

Property and Evidence Procedures

Table of Contents

Procedure	Title of Procedure
100	Evidence Intake and Property Handling
110	Evidence and Property Release to Law Enforcement Entities
120	Controlled Substance Handling
130	Alcohol Handling
140	Firearm Handling
150	Money Handling
160	Bio-Hazardous and Hazardous Material Handling
170	Release of Marijuana by Court Order Only
180	Evidence Vehicle Handling
190	Evidence Viewing
200	Disposal of Property and Evidence
210	Drug Take Back Container

EVIDENCE INTAKE AND PROPERTY HANDLING

PURPOSE AND SCOPE

This procedure documents the proper handling of evidence and property through the intake process.

PROCEDURE

When property and evidence is received from a deputy or through the evidence locker a Property/Evidence Technician shall take the following action.

- 1) Date stamp and initial the incoming package/item to start the Chain of Custody. (If the item is a firearm, then refer to the Firearms Handling Procedure for handling and processing; if the item contains narcotics, then refer to the Controlled Substance Handling Procedure for handling and processing. If the item contains Biohazardous/Hazardous material, then refer to the Biohazardous/Hazardous Evidence Handling Procedure.) **NOTE: Firearms will only be handled by EDSO Interns after being made safe by a Property/Evidence Technician. EDSO interns are 18 years or older.**
- 2) Verify that all items have a bar code label present and affixed to it.
- 3) Once all lockers have been emptied, re-verify that ALL lockers are in fact empty. Prior to processing and creating a tracking package for the individual case reports, check the files for any tracking package that may have been created in prior days for property/items already received in. If a tracking package already exists, then combine the new incoming property to the existing package.
- 4) Ensure that the case number, item # and storage location is on each of the packaged items. On the tracking package, you will list the "storage location" in the "storage location" field of the Evidence Record document.
- 5) Once all items received in have been appropriately marked with a case number, item number and "storage location", scan the bar code and

indicate the “storage location” where the item will be stored. **NOTE: If an item(s) is determined to be packaged incorrectly, then an email from the Property Unit to the booking deputy and supervisor shall be sent, requesting the correction to be made as soon as possible. Specific instructions regarding what needs to be corrected will be included in the email.**

- 6) Once all items have been scanned to a “storage location” then place the item in its correct “storage location.”

EVIDENCE AND PROPERTY RELEASE TO LAW ENFORCEMENT ENTITIES**PURPOSE AND SCOPE**

This procedure documents the proper releasing process of property and evidence to the DA's Office, EDSO Deputies and Detectives, the Department of Justice and other outside law enforcement agencies.

PROCEDURE

When property and evidence is released to the DA's Office personnel, EDSO Deputies or Detectives, Department of Justice personnel or other outside law enforcement agencies a Property/Evidence Technician shall take the following action.

- 1) If an item is requested by the DA's Office, the item will be retrieved from its storage location and placed on the DA Release Shelf, along with the copy of the tracking package paperwork. (NOTE: An "Out of File" card shall be placed in the folder from where the Tracking Package Paperwork was removed, with a comment notated on where the Tracking Package Paperwork can be found.) Upon the arrival of an approved DA Representative, the item shall be signed out on both the tracking package "Chain of Custody" paperwork and the tracking label affixed to the item. The item will then be moved electronically from its storage location to DA.
- 2) If an item is requested by an EDSO Deputy or Detective for further investigation, the item will be retrieved from its storage location and placed on the S/O Release Counter, along with the copy of the tracking package paperwork. **(NOTE: An "Out of File" card shall be placed in the folder from where the Tracking Package Paperwork was removed, with a comment notated on where the Tracking Package Paperwork can be found.)** Upon the arrival of the EDSO Deputy or Detective, the item shall be signed out on both the tracking package "Chain of Custody" paperwork and the tracking label affixed to the item. The item will then be moved electronically from its storage location to INVEST.
- 3) If an item is requested by the D/A's Office, a Deputy, or a Detective to be sent to DOJ for further examination or testing, the item will not be retrieved from its storage location until the day of the DOJ run. On the day of the

DOJ run, the item will be retrieved from its storage location and placed on the counter, along with the copy of the tracking package paperwork. Prior to departing for the DOJ Lab, the Property/Evidence Technician transporting the item to DOJ will sign their name and list their ID number in the "Received By" box of the Chain of Custody portion of the tracking package and have a second Property/Evidence Technician verify the items being taken to DOJ with the corresponding request form. The verifying Property/Evidence Technician will then initial and list their ID number in the Prop. I.D. box in the Chain of Custody portion of the tracking package. The item will then be electronically moved from the storage location to DOJ.

