



EVIDENCE AND PROPERTY **GENERAL ORDER #17.01**

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Persons Affected: All personnel

Authority: Laura Wilson, Director

IACLEA Standards: 15.1.1, 15.1.2, 15.1.3, 15.1.4, 15.1.6, 15.1.7, 15.1.8

Revision History

Replaces SUDPS General Order #17.01 (03/14/2018)

PURPOSE

The purpose of this Order is to define how evidence and property that the Stanford University Department of Public Safety has under its control is managed, safeguarded and, when authorized and lawfully appropriate, released or disposed.

POLICY

A goal of the *Stanford Department of Public Safety (SUDPS)* is the safeguarding and proper disposal of all property coming into its custody. *SUDPS* strives to maintain property in the same condition as received and to preserve evidentiary integrity of property that is contraband or held for *presentation* in court. Subject to statute and a lawful court order, every reasonable effort will be made to return property to its rightful owner. The *Investigations Services/Records Division Lieutenant* will ensure that all *evidence* and *property* in the evidence facilities is handled in accordance with law and this order.



PROCEDURE

The evidence facilities will be maintained by the Property and Evidence Technician. Within one year of appointment, the technician will complete an introductory course of instruction in Evidence and Property Facility Management. The technician will also receive continuing training as prescribed by entities such as Peace Officers Standards and Training (POST), the California Association for Property and Evidence (CAPE), and the International Association of Campus Law Enforcement Administrators (IACLEA) Standards.

The evidence storage facilities are secure environments, and all efforts will be made to maintain the necessary level of security. Employees shall submit or receive properly packaged and identified property into evidence. Employees shall release or dispose of property with proper authorization and legal authority. Employees shall handle narcotics, blood-stained or potentially infectious materials, hazardous or unknown substances using personal protective equipment (PPE).

A. STORAGE OF PROPERTY (IACLEA 15.1.1, 15.1.3, 15.1.4, 15.1.6)

1. SUDPS shall ensure that all items of evidence, found or recovered property that are acceptable for storage (see section B. Found Property for items that should not be accepted for storage) are stored in a safe and secure environment. All items classified as "Found Property" shall be segregated from other types of property retained by the department. This method of safe handling will also include restricted access to the storage facilities.
2. The SUDPS evidence and property preprocessing and secure storage facility is located inside as well as adjacent to the Public Safety Building. The facilities contain lockers that can be secured to temporarily store property until the Property and Evidence Technician can receive it and move it to long-term storage. A secure, alarmed portion of the evidence facilities located inside the Public Safety Building contains the valuables safe. The evidence facility is designed to provide for short-term and long-term storage of property and evidence. The flammables storage locker is located inside the secure fenced bicycle storage area adjacent to the Public Safety Building. It is securely mounted to the concrete floor. SUDPS uses the Property Processing System database to record all evidence and property held in the evidence facilities and to document the chain of custody.

The Investigations Services/Records Division Lieutenant is responsible for operation of the evidence facilities. The Lieutenant will establish, through a written procedure, which sworn personnel are authorized to have access to the secured storage facilities and evidence room. A log will be maintained by the Property and Evidence Technician recording all individuals who enter the secure areas of the property facilities and the authorized employee escorting them. At no point will the individual be left unattended.

3. Employees shall properly and clearly mark all incoming items of property and evidence prior to these items being stored in an evidence locker or facility. Incoming property and evidence should be processed and entered expeditiously. Collection, processing, and data entry related to collected property should be completed prior to the end of the employee's



shift. Under exceptional circumstances, such as when a large amount of evidence must be processed, the Watch Commander or Shift Coordinator may grant approval to postpone the processing of evidence and property. The Watch Commander or Shift Supervisor will note their approval in the Watch Commander's Log. Personal use by employees of any property that comes under the control of SUDPS is strictly prohibited.

