

CHINO POLICE DEPARTMENT

PROPERTY & EVIDENCE OPERATIONS MANUAL



Chief of Police

PROPERTY & EVIDENCE MANUAL

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I. POLICY

It is the policy of the Chino Police Department to receive and safely store evidence found property and property for safekeeping; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion.

II. GENERAL

The Property / Evidence Unit are placed organizationally under the Professional Standards unit, out of the Office of the Chief. It is responsible for the receipt, storage, safekeeping, release and disposal of all property or evidence that comes under the control of the Chino Police Department.

III. JOB DESCRIPTION

- A. A Property & Evidence Technician shall serve as the Department's Property Officer. He/She is responsible for maintaining security and control of property and evidence that the Chino Police Department acquires through normal duties and responsibilities. The Property & Evidence Technician will report to the Professional Standards Sergeant.
- B. Personnel assigned to the property room must possess a valid California Driver license and have a good work record.
- C. Duties of the Property & Evidence Technician require excellent organizational skills, initiative and resourcefulness. The work involves high frequency contact with the public requiring the person to have good interpersonal and communication skills.
- D. The work shift shall be Monday through Thursday, 0700 to 1700 hours, unless changed to meet the needs of the Department. Overtime may be required in special situations.
- E. The position requires that the Property & Evidence Technician be able to work with minimum supervision. The Property & Evidence Technician must have the ability to communicate orally and in writing, be able to operate a computer terminal and specialized software related to inventory control, and maintain a working relationship with a variety of individuals and organizations.

- F. The Property & Evidence Technician must have the ability to effectively organize work assignments and establish priorities with minimum supervision.
- G. The Property & Evidence Technician must have a good working knowledge of California rules of evidence, Penal Code, Government Code, Civil Code, Health & Safety Code, Administrative Code, and other related codes as they apply to the evidence/property function.

IV. SPECIALIZED TRAINING

The recommended training for the Property & Evidence Technician is satisfactory completion of a POST approved basic course on the management of the property function, on the job training, and other related training courses, seminars and/or conferences as appropriate.

V. JOB DUTIES AND RESPONSIBILITIES

The primary duty of the Property & Evidence Technician is to log, classify, store, dispense, destroy, and release property/evidence to its rightful owner, for court presentation and/or for destruction or auction. Additional duties include, but are not limited to:

- A. Maintain evidence, found and stored property in such a manner that the individual items are secure from theft, loss, or contamination, and can be located in a timely manner.
- B. Maintain property reports and other documentation associated with the "chain of custody" for all property.
- C. Ensure the timely and legally correct notification of owners and release / disposal of property recovered, found, or seized by the Department.
- D. Operate computer terminals to access information regarding case dispositions and other related information involving the classification and proper disposition of property / evidence.
- E. Coordinate the disposal of unclaimed and/or surplus property and the special disposal of narcotics, weapons, explosives, and hazardous materials pursuant to law.

- F. Release of property for court, to persons legally entitled, for auction and for disposal.
- G. Oversee, and train other Department personnel assigned to the Property Room.
- H. Provide in-service training to Department personnel regarding the appropriate logging, packaging, documenting and storage of property and evidence.
- I. Provide effective liaison between the Police Department and local, county, state and federal law enforcement agencies.
- J. Represent the Department while attending state and local associations involved with the management of property and evidence.
- K. Stay abreast of local, state, and federal law involving property and evidence handling. Recommend and facilitate appropriate changes.
- L. Maintain a clean and orderly property storage facility

I. CATEGORIES OF PROPERTY

For the purpose of these procedures, property taken into police custody is categorized and defined and follows:

A. Evidence

Evidence is any property that comes into the custody of a Chino Police Department employee when such property may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation.

Examples; physical or chemical evidence left at the scene of a crime by a victim or suspect; recovered stolen property; or property currently under observation which is suspected to have been used in, or be the result of, the commission of a crime.

B. Found Property

Found Property is any property of no evidentiary value whatsoever, which comes in the custody of a Chino Police Department employee, and whose rightful owner may, or may not; be known to the finder or the Department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Department will dispose of the property after 90 days, pursuant to Civil Code 2080.6.

The Finder of any Found Property must contact the Property & Evidence Technician prior to the 90 days for information on how to claim this property.

C. Safekeeping

Safekeeping is any property of no evidentiary value surrendered to an employee of this Department for temporary custody with the understanding that the person surrendering the property has the legal right to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period of time, unless disposition by the department, in a manner prescribed by law, is requested by the owner(s). Pursuant to California Civil Code 2080.10, items will be held for 60 days.

Firearms cannot be returned unless a DOL Weapons Release Request is completed and the DOJ clearance is approved.

Note: Serialized property held as "Safekeeping" in not entered into the Clerts automated property or firearms systems.

D. Under Observation

Under Observation is any property, of no apparent immediate evidentiary value, but is held, examined and/or tested by the Police Department for 72 hours pending the issuance of a criminal complaint. After 72 hours, the property will be returned if no charges have been filed.

E. Property for Destruction

Property for Destruction is any property, including firearms and ammunition, seized from or released by a citizen to the Police Department for disposal.

II. DOCUMENTATION & RECEIPT OF PROPERTY

A. Documentation of Property

1. All property taken into custody and retained by the Chino Police Department must be documented in a police report prepared by the Department employee accepting that property. Who, what, when, where and how they came into possession, and the disposition of that property shall be described in that report.
2. The report must also provide a complete description of the property collected or seized complete and accurate information of the person, who found the property, or from whom it was seized or recovered.
3. All property retained by the Police Department shall be documented on the Chino Police Department Property Control Report/Receipt per established guidelines.

B. Receipt of Property

1. A copy of the Chino Police Department Property Control Report/Receipt shall be furnished as a receipt to any person, regardless of status, anytime property is taken from that person irrespective of the classification of that property.
 - a. A multi copy carbonless pad of the Chino Police Department Property Control Report/Receipt has been specially designed for and serves as the required receipt.

C. Computer Inquiry & Entry

1. Department Records employees SHALL make the appropriate inquiries to the State Department of Justice computer system (CLETS) on all serialized or identifiable items collected or seized to determine if the property is reported stolen or otherwise entered into the statewide system.
 - a. Communications should be contacted and advised to verify all hits with the originating agency prior to confiscating the item. After verification, Records will be responsible to send locate information.
 - b. The status of the property should be reflected in the crime and property report. It is the originating agency's responsibility to update the CLETS system from the stolen recovered status.
2. In accordance with 1108 PC, employees shall submit descriptions of serialized property that has been reported stolen, lost, found, recovered or under observation into the CLETS automated system.
3. It is Record's responsibility to make the CLETS entry per established policy.

III. PROPERTY FORMS

The following forms are used in conjunction with the property and evidence function:

- A. Chino Police Department Property Control Report/Receipt

Usage:

This duplicate form serves as the primary instrument to record property listed in a police report. It is to be used under the following conditions:

1. Anytime property of any classification is logged into a property locker,
or
2. Anytime property of any classification is listed in a police report.

Routing:

Front Page (White)

This copy serves as the original of the property page. The back serves as instructions on completing the front page. This form will be forwarded to Records for inclusion in the original case file.

If serialized property (including owner-applied numbers) is listed on Chino Property Report, immediately place the white copy into the "Hot Tray" and notify Records. Records personnel will then enter the serialized property into the appropriate module of CLETS, initial the entry in the CLETS entry box on the form, then arrange for the white copy to be included into the original case file with the remainder of the report when received.

Second Page (Yellow)

This copy serves as the property receipt to be given to the person from whom an employee of the Chino Police Department has taken property. This receipt shall be given to any person, regardless of status (e.g., suspect, arrestee, victim, finder, etc.) and regardless of they type of property taken from that person (e.g., stolen property, body fluid taken for evidentiary purposes, clothing, etc.)

Officers should obtain the person's signature on the bottom of the Chino Property Report or note their refusal to sign. Every effort should be made to personally receipt the person from whom the listed property has been taken; however, I the event it is impractical or impossible to do so, officers may mail a copy of the receipt to that person.

Officers should complete the front of the white copy marking the appropriate boxes reflecting the classification and/or reasons why the property was taken.

Note: In the event that multiple persons need to be given receipts from the same Chino Property Report, photocopies should be made and given to each person.

B. Currency Envelope

This form/envelope serves as the sole method for logging cash money into the property room. Cash is defined as coin, and/or currency. Checks, credit cards or other negotiable items are not to be used with the money envelope. The Property and Evidence Technician will not accept money that has not been packaged/logged appropriately and according to the following procedures:

1. Money is to be itemized by denomination listing sub totals and total amounts.
2. All money logged into the property room will require at least two officers or employees to verify the count.
3. All currency envelopes **MUST CONTAIN AT LEAST TWO** signatures verifying the amount listed and enclosed. The second signature should be that of a Supervisor. The entering officer and verifying officer shall sign their names and numbers to the front of the envelope, seal the envelope with tamper-proof security tape, then both must initial the back of the envelope prior to entering into the property locker.