- 4) If an item is requested by an Outside Agency (OA) to be sent out from our Property Section, the item will not be retrieved from its storage location until the day it is to be mailed or picked up. On the day the item is to be picked up or mailed out, the item will be retrieved from its storage location and placed on the counter, along with the copy of the tracking package paperwork. When the item is being picked up by an outside agency the Property/Evidence Technician will have the agency representative sign for the item on the Chain of Custody form. The item will then be moved electronically from its storage location to Outside Agency (OA) with the name of the agency listed in the comment section. If the item is being mailed to an outside agency, then the Property/Evidence Technician will transport the item to the mail room. The item will then be electronically moved from the storage location to Outside Agency (OA) with the name of the said agency listed in the comment section.
- 5) If a final disposition of the case is received or through case research a case is determined to be done, refer to the Disposal of Property and Evidence Procedure.

CONTROLLED SUBSTANCE HANDLING

PURPOSE AND SCOPE

This procedure documents the proper handling of controlled substances from intake to storage and to final disposition.

PROCEDURE

When controlled substances are received from deputies or the evidence locker, a Property/Evidence Technician shall take the following action.

- 1) Personal Protection Equipment including gloves (at minimum), masks or eye protection will be worn when handling narcotics.
- 2) Check to make sure the envelope is sealed, initialed, and properly filled out to include the case number, deputy's name and id number, defendant's name, charges, type of controlled substance and weight.
- 3) If a large quantity of a controlled substance is booked the Property/Evidence Technician shall ensure that a small sample has been booked that can be sent to the DOJ Lab for testing.
- 4) All controlled substances booked in the narcotics envelope shall be entered into the narcotic's log and stored in the Narcotic's room. Each time a controlled substance leaves or returns to the Property Unit, the date out and the date returned shall be added to the narcotics log. The date and time out and to whom released, as well as the date and time received back and by whom received shall be entered on the Chain of Custody page.
 - a) Any controlled substance being booked which may have fentanyl shall be sealed in a plastic pouch. **(NOTE: All packages with Razors, Needles, Glass or "Possible Fentanyl" will have a bright colored warning sticker affixed to the outside of the packaging.)**
 - b) Narcan is available in both the Deputy intake area and the Property intake area should the need arise. **(NARCAN packages will be inspected for expiration dates.)**

- 5) Large bags of marijuana shall be stored in the outside storage area.

Upon adjudication of a case, a Property/Evidence Technician shall take the following action.

- 1) The controlled substances shall be placed on a list which includes the case number, item number, type of controlled substance and amount.
- 2) A Property/Evidence Technician shall submit to the Court an Affidavit for Order of Destruction, along with an Order for Destruction, which shall include the list of all controlled substances to be destroyed.
- 3) Once the Court has signed the Order for Destruction, a date and time shall be arranged with a sworn escort to transport the controlled substances to a disposal location.
- 4) A Court Order shall be obtained prior to the conversion of any controlled substances for the purposes of training or undercover buys. When the converted controlled substances are no longer needed, they shall be returned to the Property Unit and placed on the next destruction list.

ALCOHOL HANDLING**PURPOSE AND SCOPE**

This procedure documents the proper handling of alcohol from intake to storage to final disposition.

PROCEDURE

When alcohol is received from deputies or the evidence locker, a Property/Evidence Technician shall take the following action:

- 1) If the case is one of the following and the alcohol is sealed it shall be photographed and disposed of at intake. If the container is open, a small sample shall be taken of each open container and photographed. The sample will be booked under the EV number for the item. The remaining amount shall be destroyed. The Property/Evidence Technician shall upload the photo and make an entry into the Property Management System for the photo and make a supplemental report of what was done.
 - a) Juvenile in possession
 - b) Minor in possession
 - c) 23224 VC
 - d) 25662 B & P
 - e) Violation of Probation
 - f) Violation of Parole
- 2) On all other cases the sealed container shall be maintained until the case is adjudicated and then destroyed or returned depending on the outcome of the case. If the container is open, a small sample shall be taken of each open container and photographed. The sample will be booked under the EV number for the item. The remaining amount shall be destroyed. The Property/Evidence Technician shall upload the photo and make an entry into the Property Management System for the photo and make a supplemental report of what was done.

- 3) Only sealed containers shall be booked for safekeeping. A Property/Evidence Technician shall cause a letter to be sent giving the owner 60 days to pick up or the alcohol will be destroyed.

FIREARM HANDLING**PURPOSE AND SCOPE**

This procedure documents the proper handling of firearms from intake to storage and to final disposition.