B. FOUND PROPERTY (IACLEA 15.1.2)

1. When found property is turned over to department personnel, the employee shall ask the person, turning it in, for their name and contact information (email or phone) and whether the person wants to take possession of the item(s) in the event the owner cannot be located. If the person does want to collect the property, if it is unclaimed, the employee will provide a property receipt regardless of the estimated value of the item(s).
 - a. If the value of the item is estimated to be greater than \$50 a deputy will be requested to accept the item.
 - b. If the property is estimated to be valued at less than \$50, a non-sworn employee may accept the item without requesting a deputy.
 - c. In all cases where the item is determined to be illegal or related to a criminal case, only a deputy shall handle the acceptance and processing of the item.
2. Unused/expired medications will be accepted by department personnel. The public should be advised they can also drop off medications at other sites near campus. A listing of facilities accepting medications is listed on-line on the Santa Clara County government website under www.sccmeds.org.
3. The following found property will not be booked into the property and evidence facility as a general rule and may be disposed of immediately, due to health risk, sanitation or biohazard reasons:
 - Any items containing a liquid or gel-like substance or items that can leak or melt
 - Bedding, including pillows, blankets, comforters or used sleeping bags
 - Lighters, vape pens, etc.
 - Hazardous waste/bodily waste
 - Items in such poor condition they are unstable or unsafe to store
 - Odorous clothing (shoes, jackets, or other items of apparel)
 - Homework which does not appear to contain information to identify the owner
 - Perishable items, food or food containers
 - Personal grooming items (toothbrush, combs, brushes, hair ribbons, etc.)
 - Soiled, wet items or moldy items (clothing or cloth items)
4. Small items without a serial number, identification number, or identifying mark that may facilitate a return to the owner or items with a value of less than \$50 will be placed in the trays located in a secure cabinet in the Business Operations Division (BOD). Examples include keys,



eye glasses/sunglasses or loose electrical charging cables, water bottles and umbrellas. Once each month, or more frequently if necessary, the Property and Evidence Technician will collect the contents of the trays and enter the items into the property room and Property Processing System for disposal.

5. *The employee accepting the property shall notify the person surrendering the property that they may submit a claim for the property unless it falls into one of the following categories:*
 - *The item is a firearm*
 - *The item is determined to be evidence to a crime or is illegal contraband.*

The employee shall provide the person with information on how and when to contact the Department to submit a claim for the property.

6. *In all situations where the legal owner of the property has been identified, the deputy or SUDPS employee shall make a diligent effort to return the property to them. If the SUDPS employee is unable to return the property prior to the end of his/her shift, he/she shall leave a message with the owner notifying them the property is in the possession of SUDPS and directions on how they can retrieve it.*
7. *If an employee is unable to return property valued at greater than \$50 or with identifying features to its rightful owner prior to the end of his/her shift, the property shall be booked into the property and evidence facility. The deputy or investigator shall note in the property/evidence record that the property can be returned to the legal owner and, if the owner was contacted, any specific arrangements made with them to take possession of the property.*
8. *The property/evidence record shall include the following information pertaining to the person who turned in the property:*
 - *Name*
 - *Address*
 - *Phone Number(s)*
 - *Email address*
9. *Upon receipt of the property, the Property and Evidence Technician shall notify the property's owner, if known, by telephone, email or mail that the property is in the possession of SUDPS and how they may make arrangements to claim it.*
10. *Found property deemed contraband that cannot be associated with a suspect or criminal investigation shall be marked "Booked for Destruction" by the deputy entering it into the property and evidence facility.*

C. SAFEKEEPING OF PROPERTY (IACLEA 15.1.2)

1. *When property is temporarily being held by SUDPS at the request of its owner, it shall be entered into the property and evidence facility as "SAFEKEEPING."*



2. *When property is turned in to SUDPS for safekeeping, the deputy shall, per Civil Code 2080.10 (a), complete a property receipt and give the owner a copy of the form. The deputy will also provide the owner with directions on how they may retrieve their property.*
3. *Property that has been entered for safekeeping will be held for sixty (60) days. After sixty (60) days, if the property is not retrieved by its owner, it will be disposed of per this Order and current law. Firearms stored for safekeeping are exempt from the sixty (60) day time limit.*

D. SUBMISSION OF EVIDENCE (IACLEA 15.1.2)

1. *Deputies shall package all evidence **except** narcotics, firearms, jewelry, metal detector property, and monetary evidence in a brown paper bag unless it is inappropriate because of the size, dimension, or type of item. Small items or paper documents may be packaged in a manila envelope and placed in the Money Drop and Small Items locker. All other evidence shall be placed in one of the full-sized evidence lockers after being packaged according to the type of item.*
2. *Knives, other bladed weapons and sharps must be handled cautiously. When practical, and when there would not be a loss of fingerprints or trace evidence of significance to the case, all bladed weapons shall be placed in and affixed to a knife box so as to prevent injury. Packages which contain bladed objects must always be labeled "Caution - Bladed Object" or similar language. Sharps such as needles or syringes shall be packaged in a syringe evidence tube and appropriately labeled. If biological fluids are suspected, a biohazard label will be applied to the packaging.*
3. *Any item of evidence that may be contaminated with bodily fluid shall be completely dried before packaging. Once packaged, it will be labeled with a biohazard warning that the contents of the package may contain bodily fluids.*
4. *No employee shall submit or receive property into evidence unless it is properly packaged and identified. If the property or evidence item is too large to fit into one of the evidence lockers, the Property and Evidence Technician shall be contacted to make arrangements to properly secure the item(s).*