1. Note: It is strongly suggested that two separate counts be conducted with large amounts of cash.

4. Extremely large amounts of coin and/or currency might be seized which, because of the container or quantity of money, make it impractical to package in the currency envelope (e.g. coins stored in a large piggy bank or water bottles, large amount of bills in a briefcase or satchel, etc.). In those rare cases, it is acceptable to book the container containing the money as is. However, a money count and completion of the money form must still be done. The currency envelope can be taped to the container; however, officers submitting the money should secure the container as necessary with evidence tape to prevent tampering.

5. A currency envelope may be used for suspected counterfeit bills; however, it will not be listed as having any cash value. Make a notation on the outside of the currency envelope reflecting that the contents contain suspected counterfeit bills.
6. It is recommended that the currency envelope not be used for foreign currency. If used, the outside of the envelope should reflect the contents contain foreign currency.

C. Property Bar Codes

1. Each item of the property shall have its own bar code affixed to the packaging or tag attached to the item, with the corresponding bar code affixed to the front page (white) of the Property Control Report/Receipt.

D. Evidence Processing Request Form

This form is used to request the processing of evidence for latent print impressions by the Property and Evidence Technician.

1. The requester will complete the form in its entirety and submit it with the evidence logged into the property room.
2. The Property and Evidence Technician will facilitate the processing and return the form to the requester with the disposition.

E. Latent Print Transfer Card

This card is used to store the transfer of latent prints lifted and submitted as evidence.

1. Officers should complete the front of the card in its entirety and place it into the property room.

F. Notice of Section 8102 of Welfare and Institutions Code

Whenever a member of the Chino Police Department confiscates a firearm or deadly weapon pursuant to Welfare and Institutions Code Section 8102, they will give the second page (yellow) of the Property Control Report/Receipt to the person the weapon was taken from. They will also give a copy to the mental health facility. Both the owner of the weapon

and the mental health facility will sign the front page (white) near the bottom of the form, under Property Receipt/Signature of Citizen.

This will serve to notify the party who has been taken to a mental health facility for psychological examination (pursuant to 5150 W & I) that property was held for safekeeping. It also informs the party of their legal rights and process to reclaim that property.

Routing

White -	To Police Department
Yellow -	To Person Committed to Mental Health Facility
Copy	To Mental Health Facility

G. Narcotics Envelope

1. All suspected narcotic items should be placed in this envelope.
2. The officer booking the item needs to ensure the envelope is marked either "Evidence" or "Found Property."
3. All Narcotics Envelopes MUST CONTAIN AT LEAST TWO signatures verifying the item has been placed inside. The second signature should be that of a supervisor.
4. During the course of a field investigation when an Officer locates a controlled substance or narcotics, they will immediately seize the substance as evidence. As soon as safety permits, and without unnecessary delay, the officer will place the seized substance/narcotic into an evidence envelope.
5. The controlled substance will remain in the evidence envelope and be placed in a safe storage location that prevents the loss or accidental destruction of substance. The evidence will then be transported to the Chino Police Department where it will be booked into the final evidence storage. Proper evidence packaging procedures will be followed. A supervisor will review all evidence items containing controlled substances prior to final booking.

6. Each member of the Chino Police Department working an uniformed field assignment will at all times carry a supply of department authorized "Evidence Collection Envelopes." The two types of envelopes approved for use by officers in uniformed field assignments are described as:
 - a. The 3" by 5 ½" or the 6 ½" by 9 ½" evidence envelope with the proper Barcode and Chino Police Department case number identifier.
7. If an officer needs to book narcotics where the amount is too large to fit into a narcotics envelope, they can place the item into a larger container, and then tape a narcotics envelope to whatever container they use and complete all the required information on the envelope.

I. LOGGING PROPERTY & EVIDENCE

It is the policy of the Chino Police Department to log into the property system all property/evidence as soon after seizure as possible. Property is not to be secured in personal lockers, files or desks.

*Note: Maintaining property/evidence in a case file **may** be acceptable **under certain circumstances**; however, the property/evidence **must** first be logged into the property system and then signed out. **There shall be not exceptions to this rule.***

A. Marking and Packaging

1. All property that is collected or seized shall be packaged to avoid contamination and to ensure the integrity of the evidence.
2. There are a variety of containers and materials that can be used to package physical evidence and other property. Officers should strive to use the appropriate size and type of material of the container for the type of property logged. An assortment of packaging materials and supplies for this purpose will be maintained near the property processing counter outside the Property and Evidence Technician to maintain an adequate amount of supplies for this purpose.
 - a. Always use new, clean containers to prevent contamination.
 - b. Plastic envelopes are suitable for small, dry objects.

WARNING: DO NOT PLACE DAMP OR BIOLOGICAL EVIDENCE IN PLASTIC BAGS.

- c. Paper envelopes are suitable for folded paper bindles containing small powdery material if all corners are sealed. Do not use paper envelopes for fiber evidence, a vial or pillbox is preferred.
- d. Garments and large exhibits can generally be placed in paper bags, cardboard boxes, or wrapped in paper.
- e. Standard sized plastic envelopes or customized plastic packaging can be made using the heat – sealing device

located near the evidence processing counter outside of the property room

- f. Larger items such as safes, vehicle bumpers, etc, that requires further forensic processing can be wrapped in plastic or paper, as appropriate, and secured with tape.
- g. Narcotics envelopes are used to seal controlled substances.
- h. Paint cans, heavy mil quality plastic bags or other suitable containers are used to store arson evidence and hazardous material samples (Officers should check with the Fire Department Fire Marshall and/or Arson Investigators for specifics).
- i. Refer to the Chino Fire Department guidelines for appropriate containers to store hazardous material samples.
- j. Plastic tubes or sharps boxes/containers are used to store hypodermic syringes or other sharp objects. Hypodermic syringe items will only be booked into evidence on felony cases. On all other cases, the syringe will be photographed and disposed of properly.

WARNING: DO NOT SUE PAPER OR PLASTIC BAGS TO PACKAGE ANY SHARP WEAPON OR OBJECT.

- 5. Do not over – seal a package or container. Avoid the use of staples. Never staple a plastic bag containing fine particles of material.
- 6. Keep items of evidence separate if cross-contamination is a factor. Every item secured from different locations should be packaged separately.
- 7. Property that requires evidence processing should be clearly marked and be accompanied by the appropriate evidence processing form(s). The officer booking the evidence should complete the evidence processing form.
- 8. **FIREARMS, MONEY AND CONTROLLED SUBSTANCES must always be packaged separately from other items of evidence or property.**

B. Special Handling

Different types of property require special handling and/or packaging to ensure the safety of property personnel and the integrity of the evidence.

1. Physiological Specimens

All department members will adhere to reasonable precautions in the handling of physiological specimens or items contaminated with physiological fluids, even when dried, to avoid contaminating themselves or others with infectious agents.

a. Blood Stains

Studies of blood stains are frequently important in a wide variety of criminal investigations. In some cases, particularly homicide cases, crime scene examinations by a trained Crime Scene Investigator may be required to potentially establish direction or origin of blood spatters, show movement of individuals, establish a sequence of deposit to the stains, and to develop other necessary information.

Fresh Moist Stains

Do not heat stained material or place in bright sunlight to dry. Hang clothing and similar articles in the designated drying lockers.

***Caution:** If not completely dried before packaging, decomposition will occur which may prevent complete testing.*

When the stain is dry, label the item, roll it in paper or place in a paper bag or box, seal and label the container. **DO NOT PLACE WET STAINED OBJECTS INTO PLASTIC BAGS.**

Dried Stains

On cloth items, label the article, roll in paper or place in a paper bag or box, seal and label the container. Do not attempt to remove the stain from the cloth.

On small solid objects: roll in paper or place in a paper bag or box, seal and label the container, then send the entire stained object to the laboratory.

On large, solid objects; if practical, send the whole object to the laboratory. Any areas containing dry stains may be covered with paper and the edges sealed down with tape to prevent loss of contamination.

If impractical to deliver the whole object to the laboratory, scrape the stain onto a clean piece of paper which can be folded into a bundle and placed into an envelope. Scrape blood from the object using a clean knife or similar instrument. Wash and dry the instrument before each stain is scraped so no cross-contamination with traces of blood will occur. Seal and mark the container.

Do not mix separate dried stains. Place each stain in a separate container.

If the stain cannot be removed in any other manner, use a piece of clean gauze dampened with distilled water to absorb the stain. Make a similar swab of an unstained area. Dry the gauze pads or swabs, place in separate envelopes, seal and mark the container.

Semen Stains

Semen is the male reproductive fluid. It normally contains spermatozoa, which are reproductive cells, as well as other substances. It is possible to identify dried semen by either chemical tests or with the use of a "black light".

Seminal stains are often, but not always, found on clothing, blankets, sheets or other materials in rape or other sex offenses. When they dry they may have a stiff, starchy feel and can often be located by the sense of touch.

In sexual assault cases, the victim should always be examined by a physician and a specimen taken. The laboratory can examine such specimens for seminal fluid. Oral, vaginal or anal specimens can be submitted as smear, swabs or aspirates. A timely collection of these specimens is essential since bacterial action rapidly destroys the sperm cells. Refer to the Sexual Assault Kits guidelines for collection and storage instructions.