PROCEDURE

When firearms are received from deputies or the evidence locker, a Property/Evidence Technician shall take the following action.

- 1) Firearms shall be checked to ensure they are rendered safe.

NOTE: Firearms will only be handled by EDSO Interns after being made safe by a Property Technician. EDSO Interns are 18 years or older.

- a) A zip tie shall be in place through the action, well, magazine or cylinder of the weapon.
- b) If the zip tie is not properly placed on the gun, the deputy will be notified to correct it. The gun shall be placed in the blue barrel until the deputy can correct the zip tie.
- c) All loaded firearms shall be retained in a blue barrel until a deputy from the Armory can render it safe.
- d) All firearms shall be string tagged.
- e) Ammunition shall not be stored with the firearm.
- f) Firearms shall not be stored in their gun cases.
- g) Firearms shall be checked to see if they are California Compliant.
- h) Non-California Compliant Firearms shall be marked as "ILLEGAL" on the outside of the firearm box.
- i) "Ghost Guns" or PMF (Privately Manufactured Firearm) Firearms that do not have serial numbers shall have a FMBUS (Firearm Manufactured by Unlicensed Subject) Number acquired from the Department of Justice, Bureau of Firearms, prior to sending the CLET's paperwork to Records.
- j) The functionality of any firearm in question will be verified by EDSO Armory personnel or qualified District Attorney Investigator Armorer.
- k) All firearms shall be checked for serial number, caliber, make, model, barrel length and importer information. A copy of the evidence page and the CLETS entry form shall be sent to Records for entry of the

firearm into the Automated Firearm System's database (AFS) along with any changes to the original entry that may need correction.

(NOTE: "Ghost Guns" or PMG Firearms that do not have serial numbers shall have a FMBUS (Firearm Manufactured by Unlicensed Subject) Number acquired from the Department of Justice, Bureau of Firearms, prior to sending the CLET's paperwork to Records.)

- 2) All firearms shall be string tagged and a bar code label placed on the string tag. All evidence guns booked by deputies for processing shall be placed in a new gun box, with an additional bar code label on the outside of the box, to prevent contamination. Evidence guns that do not need processing, booked by deputies with just a string tag, shall be placed in a new gun box by a Property/Evidence Technician and an additional bar code label shall be placed on the outside of the box.
- 3) All Safekeeping and Found guns booked by deputies with just a string tag shall be boxed in used gun boxes by a Property/Evidence Technician and an additional bar code label placed on the outside of the box.
- 4) All gun boxes shall be marked with the case number and item number. Safekeeping firearms shall be marked with a **yellow** strip of paper and Found firearms with a **blue** strip of paper.
- 5) All firearms are to be logged into the firearms audit book. Each time a firearm leaves or is returned to the Property Unit, the Chain of Custody page in the audit book will be updated with the time out, date out and who the firearm was released to **OR** the time in, date in and who received the firearm. The Property Management System shall be updated to reflect the changes. Safekeeping Firearms associated with a domestic violence case and/or a 5150 case, without an arrest or charges filed, shall, after 5 business days have a letter sent to the owner to start the weapons return process. Safekeeping firearms turned in on restraining orders will be held for the duration of the restraining order unless the owner decides to sell or transfer the firearm through a licensed firearms dealer. Firearms held on Public Guardian cases shall be held until directed by the Public Guardian.

Once cases are complete a Property/Evidence Technician shall take the following action.

- 1) Place all firearms on the destruction list that have been ordered destroyed by the court.

- 2) Send a letter/email to the owner describing the process to obtain the firearm. After 180 days from the date of letter/email and no response was received the firearm shall be added to the destruction list per Penal Code Section 33850.
- 3) On cases where the defendant was given the "Prohibited Notice" in court and 30 days has transpired without any contact, a court order shall be obtained by a Property/Evidence Technician for the destruction of the firearm. The firearm shall be added to the destruction list.
- 4) Firearms shall be transferred to a licensed firearms dealer when directed to do so by the owner and otherwise not prohibited. **(NOTE: If the Firearm Dealer is within California, a FFL Dealer check will be conducted through the CA Department of Justice. If the Firearm Dealer is outside of CA, the firearm owner will identify an FFL Dealer within their area. The firearm owner will obtain the name of the dealer, the dealer's phone number and the first 3 and last 5 digits of the FFL Dealer's license. The Property/Evidence Technician will then check the status of the FFL Dealer's License through FFL e-Z Check on the ATF Website. Once cleared as a current and valid FFL Dealer, the Property/Evidence Technician will call the FFL Dealer and confirm their address and inform them that the firearms will be shipped via UPS to their location. The FFL Dealer will be responsible for releasing any firearms in accordance with their state laws to the firearm owner.)** Upon releasing the firearm to the FFL dealer, the Property/ Evidence Technicians shall send a copy of the evidence page to Records with a CLETS gun from so the AFS record can be updated as a transfer.

