall be placed in the Bio-tox Laboratories envelope. After completing the information required on the envelope, it shall be sealed and placed in the evidence locker.
5. Blood/urine for alcohol cases—place directly in the evidence locker. If the suspect refuses to be tested, the form shall be marked "refused".
6. Narcotics/dangerous drugs—evidence shall be packaged in a manner acceptable to the SBSO Crime Lab, then placed in the evidence locker. A BPD property tag is not needed for narcotics/dangerous drugs.
7. Money—all money shall be counted by the officer, and the total verified by a supervisor. During working hours money shall be taken directly to Finance. During non-business hours, money shall be placed in an envelope, and secured in the evidence locker. If specific bills or coins are required as exhibits, these items shall be separated and impounded in the Property Room. Money deemed to have value beyond its face value shall be retained in the Property Room. If counterfeit money is recovered, no property tag is necessary. Counterfeit money should be attached to a copy of the CR and directed to the property officer. Serial numbers for counterfeit money shall be listed on the CR report. The Detective Sergeant shall be contacted when money is obtained pursuant to the asset seizure laws.
8. Bicycles—bicycles shall be tagged individually and placed in the bicycle rack. Tags shall be covered with plastic to avoid weather damage. The yellow copy of the property tag will be directed to the Property Officer.
9. Bloody clothing—all evidence containing blood or other body fluids, shall be labeled with an OSHA biohazard label. Items shall be hung out to dry prior to being packaged. Once the blood has completely dried, each item shall be packed individually. Items stained with blood shall not be packaged in plastic containers. If the investigation has been suspended, bloody clothing shall be disposed of within thirty (30) days.
10. Alcohol—alcoholic beverages shall not normally be impounded as evidence in misdemeanor cases. The officer should photograph the evidence, then release or dispose of the contents and containers. However, if the container is an actual keg/tapper unit, it shall be retained for seven (7) days. If it is a rental unit and the owner is known, it may be released.

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11. Firearms—firearms shall be individually packaged and tagged. The tag shall contain a complete description of the weapon, including make, model, caliber, and serial number. Loaded firearms shall not be placed in the Property Room unless the weapon is damaged, and is incapable of being unloaded. If it is necessary to impound a weapon that is loaded, it shall be clearly marked in large red letters "Caution, loaded firearm". The officer shall notify his or her supervisor of the necessity of impounding a loaded firearm.

Ammunition shall not be impounded and placed in the Property Room unless it has specific evidentiary value. Any ammunition seized must be inventoried and listed on the property tag. Ammunition shall not be taken for safekeeping, however, we will receive ammunition for destruction only.

12. Prisoner property—prisoner property shall require an evidence tag. This type of property will be released or disposed of within ten days. Officers are reminded that they must advise prisoners to either claim their property within ten days, or have someone else do so.
13. Search warrant evidence—evidence obtained pursuant to a search warrant shall have a tag attached clearly marked in red letters with the words "search warrant", and a copy of the search warrant attached.

IV. Property/Evidence Release Disposal

- A. Release authority—the complaint deposition report from the court will serve as the primary source document for the release or disposal of property, except that obtained pursuant to a search warrant. However, it should be remembered that the complaint deposition only affects one defendant, whereas the evidence may be required in cases involving multiple defendants.
- B. The CJIC system may also be queried when making a decision to release or dispose of property. A copy of the inquiry should be attached to the property report as authority for the action taken.
- C. Property released as a result of a search warrant shall require a written order from the court.
- D. Evidence in a homicide investigation shall be held until the defendant dies or for ninety-nine (99) years. However, such evidence may be released earlier if the suspect(s) have completed their sentence and parole period. This type of release must first have the approval of the D.A.

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- E. Evidence shall be held in criminal matters for the duration of the statute of limitations of the crime involved. If the D.A. has filed a complaint or warrant, the evidence shall be held indefinitely.
- F. Firearms seized as a result of a domestic violence investigation shall be retained and disposed of in accordance with PC 12028.5.
- G. Normally, alcohol shall not be released upon adjudication of the case, unless required to do so by the court. In all cases alcohol shall be held for a maximum for six (6) months, unless upon a specific request by the investigating officer or ABC.
- H. When property is due to be released, the owner shall be notified by the Property Officer, and a picture identification will be required. The Detective Sergeant must approve the release of all property.

V. Checking Property Out of the Property Room

Department personnel needing to remove evidence from the Property Room for court, lab analysis, or other reasons, shall request the property by crime report number. They shall sign and date the property tag to maintain the chain of custody. When returning evidence, they shall again sign and date the property tag. When items are left at the Crime Lab, the lab report number shall be directed to Records Division to be filed with the case.

VI. Firearms and Weapons Policy

- A. Firearms and other weapons deemed a nuisance, shall be disposed of according to law. No other disposition may be made concerning firearms without the written permission of the Chief of Police or the SRT commander.
- B. When weapon dispositions are received from the officer or from the court, PC 12028 will be strictly adhered to. If the owner of the weapon cannot be contacted, the weapon shall be destroyed.
- C. Notification of the owner shall be made via U.S. Mail. If contact is not made with the owner within thirty (30) days, the weapon shall be deemed a nuisance and destroyed.
- D. When weapons are confiscated per W & I 5250, a copy of the report requesting destruction shall be forwarded to the Property Officer within 24 hours.

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