Submit all suspected stained materials to the laboratory. If possible, always include the panties, underwear and other clothing from the victim. All garments should be packaged separately. Package containing the victim's clothing should always be kept separate from those containing the suspect's clothing. Label all garments or other items submitted.

If damp, do not heat stained material or place in bright sunlight to dry. Hang clothing and similar articles in a designated drying room or locker.

***Caution:** If not completely dried before packaging, decomposition will occur which may prevent complete testing.*

When the stain is dry, label the item, roll it in paper or place in a paper bag or box, seal and label the container. **DO NOT PLACE WET STAINED OBJECTS INTO PLASTIC BAGS.**

Under special circumstances, seminal stains may be suitable for DNA analysis, ABO or other blood group testing and classification.

Hair

Hair is a frequently encountered type of evidence, valued for suspect/victim identification. It may be able to provide (1) the race of the owner and, (2) evidence establishing if the hair fell out naturally, was pulled, cut or crushed.

If hair is firmly attached, such as in dry blood or caught in metal or glass, leave it in place and do not attempt to remove it. If the object is small, mark and seal it in an envelope. If the object is large, cover the area containing the hair and apply a protective layer of paper to prevent loss or contamination of the hairs during transport.

Remove **all** hair present. Place the hairs in a vial or paper envelope with sealed corners. Do not mix samples recovered at different locations. Label and seal the container. Never use gummed tape to pick up hairs and do not wash or clean them.

Sexual Assault Kits

Medical personnel will utilize the sexual assault kit and shall follow the provisions of 13823.11 PC regarding the examination, treatment, preservation and disposition of evidence. The investigating officer is responsible for the chain of custody of the kit and shall log it into evidence after receiving it from the medical facility.

Preservation and disposition of physical evidence shall conform to the following procedures:

If blood or other biological fluids are taken, they must be refrigerated or frozen as appropriate.

All swabs and slides shall be air dried prior to packaging.

All items of evidence, including laboratory specimens, shall be clearly labeled as to the source and identity of collecting person.

Blood and Urine

Blood and urine samples are collected, labeled and placed in a sealed envelope by a technician and/or the investigating officer.

All whole blood and urine samples shall be placed into the temporary storage refrigerator.

2. Fibers and Thread Evidence

Clothing, rugs, blankets, curtains and other articles of fabric may contain fiber or thread material that can potentially be valuable evidence that may be overlooked.

- a. Complete threads or long fibers can frequently be collected with the fingers or tweezers. They should be packaged in plastic envelopes, glass or plastic vials. Do not place loose fibers directly into mailing envelopes or other paper containers since they are difficult to locate in the laboratory and the paper itself may contain fibers.
- b. If the fibers are short, few in number or firmly adhering to an item, attempt to remove the complete item containing the fiber evidence and place it in a plastic envelope. The fibers may be more readily located and removed from such items by the laboratory.
- c. Avoid picking up fibers on gummed tape unless no other method for recovery of the evidence is available.
- d. Whenever thread or fiber evidence is recovered, submit to the laboratory for comparison purposes *all clothing* of persons from whom the evidence might have originated. Extreme care must be taken to keep all articles of clothing and other objects separate. Each garment should be packaged separately in paper bags.

- e. Fabric impressions which may contain embedded fibers are occasionally found in a variety of cases. If the area containing the impression cannot be conveniently submitted to the lab, a photograph should be taken of the area.

3. Paint

Paint is a common type of physical evidence encountered and can prove to have significant evidentiary value.

- a. Keep all samples collected in separate containers.
- b. If the sample is very small or difficult to remove the complete item should be sent to the laboratory.
- c. If the complete item is not sent to the laboratory, always scrape or otherwise remove the samples of all layers of paint or other material present.
- d. Paint samples of scrapings should be packaged in small glass vials or plastic bags; however, they may also be placed on sheets of white paper, folded, and then sealed to prevent loss.

4. Glass

Windows or other items made of glass, which are broken, can frequently provide valuable evidence.

- a. Shoes, clothing and other items, which may contain glass fragments, should be marked and packaged separately to avoid cross-contamination.
- b. Place small glass fragments in envelopes or pillboxes, seal and mark the container.
- c. Larger pieces of glass can be wrapped in tissue or other type of paper, and then placed in bags or boxes to prevent breakage or other damage to corners.

5. Soil

The comparison of soil or dried mud samples has the potential to be of value in some criminal investigations.

Firmly Attached Soil Samples

If the soil is firmly attached (such as mud on a shoe), do not attempt to remove it. If practical, place the item in a bag or other appropriate container, mark and completely seal the container so no loss of the specimen can occur.

Loose Soil on Clothing

If the soil is loose, shake it all out onto a clean piece of paper. Then, fold the paper to enclose the dried soil and place in a plastic envelope or other container, which can be sealed completely.

Soil on Other Objects

When recovering loose soil or mud from the street or building, pick up and place the dried sample in a plastic bag, jar, box or other appropriate container, seal and mark. When possible, the sample should not include other obvious contaminating material.

Prevent Contamination

Care must be taken to prevent contamination or loss of samples during collection and transportation. Always place samples in sealed plastic or glass container, if possible. Avoid using paper envelopes as they can leak. If boxes are used, line them with clean paper and seal the box.

Damp Soil

Always dry out damp soil specimens or moist objects containing soil or mud prior to packaging (use the evidence drying room).

6. Tool Marks

Tool marks may be encountered in a variety of crime scenes. The evidence consists of abrasions or impressions created by a tool against an object at the crime scene. These impressions will conform to identifying marks on various types of tools found in the possession of the suspect.

Preservation and Packaging of Tools

All areas on recovered tools, which contain transferred paint, building materials or other contamination should be wrapped in plastic so that such substances will not be lost. After marking, tools should be packaged to prevent the prying blades or cutting edges from contacting any other surface or object. Care should be taken that no tape is placed on the mark or questioned area of the tool when packaging.

Make No Tests with Tools

Attempts *should never* be made to fit tools into questioned marks or to make test marks prior to laboratory examination.

Preservation of Tool Marks

Whenever possible, collect and submit the entire object containing tool marks to the laboratory rather than just removing the area containing the mark.

If it is possible to collect and submit the whole object to the laboratory, remove the tool mark itself. In such cases care should be taken to prevent any damage or alteration of the questioned mark. Always cut off sufficient surrounding material so that no damage will occur. A photograph showing the original location of the mark and its relation to its surroundings should accompany any removed mark.

Mark the object containing the tool marks in some area where the questioned impression or abrasion will not be damaged.

Package the object containing the tool marks so that no alterations or damage will occur during collection or transportation.

7. Firearms Evidence

Firearms are involved, collected and retained in a significant number of criminal and non-criminal cases. Due to the very nature of these items, ***extreme care must be taken to ensure the safe handling of the weapon and preservation of its evidentiary value.***

Firearms

NEVER PLACE A LOADED FIREARM INTO AN EVIDENCE STORAGE LOCKER.

Exception: *If the weapon cannot be unloaded due to a mechanical defect (jammed) or the investigating officer is unaware of how to unload it.*

In this event, the officer shall attaché a warning note to the weapon indicating the weapon is loaded.

The Property & Evidence Technician shall then make arrangements to have the weapon unloaded (via

department range master, armorer or other qualified personnel) prior to placing the weapon into storage or transporting it to the laboratory.

Unfired cartridges may be left in the magazine is removed from the gun. Weapons should be unloaded ONLY after the position of the safety, bolt, breechblock, hammer, cylinder, magazine, etc.

Magazine-fed weapons:

DO NOT touch the sides of the magazine as this may destroy latent prints. DO NOT unload the weapon by working the ammunition through the slide assembly.

Revolvers:

Note the position of the loaded chambers, empty chambers, chamber containing fired casings, and chambers containing unfired cartridges with the primers having been struck by the firing pin.

NEVER pick up a weapon by placing a pencil or other object into the end of the barrel.

NEVER attempt to test fire a firearm before it is examined, and then only at an approved range by qualified personnel.

NEVER clean the bore, chamber of cylinder before submitting a firearm into evidence.

If blood or other material of interest is present on the muzzle of the gun, place a small paper bag over the muzzle and seal it to the barrel with the tape to prevent loss of the sample.

If a firearm needs to be processed for further evidence, it should be placed in a box, large paper bag(s) or manila envelope.

The firearm shall be marked for identification after fingerprint examination; however, weapons SHALL NOT be defaced by such markings.

All firearms in the custody of the Chino Police Department should be handled with care so as not to damage the stock, metal surfaces, or the operating mechanisms.

Firearms shall be tagged and logged into evidence separate from all other evidence (magazines, ammunition, holsters, etc.).

Ammunition

Ammunition MUST be unloaded from the firearm before it is logged into evidence.

Unfired ammunition may be marked on the side of the cartridge case, nearest the bullet.