Firearms on the destruction list may be converted for official use or destroyed with the Sheriff's approval. To convert a firearm to official use a Property/Evidence Technician shall take the following actions.

- 1) The Armorer shall review the destruction list for firearms to convert to department use.
- 2) The appropriate paperwork (Certificate of Weapon Retention) for the firearms conversion for official use will be sent to the Superior Court for a judge's signature. Under the authority of Section 18000 of the Penal Code, a certificate of retention is granted with the judge's signature.

- 3) Property/Evidence Technician shall cancel the existing AFS entries and enter in AFS the conversion to official use.
- 4) Release of firearms to private individuals, can only be done to the individual identified on the Gold Seal Letter from DOJ. Once the individual brings in their Gold Seal Letter from DOJ, a Wants/Warrants and Restraining Orders check will be run on the individual while they are waiting. If no Wants/Warrants or Restraining Orders are found, then the firearm will be returned to the individual and the Gold Seal Letter from DOJ will be retained and attached to the Property Packet.

The destruction of firearms shall be set for the [REDACTED], unless a different time is required due to storage issues within the agency. Firearms shall be destroyed on site by [REDACTED]. Following the destruction, a Property/Evidence Technician will cancel the AFS entries and enter the firearms destruction into the AFS database. Independent audit logs of the Firearms converted and destroyed will be maintained by the Property Unit.

MONEY HANDLING**PURPOSE AND SCOPE**

This procedure documents the proper handling of money from intake to storage and final disposition.

PROCEDURE

When money is received from a deputy or through the evidence locker a Property/Evidence Technician shall take the following action:

- 1) Check to ensure the envelope is sealed, initialed, and that a bar code label has been placed on the envelope.
- 2) Two Property/Evidence Technicians or one Property/Evidence Technician and one EDSO Intern shall open the envelope, in dual custody, verify the count and ensure that there are no counterfeit bills present.
- 3) Both verifying individuals will ensure that the envelope is resealed, and both will sign their initials and ID Numbers to the seal.
- 4) The Property/Evidence Technician completing the in-take will write "amount verified."
- 5) Verify the amount on the envelope matches the entry in the Property Management System. **(NOTE: All discrepancies between the amount being booked (amount on the envelope) and the amount verified will be documented in a Supplemental Report under that case number. In addition, the booking Deputy and Supervisor will be notified via email of the discrepancy identified.)**
- 6) If counterfeit bills are identified a Supplemental Report will be made and photos of the counterfeit bills will be added into the RIMS Case. In addition, the booking Deputy and Supervisor will be notified via email of the discrepancy identified.
- 7) Check to see if money marked as evidence has been photographed so it can be deposited into the Evidence Trust Account. Money seized by a

search warrant shall have a court ordered to release from search warrant status prior to being deposited into the Evidence Trust Account.

- 8) Enter money into the Safe Audit Log and store it inside the locked safe. Each time money leaves or returns to the Property Unit, The Chain of Custody page in the audit book will be updated with the time out, date out, and who the money was released to **OR** the time in, date in and who received the money. The Property Management System shall be updated to reflect the changes.
- 9) Anytime a money envelope needs to be opened, two Property/Evidence Technicians or one Property/Evidence Technician and one EDSO Intern shall be present to count the money.

Found money shall be advertised and released to owner if claimed.

- 1) If money is unclaimed a 30-day letter shall be mailed to the finder. If the finder does not claim the funds the money shall be deposited into the General Fund.
- 2) Money found by an employee of any public agency cannot be claimed by that person. Civil Code 2080.3(a).

Safekeeping money shall have a 60-day letter sent to the owner. If unclaimed the money shall be deposited into the General Fund.

Evidence money shall be maintained until the case is adjudicated unless ordered to be released via court order or other authorized release.

- 1) On cases where there is money that was seized, a Property/Evidence Technician shall contact the following agencies in the order presented below to see if the defendant owes any money.
 - a) Superior Court, Probation, County Revenue Recovery and Child Support Services.
 - b) Superior Court and County Revenue Recovery do not need a court order as the money has already been ordered to be paid by the court.
 - c) Probation shall get a court order and Child Support Services shall obtain a writ to seize the money.
- 2) When the money is in the Evidence Trust Account a memo shall be forwarded to the Auditor's Office via EDSO's Fiscal Division to have the funds released to the appropriate department. The memo will include the

Fine Sheet from Superior Court, Court Order, Writ or Copy of account from County Revenue Recovery showing money is owed. If no money is owed a Property/Evidence Technician shall forward the appropriate paperwork to EDSO's Fiscal Division to have the money sent to the owner.