E. SUBMISSION OF NARCOTICS (IACLEA 15.1.2)

1. *Field deputies shall not conduct a presumptive test on suspected narcotics. Deputies who need a presumptive test conducted shall make an entry in the "notes" section of the property/evidence record requesting the test be performed by the crime lab. All employees shall wear PPE gloves when handling suspected drugs.*
 - a. *Due to the toxicity of fentanyl, special handling instructions are required to prevent exposure. Any item suspected of containing the drug will only be handled in the following manner:*



- 1) *PPE Use*
 - a) *Deputies shall wear two pairs of nitrile gloves when handling any item containing the suspected drug. To avoid the exposure or contamination of other items, the outer pair of gloves must be removed before touching any other item. Once the gloves are removed, hands must be thoroughly washed. Hand sanitizer is not to be used.*
 - b) *A properly-fitted NIOSH-approved respirator (mask) of the type recommended by the Santa Clara County Crime Lab or Stanford's Environmental Health and Safety Department will be worn to reduce the risk of inhalation exposure when handling items suspected of containing fentanyl.*
 - c) *Eye protection of the type recommended by the Crime Lab or Stanford's Environmental Health and Safety Department to reduce the risk of mucus membrane exposure must be worn.*
 - d) *It shall be the responsibility of the property and evidence clerk to make sure proper PPE equipment as recommended by the Crime Lab or Stanford's Environmental Health and Safety Department is available to department personnel.*
- 2) *Packaging*
 - a) *Never remove the item from its original packaging.*
 - b) *Double bag and heat seal any items believed to contain fentanyl unless the item is plant material or marijuana suspected of containing fentanyl. Those items should be double paper bagged or packaged by sealing it in a paper envelope and placing that envelope into a second envelope then sealing it.*
 - c) *The outer envelope will be marked with a caution label stating, "CAUTION SUSPECTED FENTANYL."*
2. Narcotics and potentially hazardous and unknown substances (such as pills, powders, or tablets) shall be placed in *heat-sealed KAPAC packaging* and properly heat sealed prior to submission to the evidence facility.
3. No narcotic evidence shall be accepted by the *Property and Evidence Technician* unless the evidence label is affixed on the package and properly filled in, including the total weight of the package, the submitting deputy's name, *CJIC* number, date, time, and report number.
4. No narcotics shall be received by the *Property and Evidence Technician* unless the narcotic bag has been properly heat sealed.



5. No needles or syringes shall be *submitted to or received* by the *Property and Evidence Technician* unless the items are contained in a proper needle/syringe evidence tube, placed in a narcotic evidence bag, labeled, and properly heat sealed.

F. SUBMISSION OF FIREARMS (IACLEA 15.1.2)

1. All handguns, rifles and shotguns *should* be unloaded prior to transporting them. The exceptions are a firearm which has been used in a felony or if unloading the firearm would interfere with subsequent evidence processing. In the event of a loaded firearm being placed into the evidence facility, it shall be secured in a firearms evidence box and the box shall be clearly marked, "LOADED FIREARM." Upon receipt, the *Property and Evidence Technician* should promptly deliver any loaded firearm to the crime lab.

If a firearm cannot be unloaded safely in the field prior to transport, the clearing barrel located at the rear of the police building shall be used to render it safe before its submission into the evidence facility. Firearms should not be submitted into evidence loaded unless packaged as described above and consistent with any additional requirements of the Santa Clara County Crime Lab. Personnel should contact the crime lab to confirm the proper methods for handling a firearm that for evidentiary or mechanical reasons cannot be unloaded. Loaded firearms shall only be stored temporarily in the evidence facility pending transfer to the crime lab or another agency for processing.

2. Prior to the submission of an unloaded firearm, the submitting deputy should package the firearm by affixing it inside a firearms evidence box. Once the item is accepted into the evidence facility, the firearm shall be stored in a secured locker for rifles/firearms by the *Property and Evidence Technician*.

G. SUBMISSION OF JEWELRY (IACLEA 15.1.2)

All jewelry shall be sealed in a KAPAC bag by the submitting deputy and shall be placed by the *Property and Evidence Technician* in the valuables safe in the evidence facility.