Bullets

DO NOT attempt to clean recovered bullets before sending them to the laboratory, except in the case of bullets removed from a body. The latter may be washed off with running water and dried by blotting with a soft, dry towel.

Handle fired evidence bullets as little as possible to prevent damage to the ID characteristics in the rifling markings or loss of material adhering to the bullets. NEVER use forceps or other tools to handle bullets.

Wrap each bullet separately in tissue or other paper to prevent damage to the rifling markings by contact with other evidence.

Package wrapped bullets in envelopes, pillboxes or other appropriate containers, label and seal.

Cartridge Casings

Seal the cartridge in a marked container.

Gunshot Residue (GSR Kits)

Primer residue (Barium and Antimony) is often left on the hands of individuals who shoot firearms. This trace evidence can provide valuable insight and direct evidence establishing if a person has recently fired a weapon.

Gunshot Residue (GSR) Kits are pre-packaged and stored at various locations in the station. Instructions and material for the testing are enclosed in the kit.

Protect the hands of the individual to be tested as soon as possible by bagging them.

Officer must also wear protective gloves (provided) while administering the test so the area swabbed/dabbed will not be contaminated.

Complete the GSR evidence envelope, seal and enter into evidence.

8. Dangerous Weapons (Knives, Clubs, Stun Guns, etc.)

NEVER submit a charged Taser, Stun Gun or other type of electronic weapon or device that could accidentally be activated or discharged. Remove or disconnect the battery(s) from the unit prior to entering into evidence.

ALWAYS package sharp objects in a "Sharps" container to avoid injury to the person handling the item. If the item is too large to place into a standard container, cardboard, paper, styrofoam or other suitable material should be wrapped around the cutting edge or point.

9. Controlled Substances

Special precautions must be taken when handling known and unknown substances believed to be narcotics. All presumptive tests should be conducted outdoors or, when indoors, under a fumigating hood with the fan activated. All employees are encouraged to wear protective gloves or use forceps when handling all suspected drugs.

- a. Items for examination should be packaged and marked separately.
- b. Needles should ALWAYS be capped and placed with the needle facing down in a plastic tube to prevent accidental injury to the person handling the item.
- c. Officers submitting suspected controlled substances are responsible for examining, field-testing, weighing, packaging and requesting laboratory analysis.
- d. All suspected drugs will be sealed in a K-PAK (or equivalent) plastic bag and heat-sealed to avoid contamination and exposure to those who handle the evidence.

(1) To avoid molding, fresh plant material (such as Marijuana) should not be packaged in plastic bags.

It should be packaged in paper bags or in an envelope after it is air-dried.

- e. When seizure of a clandestine laboratory is planned, the California Bureau of Narcotic Enforcement (BNE) and the Chino Fire Department hazardous Material Unit should be consulted as to the proper handling, method of collection and other safety precautions.

10. Hazardous Materials/ Devices

- a. **NEVER** transport or store in or about the Police facility any unexploded (or suspected unexploded) device.

NEVER transport or store in or about the Police facility any Class A explosive such as dynamite, desensitized nitroglycerin, large quantities of fireworks or more than one pound of black powder.

Contact the Ontario Fire Department Bomb Squad or local military EOD unit to examine, dismantle, transport or dispose of any explosive device or quantity of explosive material.

- b. All hazardous materials, after being packaged in the appropriate container, shall be transported to and placed into the Hazardous Materials Storage Locker located at the rear of the police facility. The Property & Evidence Technician will collect it at a later time and store it in an appropriate storage locker.
- c. All evidence recovered from an exploded device should be photographed as found prior to removal, collected and packaged in a separate container, marked and stored in the Hazardous Materials Storage Locker.
- d. All flammable liquids from an unsecured fire bomb (or after it has burned out) must be sealed in a metal container then stored with the Chino Fire Department.

- e. When flammable liquids are collected, they must be secured in containers to eliminate the risk of fire or explosion. Only small quantities of fluids will be retained as evidence (no more than 2 oz.).

Samples of volatile fluids found in open jars or cans should be poured into clean metal or glass containers, and then completely sealed to prevent any loss or contamination of the sample.

The Chino Fire Department will respond to all arson scenes and assist with expertise and equipment for the appropriate collection, packaging and storage of flammable liquids and other relevant evidence.

- f. Contact the Chino Fire Department Hazardous Materials Unit prior to collecting, transporting and / or storing any acids and corrosives needed as evidence. They shall be packaged in the appropriate container and placed into the Hazardous Materials Storage Locker.
- g. All fireworks will be transported to and stored in the Hazardous Materials Storage Locker.

11. Currency and Other Valuable Negotiable Items

All currency and other negotiable items shall be stored in compliance with the Department's Safe Procedure Policy, (2-26).

All monies collected and logged into the property locker shall be itemized by denomination and quantity using the approved Currency Envelope.

12. Jewelry

- a. Package jewelry items individually in an envelope, box, bag, or other suitable container as appropriate.
- b. Officers submitting large quantities of expensive jewelry or gemstones should notify the Property Officer requesting that additional security measures be taken.

- c. When describing jewelry do not use terms such as gold, silver, or diamond. Use terms such as yellow or grey metal and clear stone.

13. Photographs

The Investigating Officer's first step in the investigation of any major crime is to photograph completely and accurately all aspects of the scene before any items of evidence are removed or disturbed.

- a. All photographs and negatives, except booking prints and outside agency requests, are handled as evidence,
- b. Officers submitting developed photographs (including photo line-ups) will be entered into evidence using appropriate procedures and guidelines as established.

14. Bicycles

- a. All bicycles, or portions thereof, that are retained by the Police Department will be transported to the Chino Police Department and secured in the rear lot. A note will be forwarded to the Property & Evidence Technician.

Different levels of security for the storage of bicycles may be utilized dependant on the property classification of the bicycle, (Evidence vs. Found Property).

15. Motor Vehicles

- a. *Note: Vehicles may be temporarily stored at the police facility for short durations to facilitate vehicle examination and/or evidence processing.*
- b. Motor vehicles retained as evidence requiring long-term storage such as homicides, fatal traffic accidents or serious hit and runs will be documented on a CHP form 180. These vehicles may be stored at the City Yards.

The keys shall be left in the ignition of the vehicle if unlocked, placed into evidence or given directly to the Property & Evidence Technician.

16. License Plates

License plates are the property of the Department of Motor Vehicles from the state of jurisdiction. The public is permitted to use the license plates when the annual fees have been paid.

- a. License plates that are EVIDENCE of a criminal offense or otherwise retained for the purpose of prosecution shall be logged into evidence per established procedures.
- b. FOUND PROPERTY license plates may immediately be returned to the owner or logged into the property room. If found license plates are turned into the property room, a copy of the CHP 180 completed must accompany it by the officer. The Property Officer is responsible for returning the plates to the DMV.

17. Alcoholic Beverage

- a. Open containers of alcoholic beverages shall not be logged into the property room. The investigating officer who will then describe the condition of the container and its contents in the police report should pour out the contents at the scene, in an appropriate manner.
- b. Avoid booking into evidence large quantities of alcoholic beverages. In rare situations when a sample of the evidence is necessary for prosecution, retains one unopened container (bottle, can, etc.), photograph, and destroy the remainder.

I. TEMPORARY STORAGE FACILITIES

After property is marked for identification and packaged to avoid loss or contamination, an evidence bar code shall be attached to the envelope or other container. The property, accompanied by a Property Report, will then be deposited into one of the following appropriate temporary storage areas, and then secured.

A. Storage Lockers

1. Property lockers are located downstairs in the evidence booking room, next to the property room. Once these lockers are closed, they automatically lock and are accessible only by property room personnel.
2. A drop slot for the deposit of small evidence items, undeveloped film, license plates, etc., is also located in the evidence booking room.

B. Bicycle Storage

1. All bicycles, or parts thereof, shall be temporarily stored in the south secured parking lot.
2. Larger items of property such as tires, ladders, air compressors, heavy machinery, etc., may be temporarily stored in the sally port. When storing large property items in the sally port, position the items in such a manner as to allow for the parking of a patrol vehicle in the sally port, if possible.
3. The Property Report, of any item stored in the south parking lot or sally port should indicate their location. A note should also be forwarded to the Property & Evidence Technician.

C. Refrigerator / Freezer

1. A refrigerator and freezer are located in the evidence booking room. Items that need to be refrigerator or frozen can be placed into this temporary locker

D. Forensic Evidence Cabinets

1. All damp or blood soaked clothing or other cloth items shall be temporarily stored in this location to facilitate the drying process prior to packing and laboratory analysis.
2. Items placed in the drying cabinets shall be hung separately. Care should be taken to prevent cross-contamination of samples that have been placed into the drying lockers.

E. Hazardous Material Storage Locker

1. Hazardous materials storage lockers are located in the jail sally port area.
2. All flammable materials placed in the hazardous materials storage lockers must be stored in the appropriate containers prior to being secured in the locker.
3. Fireworks may be stored in a hazardous materials storage locker if unable to deliver to Chino Fire Department however, FIREWORKS SHALL NOT BE STORED IN THE SAME LOCKER WITH ANY FLAMMABLE LIQUID OR MATERIAL.
4. Notice shall be given to the Property & Evidence Technician whenever items are placed in the hazardous material storage.