Contaminated money requires specialized handling. A Property/Evidence Technician shall take the following action when contaminated money is to be deposited into the General Fund.

- 1) It shall be on a separate deposit form.
- 2) A memo must accompany the deposit which details the specific type of contamination for each bill and the case number from which it came.
- 3) Each individual bill must be sealed in a plastic pouch so both sides of the bill are showing.

Large quantities of money contaminated by blood or bodily fluids shall be sent to the U.S. Department of the Treasury for replacement.

- 1) A letter must accompany the money which includes the amount of money, case number, and type of contamination.
- 2) The money can be in one sealed plastic pouch per case.

BIO-HAZARDOUS AND HAZARDOUS MATERIAL HANDLING**PURPOSE AND SCOPE**

This procedure documents the proper handling of Bio-hazardous and Hazardous Evidence, from intake to storage and to final disposition.

PROCEDURE

When Bio-hazardous Evidence is received from a deputy or through the evidence locker, a Property/Evidence Technician shall take the following action.

- 1) Personal Protection Equipment including gloves (at minimum), masks or eye protection will be worn when handling biohazardous and hazardous materials.
- 2) Ensure that a bio-hazardous or blood/body fluids sticker is on the package.
- 3) Check to make sure the item was dried prior to being booked. If not, the item shall be returned to the deputy to be dried and repackaged.
- 4) Whenever possible a Property/Evidence Technician shall vacuum seal the dried package in a plastic pouch.
- 5) Determine the type of storage for the item.
 - a) Freezer - Body parts, toxicology, and urine
 - b) Refrigerator – Blood samples, assault kits, and homicide kits
 - c) Dry Shelf Storage – Physical items with dried blood or body fluids and swabs.
- 6) At the conclusion of the case, the bio-hazardous item shall be disposed of in a bio-hazardous bin. The bin shall be picked up and incinerated by a company who is licensed in bio-hazardous disposal.

When Hazardous Evidence is received from a deputy or through the evidence locker, a Property/Evidence Technician shall take the following action.

- 1) Determine the type of storage for the item.

- a) Chemical Cabinet – Clandestine lab samples, chemicals
 - b) Flammable Cabinet – Fireworks, arson samples, butane cans
 - c) Grey Locker – lighters, spray paint cans, pepper spray, and OC spray
 - d) [REDACTED] – devices filled with gas and oil, gas cans, BHO equipment, butane tanks, propane tanks, acetylene tanks, oxygen tanks, insecticides, and fertilizers.
 - e) Possible explosives – Shall be placed in [REDACTED] and the EDSO's EOD Unit shall be notified to determine proper storage.
- 2) At the conclusion of the case, the hazardous items shall be disposed of in accordance with State and County regulations. Disposal may include but shall not be limited to disposing through or releasing to any of the following:
- a) DOJ
 - b) EDSO'S EOD Unit
 - c) County Environmental Department
 - d) Incineration
 - e) Auction
 - f) Propane/Acetylene Tank Dealer
 - g) El Dorado Disposal and Waste Management

RELEASE OF MARIJUANA BY COURT ORDER ONLY**PURPOSE AND SCOPE**

This procedure documents the process under which marijuana shall be booked and released.

PROCEDURE

When marijuana is booked into the Property Section as an evidence item, a Property/Evidence Technician shall take the following action:

- 1) The Property/Evidence Technician shall ensure that a ten-pound sample and ten representative samples have been booked. If root balls are taken, the Property/Evidence Technician shall ensure that ten root balls have been booked.
- 2) On marijuana taken by a SEARCH WARRANT the Property/Evidence Technician shall determine if the warrant authorized the excess marijuana to be destroyed. If not, a Court Order shall be obtained prior to its destruction.
- 3) On marijuana not taken by a search warrant a Property/Evidence Technician shall submit to the Court an Order After Destruction for the excess marijuana destroyed.
- 4) At the adjudication of the case if the owner is not prohibited from having marijuana and seeks to obtain it, a Property/Evidence Technician shall advise the owner verbally and in writing that a Court Order is required for its release. The owner shall be given 120 days from the date of admonishment or letter to obtain a Court Order for its release. If no release is authorized within the 120-day waiting period, a Property/Evidence Technician shall obtain a Court Order for its destruction.
- 5) If the owner obtains a court ordered release the owner shall be asked to sign an indemnity agreement prior to the release of the marijuana. If

the owner does not wish to sign the agreement, a Property/Evidence Technician shall read the indemnity agreement to the owner and note that the agreement has been read prior to the release of the marijuana. A copy of the signed agreement or the agreement with the note "it was read" shall be attached to the Property packet.