H. SUBMISSION OF METAL DETECTOR PROPERTY (IACLEA 15.1.2)

Abandoned property or property not allowed into a venue that has been recovered by event staff operating a wand or walk-through metal detector at on-campus facilities that is turned over to SUDPS shall be submitted into the property and evidence facility as found property unless it is one of the item listed in Section B. 3 of Found Property. An item that contains several other items such as a backpack, purse or duffle bag, may be submitted as a single item with the contents itemized in the computerized property entry. Items of significant value, such as jewelry or cash, will be packaged and processed in the manner described in this General Order. Items of value will be stored in the Valuables Safe. All other items submitted shall be stored in a secure area of the evidence facility and separate from items of evidence.



Property whose value is determined to be greater than \$50 or which the owner can be identified which is not claimed by the end of the event or the deputy's shift will be submitted into the property and evidence facility. Property whose value is less than \$50 shall be stored in the Business Operations Division (BOD). A Sergeant or Shift Coordinator may authorize for an item or items to be temporarily withheld from being placed into the property and evidence facility, at the end of an employee's shift, while the owner responds to claim their property.

I. SUBMISSION OF MONETARY EVIDENCE (IACLEA 15.1.2, 15.1.17)

1. *For SUDPS personnel, monetary evidence is defined as all U.S. and foreign currency and coinage which has been found, discovered, or in any manner secured from any person or enterprise by an employee of the SUDPS in the course and scope of his or her duties. This definition will not apply to money submitted as prisoner/inmate property, money seized pursuant to asset forfeiture laws, money secured as fees for a service of the Department, and found money that has been turned in to SUDPS by someone other than a SUDPS employee.*

All monetary evidence secured in the course of a law enforcement function or activity will be submitted into evidence in the following manner:

- a. The deputy submitting the money into evidence shall obtain an accurate count of the money secured. For sums of money exceeding \$50, the deputy will have the count verified by a second deputy or supervisor *who will co-sign the MONEY EVIDENCE ENVELOPE. The verification will be recorded in the narrative of the associated Stanford Report (SR)/Incident Report (IR).*
- b. The submitting deputy shall ensure that money being submitted into evidence is listed as an item of evidence on the evidence page of the associated SR/IR report.
- c. The submitting deputy shall complete the required information on a MONEY EVIDENCE ENVELOPE and submit the money in the following manner:
 - 1) List the item number in the spaces provided *on the envelope* and ensure that the item number corresponds to the number listed on the property report page of the associated report.
 - 2) Record the SR number and/or the IR number in the space provided.
 - 3) Complete the "CASH COUNT" *section* on the envelope and list accurately the number of each denomination of *currency* being submitted and the total for each denomination.
 - 4) *In the box indicated for FROM SUBMITTING DEPUTY*, list the total money being submitted in the envelope in the space marked TOTAL CASH.



- 5) In the box marked FROM SUBMITTING DEPUTY, the submitting deputy *and witnessing deputy* will print their last name, initials, and their *CJIC* number. *The submitting deputy will complete* the date and time that the money is placed in the *Money Drop and Small Items locker*.
- 6) *The submitting deputy shall* mark the appropriate information boxes and complete the necessary information in the DISPOSITION box on the *MONEY EVIDENCE ENVELOPE*.
- 7) *The deputy will then* place the money in the *MONEY EVIDENCE ENVELOPE* and seal it.
- 8) The submitting *deputy and witnessing deputy* will place their initials over the edge of the closed envelope flap and cover this with a strip of cellophane tape.
- 9) The sealed *MONEY EVIDENCE ENVELOPE* will be placed in the Evidence Facility *Money Drop and Small Items locker*.
- d. ALL SUMS OF MONEY shall be submitted into the custody of the *SUPDS Evidence Facility* and will only be submitted via the *MONEY DROP AND SMALL ITEMS locker*. NO MONEY will be submitted through any other evidence room locker, cabinet, or to any person assigned to work in the *SUDPS Evidence Facility*.
 - 1) All provisions of this General Order regarding the processing of money *shall be* followed.
- e. Money will only be submitted in a *MONEY EVIDENCE ENVELOPE*.
 - 1) Sums of money which will not easily fit into *a single MONEY EVIDENCE ENVELOPE* will be separated into those amounts that will be easily accommodated by additional envelopes.
 - 2) The submitting deputy will ensure that money contained in any *MONEY EVIDENCE ENVELOPE* will be *cross-referenced* as an Item Number on the Evidence Page of *their SR or IR* report and the *TOTAL CASH* amount for each envelope corresponds to the amount of the money for that item number on the property report.
2. All money submitted to the *SUDPS Evidence Facilities* will be processed by the *Property and Evidence Technician*.
 - a. If the submitting deputy CANNOT specify a distinct evidentiary purpose to hold the specific money being submitted as evidence, *the deputy will leave the DISPOSITION section of the MONEY EVIDENCE ENVELOPE blank* prior to placing the envelope in the *Money Drop and Small Items locker*.