F. Jail Sally Port Parking Lot

1. The Jail sally-port packing lot area is to be used for the temporary second secured storage of vehicles that are being submitted for or subjected to evidence processing or collection.
2. When not used as an evidence processing area, the securing gate will remain unlocked. The gate SHALL REMAIN SECURED when the vehicle is unattended or evidence processing on the vehicle has been completed and the vehicle is awaiting transfer to the long-term vehicle storage lot.

3. Use of the Property Report, for vehicles temporarily stored in the vehicle processing cage is not required, UNLESS THE VEHICLE ITSELF IS BEING RETAINED AS EVIDENCE OR AS THE ACTUAL CRIME SCENE. When the vehicle is retained, Property Report is required.

II. PROPERTY ROOM COLLECTION, INVENTORY & STORAGE

A. Property Collection

1. On a daily basis, the Property & Evidence Technician or assistant shall inspect all storage lockers, the drop slot, the bicycle area, the refrigerator / freezer, the drying lockers, hazardous materials lockers, and vehicle evidence processing cage, remove and process all property submitted.
2. The Property & Evidence Technician or assistant shall also;
 - a. Collect and retain all Property Reports,
 - b. Record the bar-code of each property item submitted,
 - c. Make the appropriate entries into the automated property system,
 - d. Conduct evidence processing as requested,
 - e. Store each item in the designated location in the property room or alternate approved location,
 - f. Arrange for transportation to the laboratory for examination as required,
 - g. Arrange for destruction, release to owner, auction or other authorized disposition as appropriate.
3. Property room personnel are responsible for the, required refrigeration and / or transportation of items temporarily stored in the drying lockers.
4. Detective Personnel shall arrange for the transfer of any vehicles or other large items from the vehicle evidence processing cage to the long-term vehicle storage lot.

5. Property room personnel shall arrange for the permanent storage, transfer, or disposal of all items temporarily placed into the hazardous materials and bicycle area.

B. Property Inventory

Every item that is submitted into the property system must be accounted for. This process begins at intake.

1. The Property & Evidence Technician or assistant will compare items listed on the property form with those actually found in the temporary storage. If any item is discovered missing, the Property & Evidence Technician will immediately notify the submitting officer and / or supervisor.
2. All property connected to the case will not be processed until the missing item(s) are found or the discrepancy has been corrected.

C. Improperly Submitted Property – “Right of Refusal”

Every item submitted into any of the temporary storage locations is expected to be done so in a safe and thorough manner consistent with these guidelines and other Department policies.

1. The Property & Evidence Technician has the authority to refuse acceptance of any item of property submitted in an unsafe, incomplete, or otherwise improper manner as defined in this manual.

*Note: Property room personnel **SHALL NOT** accept any money or controlled substances in which the seal, envelope, packaging or container has been opened, tampered with, or otherwise improperly submitted.*

The Property & Evidence Technician shall, as soon as practical, notify the employee's supervisor, who shall immediately cause the problem to be corrected.

2. A breach in safety protocol will be corrected immediately ...
NO EXCEPTIONS!

D. Property Storage

The following types of property and evidence shall be stored separately and according to the listed guidelines. Other miscellaneous types of property may be stored separately as determined by the Property & Evidence Technician.

1. Firearms

- a. The Property & Evidence Technician shall store all firearms in containers (boxes) specifically designed for handgun, rifle and / or shotgun. Exceptions can be made for those weapons which, due to size or other considerations, are not compatible for storage in such containers.
- b. The Property & Evidence Technician shall segregate the storage of all firearms from other types of property retained by the Department.

NEVER store ammunition with firearms.

2. Controlled Substances

- a. The Property & Evidence Technician shall segregate the storage of all drugs and narcotics from other types of property retained by the Department. All controlled substances, **REGARDLESS OF PROPERTY CLASSIFICATION**, shall be stored within the narcotics area located within the property room.
- b. The Property & Evidence Technician shall not open any sealed container containing any controlled substances or suspected controlled substance for the purpose of counting, verifying, testing, weighing or any other purpose other than as may be necessary to facilitate the transportation and / or destruction of that item.

3. Money

- a. The Property & Evidence Technician shall segregate the storage of all money from other types of property retained by the Department. All money, **REGARDLESS OF**

PROPERTY CLASSIFICATION, shall be stored in the money safe within the property room. This safe will be locked at all times unless property is being stored, removed, inventoried or inspected.

- b. With the approval of the Professional Standards Sergeant and Division Commander, larger quantities of cash may be transferred to the City Finance Department and placed into an interest bearing account pending the final disposition of the money.
- c. The Property & Evidence Technician shall not open any sealed container containing money for the purpose of counting or verifying the contents other than as may be necessary to release the contents to the rightful owner or to transfer the money to a financial institution. Opening any money envelope shall be done with a least one other Chino Police Department employee present.
- d. Negotiable stocks, bonds or bank securities should also be secured in the safe; however, no value will be assigned.

4. Found Property

- a. The Property & Evidence Technician shall segregate the storage of all items classified as "Found Property" from other types of property retained by the Department. No additional security or safety measures are required unless that property is controlled by other restrictions listed in these guidelines.

5. Property Held for Safekeeping

- a. The Property & Evidence Technician shall segregate the storage of all items classified as "Safekeeping" from other types of property retained by the Department. No additional security or safety measures are required unless that property is controlled by other restrictions listed in these guidelines.

6. Homicides

- a. The Property & Evidence technician shall store all items of evidence associated with a homicide case together, unless that evidence requires storage elsewhere to facilitate the additional security or safety measures required by these guidelines.
- b. All homicide cases shall be segregated from other types of property retained by the Department.

7. Hazardous Materials

- a. The Property & Evidence Technician is responsible for the transfer and storage of all hazardous materials in containers designated for that purpose.
- b. The Property & Evidence Technician shall segregate the storage of all hazardous materials from other types of property retained by the Department. All hazardous materials, REGARDLESS OF PROPERTY CLASSIFICATION, shall be stored within a hazardous materials storage locker, clearly marked and designed for the storage of flammable materials.

8. Motor Vehicles

- a. Motor vehicles SHALL NOT be stored in any portion of the police facility not specifically designated.
- b. The assigned Detective shall arrange for vehicles temporarily stored in the vehicle evidence processing cage to be stored in the long-term vehicle storage lot should their retention be necessary.

9. Photographs

- a. The Property & Evidence Technician shall store undeveloped film in canisters separate from other types of evidence retained by the Department.
- b. The Property & Evidence Technician will make prints of the undeveloped film upon demand by the officer. Film that requires processing or negatives that require printing are sent to a private vendor.
- c. The Investigating Officer will complete the appropriate Property Report and enter the prints into evidence. The prints will then be stored with other items of evidence associated with the case.

10. Miscellaneous

- a. Nothing in this manual shall prevent the Property & Evidence Technician from further segregating / organizing property as deemed necessary or desirable for the efficient operation of the property function.

E. Computer Entries

1. Computerized Property System

- a. The Property & Evidence Technician shall enter all property that comes in to the possession of the Property Unit and is retained for any length of time. Property being retained, disposed of or released should be entered as soon as possible.
 - i Information entered into this system shall minimally include:
 - Classification of property
 - Type / Description of property
 - Quantity
 - Case Number
 - Officer submitting property
 - Location property stored
 - Chain of evidence
 - Disposition of property

- b. The Property & Evidence Technician shall update the status of all property retained in inventory as necessary.
 - c. The Records Division shall also retain a complete "hard copy" file on each piece of property as a back up to this computer system and to facilitate regular inspections, audits and inventories.
 - d. Property room personnel and the Professional Standards Sergeants are the only persons authorized to input, alter, modify or delete records in this computer system.
2. Records Management Systems (RMS)
 - a. The Records Unit is responsible for entry into RMS of all property retained by the Department and stored in the property room. Records shall also update the RMS system of the status of such property as may be required.
3. CLETS
 - a. The Records Unit is responsible for the entry into CLETS all identifiable (serial or owner applied numbers) property pursuant to DOJ requirements and established procedures.
 - b. In all cases when a firearm is to be released, the Property & Evidence Technician shall conduct a criminal history check of the person who is to receive the weapon. This will establish that no restrictions exist preventing release of the firearm to that individual. Additionally, the firearm shall be checked in the Automated Firearm System, (AFS) to confirm it is not reported as stolen.

III FACILITIES SECURITY & HOURS OF OPERATION

A. Access

1. Access to the Property Room and all other temporary or long-term property storage areas are restricted to the Property & Evidence Technician, Professional Standards Sergeant and personnel assigned to the Property Room. The Professional Standards Sergeant may authorize after-hours entry to the Property Room when necessary.