When marijuana is booked into the Property Section as a Safekeeping item a Property Technician shall cause a letter to be sent to the owner advising them that they have 120 days, from the date of the letter, to obtain a Court Order for its release or it will be destroyed as unclaimed property.

EVIDENCE VEHICLE HANDLING**PURPOSE AND SCOPE**

This procedure documents the proper handling of evidence vehicles from intake to storage and final disposition.

PROCEDURE

When a vehicle is booked into the Property Section as an evidence item, the following actions will be taken.

- 1) Law Enforcement personnel shall pull a case number and shall make an entry into the Property Management System for every vehicle towed into the storage area.
- 2) A Property/Evidence Technician shall tarp any vehicle that is not intact to protect it from the elements and verify its location on the Vehicle Evidence Map.
- 3) For vehicles being authorized for release or for vehicles having been determined to be releasable, a Property/Evidence Technician shall cause a letter to be sent to the registered owner giving them 60 days to pick up the vehicle.
- 4) For scheduled releases, a Property/Evidence Technician shall meet the owner/tow company to release the vehicle from the storage area (unless being released directly by a Detective). The owner or representative from the tow company shall sign for the vehicle to be released.
- 5) If the vehicle is not claimed within 60 days, it is considered unclaimed property. A Property/Evidence Technician shall call the designated contracted tow company to plan for the tow company to abate the vehicle as unclaimed property. There is a cost for the tow. The Sheriff's Office has contracts with [REDACTED].

- 6) The Vehicle Evidence area shall be inspected bi-weekly by a Property/Evidence Technician to ensure that the Vehicle Map matches the items being retained.

EVIDENCE VIEWING**PURPOSE AND SCOPE**

This procedure documents the proper response to a request to view evidence.

PROCEDURE

When the Property Unit receives a request for a viewing of evidence, a Property/Evidence Technician shall take the following action.

- 1) If the request is from EDSO Personnel (Deputy or Detective) an appointment time will be set for the viewing.
 - a) EDSO personnel will sign for the viewing.
 - b) Items opened will be resealed and signed by EDSO personnel.
 - c) Items to be released, if any, will be signed out by the Property/Evidence Technician to the receiving EDSO personnel.
- 2) If the request is from the DA's Office, an appointment time will be set for the viewing.
 - a) DA's Office personnel (DDA or DA investigator) will sign for the viewing.
 - b) Items opened will be resealed and signed by the DA's personnel.
 - c) Items to be released, if any, will be signed out by a Property/Evidence Technician to the receiving DA's Office personnel.
- 3) If the request is from a defense attorney, they will be instructed to contact the DA's Office to arrange for a viewing time.
 - a) An appointment time will be set when both the DA's Office personnel and the defense attorney can view the evidence.
 - b) DA's Office personnel will contact the Property Unit to set an appointment. In the event it is not possible for the DA's Office personnel to attend the viewing, then an EDSO investigator will attend instead.

- c) Items opened will be resealed and signed by the DA's Office personnel or EDSO personnel at the viewing.
 - d) Items to be released, if any, will be signed out by a Property/Evidence Technician to the receiving DA's Office personnel or EDSO personnel.
- 4) If the request is from an outside law enforcement agency, a Property/Evidence Technician will check with the DA's Office to make sure there is no conflict before setting an appointment time for the viewing.
 - a) Outside agency personnel will sign for the viewing.
 - b) Items opened will be resealed and signed by the outside agency personnel.
 - c) Items to be released, if any, will be signed out by a Property/Evidence Technician to the receiving outside agency personnel.
- 5) If the request is from a defense attorney for an outside agency case, they will be instructed to contact the DA's Office (from the outside agency) to arrange for a viewing.
 - a) The outside agency will contact the Property Unit to set an appointment time, when both their DA's Office personnel and the defense attorney can view the evidence.
 - b) Items opened will be resealed and signed by the outside agency personnel at the viewing.
 - c) Items to be released, if any, will be signed out by a Property/Evidence Technician to the receiving outside agency personnel.

DISPOSAL OF PROPERTY AND EVIDENCE

PURPOSE AND SCOPE

This procedure documents the proper handling of property and evidence as it relates to the disposal of evidence items after adjudication of the case and the disposal of found and safekeeping property.

PROCEDURE

When property is booked as **Found Property**, a Property/Evidence Technician shall take the following action.