2. Department personnel shall not enter property storage areas unless escorted by Property Room personnel.
 - a. Except for personnel assigned to the Property Room, all Department personnel, visitors, contractors, etc., who enter the Property Room must sign in on the visitor's log citing the date, duration and purpose of the visit.
3. Property or evidence can only be removed from its storage location by the Property Officer or the authorized designee.
4. The doors, gates, or other closure devices to any storage area must be secured whenever the Property & Evidence Technician or Property Room personnel leave or are not present.
5. Normal business hours for the Property Room are Monday – Thursday, 0700 – 1700 hours, excluding holidays.
6. Telephone voicemail will receive all incoming calls whenever the Property Room personnel are unavailable.

B. Key Control

1. All keys to the Property Room and other secured storage areas are to remain under the control of the Property & Evidence Technician and the Professional Standards Sergeant.
2. The duplication or unauthorized possession of keys to secured property storage areas is strictly prohibited.
3. The Professional Standards Sergeant shall maintain a complete set of keys, safe combination, alarm code, etc., as a back up for Property Room personnel.
4. Property Room personnel are strictly prohibited from relinquishing Property Room keys, combinations or alarm codes to anyone other than authorized personnel.
5. When Property room personnel or the Professional Standards Sergeant change assignments or leave the Department, the Admin Services Captain shall ensure that all locks, combinations and codes are changed.

6. New locks shall be installed in the event that a key is lost or security is otherwise compromised.
7. It is Department policy that only personnel assigned to the Property Room and the Professional Standards Sergeant will possess keys, combinations and alarm codes.

C. Alarms and Other Security Systems

1. The main Property Room is protected by an internal silent alarm system that is monitored by Communications. Access codes are assigned to authorized personnel only and changed as required.
2. Authorized personnel entering the main Property Room must deactivate the alarm upon entry and will remain deactivated during normal business hours when the room is occupied.
 - a. The alarm system must be activated upon closing, during non-business hours, or whenever the Property Room is unattended.
3. The Property & Evidence Technician shall test the alarm system at least once a month to ensure it is functioning.
4. All firearms shall be stored separately from other property in the Property Room.
5. All controlled substances shall be stored separately from other property in the Property Room.
6. All money shall be stored separately from other property in the Property Room and secured in a locked safe.
 - a. The safe shall remain locked at all times unless property is being stored, removed or inventoried.

I PROPERTY & EVIDENCE RELEASE GUIDELINES

A. Authorized Persons

1. The following persons may authorize the release of property that has been placed in the Property Room under the provisions of this manual.
 - a. The investigating officer, assigned investigator, or the investigator's supervisor.
 - b. The Property & Evidence Technician or his/her assistant.
 - c. Any person authorized by the Chief of Police
 - d. A magistrate
 - e. The District Attorney's Office

B. Release Authority

1. Property seized pursuant to a search warrant shall only be released/disposed of under the authority of a court order (1539 PC)
2. All evidence or property collected in homicide cases will be stored until the death of the defendant(s) of 99 years from the date of incident. Property / evidence may be released; however, if the following conditions are met:
 - a. All court action involving all suspects must be final and the District Attorney's Office must approve the release.
3. In felony cases where there are no suspects or leads, evidence will be maintained for a period no longer than the statute of limitations.
4. In misdemeanor cases where there are no suspects or leads, evidence will be maintained for a period no longer than one year. If after one year, there are no suspects or leads, the evidence will be disposed of.

5. Any felony or misdemeanor case involving property whereby the District Attorney approves disposal / release of evidence in the interest of justice prior to the expiration of the statute of limitations.
 - a. Any property / evidence that has been retained or has been requested to be retained for civil litigation shall not be released or destroyed without prior approval of the Professional Standards Sergeant. In cases where the City of Chino is one of the involved parties in the civil litigation, the City Attorney will be contacted prior to the release or destruction of that property.

C. Disposition Classification

The following disposition description can be found on the final disposition line of the Arrest Disposition Report. These shall be used as the keys in determining the retention, release or disposal of property.

1. Convicted
 - a. 90 days from the date of the disposition, the Property & Evidence Technician will query the court docket transaction to determine if the case has been appealed.
 - b. If the case has been appealed, the property will be maintained pending a disposition of that appeal.
 - c. If the case is not appealed and all charges have dispositions, and there are not other persons listed on the Property & Evidence Technician will notify the investigating officer / investigator to determine if the property can be released to the owner or otherwise disposed of in a manner pursuant to policy.
 - d. If there are still outstanding charges against a defendant (and the individual is within the court system) the property will be held pending the disposition of the charge.

8. Detention Only – No Charges Filed

Property Officer will contact the investigating officer for authorization to release / dispose of property.

9. Dismissed

10. Bail Ordered Forfeited

Send appropriate notifications and release / dispose of property in a manner pursuant to policy.

11. Amended Miscellaneous

Disregard for purposes of property release and disposal.

12. Transfer Prosecution

a. The Property & Evidence Technician will contact the agency / court that is listed for transfer and will determine property transfer requirements.

b. The Property & Evidence Technician will also determine, through the court liaison officer and / or investigating officer, if the property will be required for further court evidence.

13. Juvenile Dispositions

a. The Property & Evidence Technician will receive a Notice of Disposition that will provide a disposition report on the case.

Property cannot be released unless final case disposition is received.

D. Disposition Instructions (Non-Evidence)

1. Found Property

The investigation officer will attempt to determine and contact the owner(s) of found property at the time the property is

2. Previously Convicted

Disposition reflects a prior conviction. Disregard for purposes of property release and disposal.

3. Dismissed Per PC 1203.4 or Dismissed for Insufficient Evidence.

a. 90 days from the date of disposition, the Property & Evidence Technician will contact the investigation officer to determine if the charges have been refilled. If the case is still active, the Property Report will be so noted and suspended for future action.

b. If charges have not been refilled, the Property & Evidence Technician shall release / dispose the property.

4. Commitment to California Rehabilitation Center (CRC)

a. The defendant has been directed to a drug diversion program.

b. If the defendant fails or does not complete the program the property may be required for further prosecution of the case.

5. Committed

a. The defendant has been sentenced and committed to custody in a jail facility.

b. Send appropriate notification and release / dispose of any property in a manner pursuant to policy.

6. Diversion

a. Defendant is directed to participate in a diversion program.

b. Retain the property until the defendant completes the terms of the program.

7. Proceeding Suspended

Disposition most often describes proceedings that were suspended to permit medical or psychiatric evaluation, Property should be retained until the case receives a final disposition.

recovered. The Property & Evidence Technician will attempt to contact the owner(s) upon receipt and storage of the property.

- a. When the owner has been identified, that person will be called on the telephone or notified via mail instructing them to contact the Property & Evidence Technician to schedule an appointment to claim their property.
- b. The owner will be given 60 days to establish ownership and claim the property.
- c. If the property is not claimed, it will be offered to the finder (unless the finder is a City of Chino employee). The claimant will be given 60 days to claim the property.

Exception: Found firearms will be destroyed.

The Property & Evidence Technician will notify the finder requesting them to schedule an appointment to obtain the property.

- d. Pursuant to Civil Code section 2080.3, any found property having a value of \$250 or more will be advertised as found in the newspaper of general circulation, one time.
- e. If the property is not claimed, the finder is legally entitled to the property after paying the advertising costs.
- f. All unclaimed property will be auctioned, disposed of, or transferred for departmental use.
- g. Release to Finder

The finder must present satisfactory evidence of identification and must sign to acknowledge receipt of the property to them

The property report is removed from the property file and forwarded to Records for filing in the original case.

2. Safekeeping

Property that is being held for safekeeping shall be returned to the legal owner upon request or by legal mandate. Property (excluding firearms) not claimed within 90 days shall be considered intentionally abandoned by the owner and will be disposed of as appropriate.

- a. Firearms held under the provisions of 12028.5 PC shall be held no longer than 72 hours. The Property & Evidence Technician shall do the following upon receiving a firearm taken for safekeeping:

Insure a criminal history check is conducted on the owner or person from whom the weapon was taken.

- IF the owner is not legally entitled to the weapon under the provision of 12001.6, 12021.1, 12021.5, or 12560 PC, it will be destroyed per 12028 PC.
- The firearm shall not be released to the owner if they have a conviction for any offense as listed in section 12021c PC. The firearm shall be disposed of according to law.

Conduct a CLETS check on the firearm to determine if it has been reported stolen.

- If stolen, an attempt will be made to return the firearm to the rightful owner. If the owner cannot be found, the weapon will be destroyed per 12038 (f) PC upon court adjudication.

Complete a firearm release request and forward to the investigating officer for approval to release.

Upon receipt of the release form, the Property & Evidence Technician will notify the owner by mail or telephone to schedule an appointment for release of the weapon.

Release the weapon to the owner.

- The owner must present a photo ID and provide proof of ownership if requested.
- The owner must sign the property report.
- The property report is removed from the property file if there are no additional items of evidence connected with the case, and forwarded to Records for filing in the original case.

All other types of property held for safekeeping shall be returned to the owner as soon as possible.

- b. Upon receiving property held for safekeeping, Records shall do the following:

Conduct a CLETS check on all serialized property to determine if it is stolen.

- Refer to the investigating officer or Investigations if stolen.

Contact the owner by mail to schedule an appointment for the release of the property.

Property (except firearms) not claimed within 90 days is to be considered intentional abandonment by the owner and disposed of per statute.

Release to the owner:

- The owner must present a photo ID and provide proof of ownership if requested.
- The owner must sign the property report.

- The property report is removed from the property file if there are not additional items of evidence connected with the case, and forwarded to Records for filing in the original case.

3. 8102 W & I Seizures

Firearms of other weapons that are confiscated under the provisions of section 5150 W & I held in storage pending release by court order (801 W & I).

- a. The Property & Evidence Technician maintains a file on all weapons confiscated under 5150 Y & I, and is responsible for working with the investigation officer, City Attorney or District Attorney's Office for their release. The assigned Detective will provide recommendations as to the disposition of the weapon(s) based on the totality of the circumstances and past criminal or violent behavior.
- b. When a court order is obtained, all firearms and weapons shall be returned to the person specified in the court order.

The City Attorney's Office will forward the court order to the Property Officer for release.

The Property & Evidence Technician will contact the person who is to receive the weapon to arrange for an appointment.

The weapon(s) will only be released to the person specified in the court order.

- The owner must present a photo ID and provide proof of ownership if requested.
- The owner must sign the property report.
- The property report is removed from the property file if there are no additional items of evidence connected with the case, and forwarded to Records for filing in the original case.

- c. If the weapon is not claimed within one year, a court order will be obtained and the weapon will be declared a nuisance and destroyed under the provisions of 12028 PC.

4. Recovered Property

Property may be released by the Property & Evidence Technician to the rightful owners prior to the conclusion of a trial under the authority of a court order, upon the written authorization of the representing District Attorney, or as otherwise provide by this manual.

- a. Prior to release, a picture of the property and the owner will be taken by the investigating officer.
- b. The owner must sign a Declaration of Ownership and agree not to destroy, sell, or give away the property until the conclusion of legal proceedings.
- c. The person from whom the property was taken will have already received a written notification of their right to claim the property.

A copy of the notification will be attached to the property report.

If a claim has been made, the magistrate will determine ownership.

- d. The investigating officer must complete a property release form itemizing the property to be released and forwarded it to the Property & Evidence Technician.
 - The person must present a photo ID.
 - The person must sign the property release form.
 - The property report and release forms are forwarded to Records for filing in the original case.
 - If additional property being held, the property report is maintained in the property room until disposition of the case.

5. Search Warrant

Property taken under the authority of a search warrant may only be released under the following conditions:

- a. Property that is introduced in court as evidence is placed beyond the control of the department and shall thereafter be disposed of pursuant to the orders of such court.
- b. The disposal of property that is alleged to have been stolen or embezzled or which has been obtained by means of a search warrant may be effected by order of the judge which has jurisdiction or by following the procedures outlined in 1413 PC.
- c. A magistrate may order the disposal of stolen or embezzled property which was obtained by means of a search warrant, as set forth in PC sections 1408-1410, 1411, 1418, and 1536, prior to court adjudication.

The investigating officer will seek the release of property with the assistance of the District Attorney's Office.

Once a court order is obtained, the Property & Evidence Technician will release only that property described in the order. The Property & Evidence Technician can question the provisions of the court order and not release the property until the District Attorney has been consulted. The court can petition to reverse its decision if the Property & Evidence Technician can show just cause.

- A Property Release form is completed by in the investigating officer itemizing the property to be returned.
- The person receiving the property must present a photo ID.
- The person receiving the property must sign the property release form. The form is then forwarded to the Records for filing in the original case.

6. Non-Essential Property / Evidence

- a. With the concurrence of the District Attorney, property which is not essential to the prosecution or future prosecution shall be promptly released, whenever possible, to the owner as follows:

Property (a photograph of which is sufficient for court presentation) shall be released, with the concurrence of the prosecuting District Attorney, to the rightful owner.

- b. Whenever possible, property which the District Attorney considers to be non-essential to a prosecution shall be promptly released to the owner during the course of the investigation.

Property which has no market value or investigative value as determined by the District Attorney may be destroyed upon completion of the investigation; e.g., glass fragments, mutilated bullet not suitable for comparison purposes.

- c. Property that has been held as evidence but not introduced during the trial shall be released to the owner upon receipt of a court disposition, provided the prescribed time for appeal has elapsed.

In misdemeanor and felony cases, 90 days shall be allowed for an appeal.

- d. Property that is to be held as potential evidence shall be disposed of in accordance with the provisions of this manual as appropriate.
- In all cases, the person who received the property must present a photo ID.
 - The property report must be signed by the person accepting the property.
 - If all of the recorded property has been returned to the owner, the property report is removed from the property file and forwarded to Records.

7. Court Releases

- a. When the Property & Evidence Technician received an evidence request form, or is contacted by the person needing evidence for court, the item(s) needed shall be pulled from its storage location and released
 - In all cases, the person who received the property must present a photo ID.
 - The property report must be signed by the person accepting the property.
 - If all of the recorded property has been returned to the owner, the property report is removed from the property file and forwarded to Records

I PHOTOGRAPHIC RELEASE GUIDELINES

It is the intent of the Chino Police Department to release, at the earliest possible time, all recovered property of evidentiary value to the owner or party authorized to take possession.

- A. Property stolen during an **non-violent crime** can be released to the lawful owner before the conclusion of the criminal case after the following conditions have been met:
 1. A photograph is taken of the property and owner together;
 2. an additional photograph is taken of any unique marks, distinguishing characteristics, serial numbers or evidence tags on the property;
 3. All photographs shall include a sign displaying the Department case number.
 4. Photographs shall be color prints, not slides, and taken with a digital or Polaroid type camera capable of reproducing sufficient detail as to show identifying marks and serial numbers;
 5. Proof of ownership, when applicable, must be submitted to the Department and a copy of that proof retained.

6. A Declaration of Ownership form shall be signed in duplicate by the owner when the property is photographed and released.
7. Prior to release, all serialized property shall be cleared from the California Department of Justice, Automated Property System in CLETS.
8. Photographs taken from the release of property shall be entered into evidence.

B. Photographic release of property shall **NOT** apply to:

1. Property seized by search warrants;
2. Money;
3. Explosives;
4. Hazardous materials or illegal substances;
5. Narcotics;
6. Firearms or weapons used in the commission of a crime;
7. Property requiring laboratory analysis;
8. Property containing biological material;
9. Any property that is illegal to possess;
10. Any property in which ownership is in dispute;
11. Property that is evidence of a violent offense; or
12. Property that is evidence of a crime having a Statute of Limitations in excess of 6 years.

- C. Photographic release of property may be conducted from the scene providing that the above criteria have been met.

II INTERIM RELEASE OF PROPERTY GUIDELINES

To facilitate the need for officers to temporarily remove evidence from the Property Room for further investigation, examination, court, etc., the following procedures have been established;

- A. The officer will complete a property request form and forward it to the Property & Evidence Technician at least 24 hours (weekends and holiday excluded) in advance of when the property will be needed.

1. On rare occasions during exigent circumstances, property may be released to the office with less prior notification; however, these requirements should be kept to a minimum.
- B. Officers checking out evidence for court will be required to sign and date the chain of custody form for all evidence released.
- C. Officers shall immediately return all evidence to the Property Room, unless held by the court.
- D. Property shall be repackaged or resealed as necessary to ensure the integrity of the item.
- E. The Property & Evidence Technician shall track evidence check out for court and its return. After 72 hours, notification shall be given to the officer who has not returned the property.

III DISPOSAL GUIDELINES

- A. Property held by Chino Police Department shall be disposed of in a manner authorized by statute and as provided for by policy.
 1. When there are two or more defendants involved in a criminal case, property will not be disposed of until all defendants' trials have been concluded.
 2. Property shall not be disposed of until the period for appeals has closed and all appeals have been concluded.
 3. The Property & Evidence Technician shall not dispose of property until the end of the time period established by department policy for holding the item; e.g., found property, safekeeping.
 4. If the person from whom custody of the property was taken is a secondhand dealer or licensed pawnbroker, and if the owner of the property cannot be located at the end of the criminal proceeding, the property shall be returned to the secondhand dealer or pawnbroker.

5. In all cases where property is destroyed, Records shall delete information in the appropriate State Department of Justice computer file concerning each item of serialized property that is authorized for disposal. Additionally, the Records will file all property records in the original case file.
 6. No property will be disposed of unless the Property & Evidence Technician receives a property release authorization form from the person requesting destruction with instructions to dispose of the property, a court order, or written instructions from the District Attorney's Office.
- B. Destruction of Property Pursuant to a Court Order
1. Property will be destroyed as instructed in the court order.
- C. Statute of Limitations
1. In misdemeanor cases, the statute of limitations is one year when the case file report indicates no suspects. After review by the investigating office or assigned investigator, the property will be disposed of after one year.
 2. In felony cases (except homicides, embezzlement of public funds or falsification of public funds), property will be disposed of after the statute of limitations has expired, the case file indicates no suspect(s), and the investigating officer or assigned investigator approves disposal.
 - a. Property from homicides, embezzlement of public funds or falsification of public funds will be retained indefinitely, except when disposal or release is ordered by the investigating officer or assigned investigator with the concurrences of the District Attorney or the court.