- 1) Cause an ad to run in the local newspaper and on social media outlets describing the type of item(s) found, the case number associated and how to claim the item(s). (California Civil Code 2080.3)
- 2) Found property shall be held for 90 days, unless claimed, after which the finder shall be contacted to see if they want to claim the item(s). The finder shall be given 30 days to claim the item(s). (California Civil Code 2080.3)
 - a) Found bikes are only held for 60 days.
 - b) If the item(s) are found by an employee of any public agency during employment, they will not be able to claim the item(s). (California Civil Code 2080.3)
 - c) Personal items such as cell phones, tablets, computers, and personal papers etc. will not be returned to a finder because of privacy issues.
 - d) If the item remains unclaimed it shall be auctioned or destroyed as determined by a Property/Evidence Technician.

When property is booked as **Safekeeping Property**, a Property/Evidence Technician shall take the following action.

- 1) Cause a letter to be sent to the owner of the property giving the owner 60 days to pick up the item(s). If the owner is incarcerated and notifies the Property Unit that they are unable to pick up the item(s), they shall be given up to an additional 10 months to pick up or arrange for the item(s) to be picked up. If the item(s) go unclaimed, they shall be

auctioned or destroyed as determined by a Property/Evidence Technician. (California Civil Code 2080.10.)

- 2) When property is booked as Safekeeping Property, **that is seized due to illegal camping and storage of personal property on private or public property**, a Property/Evidence Technician shall cause a letter to be sent to the owner of the property giving the owner 95 days to pick up the item (s). If the owner is incarcerated and notifies the Property Unit that they are unable to pick up the item (s), they shall be given up to an additional 10 months to pick up or arrange for the item (s) to be picked up. If the item (s) go unclaimed they shall be auctioned or destroyed as determined by a Property/Evidence Technician. (County Ordinance NO. 5060 Chapter 9.55 Section 8.86.010.)

When property is booked as **Evidence**, the Property/Evidence Technician shall take the following action.

- 1) Evidence shall be held for the duration of the case unless a release is directed by the Court, DA's Office, or EDSO Investigator.
- 2) A Property/Evidence Technician shall complete the Case Disposition Worksheet for each defendant on the case including checking for appeals. High Profile cases (Murder, Sex Crimes, Kidnapping, and Aggravated Assault) shall be checked with the Detective Sergeant prior to proceeding with purging the case.
- 3) A second check of the Disposition sheet will be done by the Property Supervisor or another Property/Evidence Technician prior to the item being purged. Personnel doing the second check will initial and date the disposition sheet.
- 4) Property seized via Search Warrant shall require a court order to be released unless the Search Warrant states property can be released at the conclusion of the case or released to victims as identified by El Dorado County Sheriff's Personnel.
- 5) Property that is considered contraband on drug cases for transportation and or sale, and property used in the commission of a crime shall require a court order for release.
- 6) A Property/Evidence Technician shall determine to whom the property belongs and shall cause a letter to be sent to the owner giving him/her

60 days to pick up the item(s). Unclaimed items shall be auctioned or destroyed as determined by a Property/Evidence Technician.

7) Before items go to auction, a Property/Evidence Technician shall cause a list of the items to be auctioned to be circulated within the County Departments to see if any items can be converted for Official Use. Items for conversion shall be on a first come first served basis and shall require the Department Head's approval for the conversion.

8) All remaining items shall go out to auction.

** Disposition of Firearms, Money, and Drugs are covered in separate procedures**

DRUG TAKE BACK CONTAINER**PURPOSE AND SCOPE**

The purpose of this procedure is to establish guidelines for the collection, tracking, storage, and destruction of Take Back Drugs by the El Dorado County Sheriff's Office.

The collection receptacle must be used in accordance with agency training, office policy, and the direction of supervisory personnel.

DEFINITIONS

- 1) Collection Receptacle – A secure container designed for the deposit of Schedule II-V pharmaceutical controlled and non-controlled substances. No liquids or sharps.
- 2) Ultimate user - Person who has lawfully obtained and who possesses a controlled substance for his own use or for the use of a member of his household or for an animal owned by him or by a member of his household. (21 U.S.C. 802(27))

REQUIREMENTS FOR THE COLLECTION RECEPTACLE

The collection receptacle is for the collection of controlled substances from ultimate users and persons lawfully entitled to dispose of a decedent's property via a collection receptacle (1317.35 H&S Code).

- 1) The collection receptacle shall be securely fastened to a permanent structure inside law enforcement's physical location.
- 2) The collection receptacle shall be securely locked and a substantially constructed container with a permanent outer container and a removable inner liner.
- 3) The outer container shall include a small opening that allows contents to be added but not removed from the inner liner.