D. Disposition of Property to be Destroyed

Property of little or no auction value can be disposed of in an appropriate trash receptacle except as otherwise directed below:

1. Metal object can be placed in a scrap metal container for recycling.
2. Papers of a sensitive nature will be shredded.

3. The contents of alcoholic beverage containers will be poured down the drain before disposing of the container in the trash.
4. Property of value (except firearms, money ammunition, controlled substances and hazardous materials) will be sold at auction or designated for department use.
5. Pursuant to statutory requirements, firearms will be destroyed or designated for department use, per Penal Code 12030(b).
6. Ammunition will be disposed of through pre-approved, designated agencies or designated for department use.
7. Controlled substances will be burned or otherwise disposed of as a hazardous waste material. Narcotic paraphernalia will also be disposed of as a hazardous waste.
8. Hazardous materials will be disposed of through an authorized, pre-approved hazardous waste disposal firm.
9. Knives, clubs, BB or pellet guns or other dangerous weapons will be destroyed in the same manner as firearms.
10. Fireworks will be turned over to Chino Fire Department for incineration or detonation. A limited amount of fireworks may be retained for department use.
11. All unclaimed money will be deposited in the City of Chino General Fund, except rare coins or paper money that will be sold at public auction.

E. Disposition of Firearms

1. Retained for department use
 - a. The Chief of Police shall authorize all firearms retained for official use by the department. Such authorization shall be in writing and retained in the property file.
 - b. A court order must be obtained from a magistrate authorizing the retention of a firearm for department use, per Penal Code 12030(b).

- c. The make, model and serial number will be recorded on the department's weapon inventory log maintained by the Personnel & Training Sergeant.
- d. The Property & Evidence Technician shall forward to Records who shall be responsible to notify the California Department of Justice through CLETS.

2. Destruction

- a. The make, model, serial number and involved case report number is recorded in the property management computer system.
- b. A computer printout of all firearms is attached to a request for destruction and submitted to the Superior Court for approval and signature.
- c. Firearms that are authorized for disposal are destroyed as necessary to conserve space and security of the weapon(s).
- d. All firearms are inventoried prior to destruction.
- e. The property report is removed from the property file and updated with the new status. The disposition section of the report is completed and forwarded to Records for filing under the appropriate case file.
- f. The disposal of all firearms must be done through an approved disposal firm.
- g. The Property & Evidence Technician, or designee, will be accompanied by an armed police officer or reserve officer who will transport the firearms to a destruction facility and shall witness the destruction of each weapon.
- h. Records shall be responsible to notify the California Department of Justice of the destruction through CLETS.
- i. All written documentation of the destruction transaction shall be retained by the Property & Evidence Technician.

F. Destruction of Ammunition

1. Department Use

- a. Surplus small arms and rifle ammunition may be retained by the department for official use.
- b. Ammunition retained for department use will be transferred to the Training and Backgrounds Sergeant, Head Rangemaster or SWAT Commander as appropriate.
- c. The department employee receiving the ammunition shall sign the property report. The property report is then forwarded to Records for filing under the original case.

2. Disposal

- a. Ammunition not converted for department use is transported to the Range for destruction.

The disposition section of the property report must be completed to reflect the disposition of the ammunition.

- b. The department employee receiving the ammunition shall sign the property report. The property report is then forwarded to Records for filing under the original case.

G. Destruction of Narcotics / Controlled Substances

1. Controlled substances and narcotic paraphernalia will be destroyed by the Property & evidence Technician after receiving authorization for such disposal.
 - a. Items to be destroyed are pulled from their storage locations and placed in boxes labeled "Narcotics Destruction". Each box is sealed, labeled and numbered.
 - b. A list is prepared for each box, noting the case number and a copy of the appropriate property report is attached to each list.

- c. An appointment for disposal (crush or burn) should be made and the necessary permits obtained in advance.
- d. The Property & Evidence Technician must obtain a court order for the destruction of the contraband from a magistrate.
- e. The Property & Evidence Technician, or designee, will be accompanied by an armed police officer or a reserve police officer, who will transport the controlled substances to the disposal facility and shall witness the destruction of the controlled substances.
- f. Prior to destruction, a representative of the Police Department shall conduct a random test of the controlled substances scheduled for destruction at the burn site to ensure its authenticity.

H. Disposal of Hazardous Materials

The disposal of hazardous materials falls under a number of State and Federal statutes. In practice, most disposals are regulated by either the California Department of Health Services at the direction of the Environmental Protection Agency or the local water district. Whenever questions arise regarding the proper procedures for waste disposal, the Property Officer shall consult with the Chino Fire Department's Hazardous Materials Unit for direction and assistance with disposal efforts.

V AUCTION OF UNCLAIMED PROPERTY

A. Disposition of Unclaimed Property

1. Property that has been found and not claimed, within 90 days, stolen or embezzled property which has not been claimed by the owner within 30 days of notification, or in any case in which such notice is not given, after the expiration of 6 months has passed from the date of conviction, can be auctioned.
2. Unclaimed property, not governed by statute, after being held 90 days from the date the owner was notified to claim the property, shall be auctioned, destroyed, or diverted for department use.

- a. The Department may donate bicycles for distribution to non-profit organization within the community.
3. Unclaimed property not suitable for auction, property for which no bids were received at the public auction, perishable goods, property which is inherently dangerous, and property which is contrary to the policy of the Chief of Police to retain, shall be disposed of in an appropriate manner. This section shall not apply to property subject to confiscation or disposition under State and Federal law.

B. Auction of Unclaimed Property

1. A contract between the Chino Police Department and Property Bureau is arranged and a mutually agreed date, time and location for the auction is established.
2. Pursuant to Government Code Section 1090, and to avoid conflict of interest, or any appearance of conflict of interest, no employee of this department shall purchase any item at such auction, either personally or through a third party.

I PROPERTY AUDITS

IT IS THE POLICE FO THE Chino Police Department to receive and safely store evidence, found property and property for safekeeping; and to restore the property to the rightful owner, or otherwise lawfully dispose of the property in a timely fashion. The Department will use the audit and inventory process as a means to ensure the integrity of this policy.

The purpose of an audit is not solely to verify compliance of policies and procedures, but also to identify areas that may need improvement or updating and to correct any procedural deficiencies noted during the audit.

For purposes of this manual, an audit is defined as a formal, periodic examination and checking of accounts or records to verify their correctness and adherence to police and established protocol.

A. Weapons, money and controlled substances stored In the Property Room will be audited regularly to monitor the security of this property.

1. Internal Audits

a. The Professional Standards Sergeant will conduct an audit of the following types and amounts of property at least quarterly:

- Firearms (5)
- Money Envelopes (5)
- Controlled Substance Envelopes (5)

b. Random and unannounced audits may be conducted at anytime by the Chief or Division Commander.

c. The items to be audited will be selected at random upon reviewing one or more of the following from the previous month.

- Property reports
- Property evidence log
- Those items / records subject to audit

- d. A comparison of the description of the item written on the Chino Property Report with the actual item or the description on the container shall be made. Money or controlled substances envelopes shall not be opened, but seals inspected to verify the seals are intact.
 - e. A record shall be maintained of those items that are audited.
 - f. A quarterly audit report shall be prepared and forwarded to the Chief of Police.
2. External Audit
- a. An external audit conducted by an independent source outside the Department shall be conducted annually or more frequently if deemed necessary.
3. Reporting Procedures
- a. All audit procedures must be reviewed and signed by the person conducting the audit as well as the supervising property manager.
 - b. Any discrepancies discovered during the audit must be noted in the report.

II PROPERTY INVENTORIES

The Department will use the audit and inventory process as a means to ensure the integrity of this policy.

For purposes of this manual, an inventory is defined as a physical inspection and verification of the presence of a property item maintained by the Department against the agency's records.

- A. The Property & Evidence Technician shall conduct a complete inventory at least once a year, anytime a personnel change is made in the property room, or when requested by the Professional Standards Sergeant.

1. Every item stored in the property system must be accounted for. All property storage areas, rooms and sites shall be included in the inventory process.
2. All packages, containers, property tags, or barcodes shall be inventoried and reconciled with the logbook.
3. A copy of the Inventory report shall be completed after each inventory and forwarded to the Professional Standards Sergeant.
 - a. This report shall include any discrepancies and list any missing items, after which the Professional Standards Sergeant will make a determination if an investigation into the loss is warranted.
 - b. Whenever any firearm, money or controlled substances are discovered missing, Professional Standards Sergeant shall immediately be notified and an investigation ordered.

III INSPECTIONS

For purposes of this manual, an inspection is defined as a brief, informal, usually unannounced review of procedures, records, or facilities to ensure adherence to policy and established protocol.

- A. The Professional Standards Sergeant may conduct frequent unscheduled, unannounced inspections of the property room and property function as deemed appropriate.
- B. Periodic inspections are intended to supplement and support regularly scheduled audits and inventories. They shall not replace the audit and inventory requirements of this chapter.