- 4) The outer container shall prominently display a sign stating that only Schedule II-V controlled, and non-controlled substances are acceptable. (No liquids, sharps, or Schedule I drugs)

REQUIREMENTS FOR THE INNER LINER

- 1) The inner liner shall be waterproof, tamper evident and tear resistant.
- 2) The inner liner shall be removable and sealable immediately upon removal without emptying or touching the contents.
- 3) The contents of the inner liner shall not be viewable from the outside when sealed.
- 4) The size of the inner liner shall be clearly marked on the outside of the liner (e.g., 5-gallon, 10-gallon, etc.)
- 5) The inner liner shall bear a permanent, unique identification number that enables the inner liner to be tracked.
- 6) Access to the inner liner shall be restricted to employees of the collector.
- 7) The inner liner shall be sealed by two employees immediately upon removal from the permanent outer container.
- 8) The sealed inner liner shall not be opened, x-rayed, analyzed, or otherwise penetrated.

DOCUMENTATION REQUIREMENTS

The receipt, installation, removal, storage and destruction of the inner liner and contents shall be documented in a log maintained by the Property unit and contain at a minimum the following information:

- 1) Date each unused inner liner acquired.
- 2) Date each inner liner installed.
- 3) Address of the collection location.
- 4) Unique identification number of inner liner.
- 5) Size of the liner.

- 6) Names and signatures of the two employees who removed and sealed the inner liner.
- 7) Date inner liner is removed.

COLLECTION REQUIREMENTS

- 1) Opening of the collection receptacle requires two people. The only authorized personnel shall be one employee from the Property unit and the Administrative Sergeant or sworn designee.
- 2) Each person responsible for the collection process will have access to only one of the two keys required to open the collection receptacle.
- 3) The Property unit personnel will securely store the inner liners pending removal for destruction.
- 4) The Property unit personnel are responsible for maintaining the logs.

Nothing in this procedure shall supersede El Dorado County Sheriff's Office Property Procedures, Policy 805.

Adopted: 01/01/2024

INVENTORIES, INSPECTIONS, and AUDITS**PURPOSE AND SCOPE**

This procedure documents the timing and goals of inventories, inspections, and audits in the Property Section as well as defines the differences between them.

DEFINITIONS

Inventory - actual count of all items stored in Property.

Inspections – A physical check of the Property Section for building condition and adherence to policies and procedures.

Audit - A spot check (random sampling) of items within the Property Section as compared to the paperwork/physical inventory.

PROCEDURE

An annual inventory of all items in the Property Section will be completed by the end of the calendar year. Audits will be completed when circumstances dictate, such as change in personnel, quarterly, unannounced and prior to destruction of drugs or firearms. Except for Quarterly audits, audits will be conducted by Property/Evidence Technicians, Property Supervisor or Property Manager.

ANNUAL INVENTORY

This is to be accomplished by Property/Evidence Technicians personnel physically checking all existing items against a printout of the existing inventory whether by hand or bar code scanner.

Any discrepancies are to be checked against the paperwork in file, scanned documents, and corrections made and verified as needed.

Example - Items showing in inventory but not on shelf.

Example - Items on shelf but not showing in inventory.

QUARTERLY AUDITS

On a quarterly basis, the Property/Evidence Supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

Audits should be performed by both Property/Evidence Technicians and by people from outside the Property Section. There are various types of audits which are detailed below.

- 1) Select paperwork at random from different years and match items from paperwork to items on shelf.
- 2) Select items at random from different storage locations and match them to the paperwork.
- 3) Target audits may be done more frequently for guns, money, and drugs. These audits should be performed by two Property/Evidence Technicians.

RANDOM AUDITS

Audits will be done on items prior to destruction.

- 1) Drugs pending destruction.
- 2) Firearms pending destruction.

CHANGE OF PERSONNEL

Any change in Property personnel will warrant a complete inventory of the Firearms, Drugs and Money vaults.

BI-ANNUAL INSPECTIONS

Bi-Annual Inspections will be completed by the Property Manager and Property Supervisor together.

- 1) The Facility Inspection Sheet will be utilized.

SECURITY AUDITS

The Property manager will conduct the following audits/inspections annually.

- 1) Audit key card access.
- 2) Conduct unannounced inspections to ensure safety and cleanliness.
- 3) Conduct unannounced audit of Property items to ensure accuracy and compliance with procedures.

Results of the Annual Inventory, Quarterly Audits, Random Audits and Bi-Annual Inspections will be provided to the next level manager. After review by the Property Manager, all results shall be forwarded to the Chain of Command.

Adopted: 01/012024