- b. If the submitting deputy has a specific evidentiary or safety purpose to hold the specific money being submitted as evidence, the deputy will check the box marked **HOLD AS EVIDENCE** in the **DISPOSITION** section of the **MONEY EVIDENCE ENVELOPE** prior to placing the envelope in the *Money Drop and Small Items locker*.
- c. When a submitting deputy elects to hold money as evidence, the deputy will indicate the purpose for holding the money as evidence by checking the appropriate box in the **DISPOSITION** section of the **MONEY EVIDENCE ENVELOPE** prior to placing the envelope in the *Money Drop and Small Items locker*.
- d. Money may be held as evidence under the following circumstances:
 - 1) The money is to be processed for trace evidence.
 - a) Trace evidence processing could include processing for latent fingerprints or fiber analysis.
 - b) All money submitted and held as evidence for trace evidence processing will be marked with the submitting deputy's initials and *CJIC* number in the upper right corner of each bill.
 - c) The submitting deputy will exercise caution when marking the bills so as to cause minimal *or no* collateral contamination. If the deputy believes that marking the bills would cause contamination that has evidentiary value, he or she may record the serial numbers of the bills instead of marking them.
 - 2) The money is marked currency.
 - a) Marked currency may include specific bills marked in some manner or recorded by serial number so that those markings or recorded numbers are pertinent to the prosecution of a criminal act.
 - b) All money submitted and held as marked currency *shall* be marked with the submitting deputy's initials and *CJIC* number in the upper right corner of each bill. *In lieu of marking the currency, the submitting deputy may photocopy or photograph the currency prior to submitting it.*
 - c) If the submitting deputy elects to photocopy *or photograph* the marked currency, the photocopies *or images* will be submitted to the *Investigations Services/Records Division* as an attachment to the associated report.
 - 3) The money itself has evidentiary value, such as the actual currency taken in a burglary or a robbery.



- 4) The money was seized pursuant to a search warrant. Since the property was seized pursuant to a court order, it must be held as evidence until *a* further order from the court *is issued*.
- 5) The money is contaminated currency. Contaminated currency will be held as evidence as a safety precaution for any person who may handle or process the money.
 - a) Contaminated currency may be currency contaminated by any chemical, biological or radiological factor that could possibly subject any person to contamination, sickness, or injury if the currency is handled without knowledge or proper protection.
 - b) The submitting deputy will list the type or types of contamination in the DISPOSITION section of the MONEY EVIDENCE ENVELOPE prior to placing the envelope in the *Money Drop and Small Items locker*.
 - c) All MONEY EVIDENCE ENVELOPES containing contaminated currency will be placed in a plastic evidence bag and sealed prior to being placed in the *Money Drop and Small Items locker*.
 - d) If the submitting deputy has any knowledge of unusual contamination that may affect the safety and security of personnel assigned to process the currency, that deputy should immediately contact his or her supervisor to determine what procedures are required *for safe handling and storage*.
3. *All money and items of value submitted to the SUDPS Evidence Facility will be stored by the Property and Evidence Technician in the Evidence Room Valuables Safe. All other items will be stored in appropriate bins or cabinets. The locations of all items stored in the evidence facilities will be recorded in the SUDPS Property Processing System database for easy retrieval, chain of evidence, and audit and inspection.*
 - a. All money to be held as evidence will be placed into a heat-sealed KAPAC bag, sealed, and the seal signed by the *Property and Evidence Technician* with his/her initials, CJIC number *and* date.
4. Personnel assigned to the SUDPS Evidence *Facilities* shall be responsible for *the verification* and safekeeping of currency held as evidence while that evidence is maintained by SUDPS.
 - a. When the verification is completed, the *Property and Evidence Technician* will log the status of the evidence into the SUDPS *Property Processing System* database and assign a bar code locator to the money evidence envelope.



- During the semi-annual inspection, the Lieutenant will be provided with a list of all items held as evidence that have not been given a disposition for release or in the case of currency, not having been transferred to the Sheriff's Office within 180 days of coming under SUDPS control.*



- b. *The Director of Public Safety will direct the Investigations Services/Records Division Lieutenant to complete an unannounced inspection of the evidence room and all property storage facilities. The unannounced inspection will occur annually.*
- c. *Audits will be conducted annually. It will be performed by an SUDPS employee not routinely or directly connected with property and evidence control. The person will be appointed by the Captain. The audit will consist of a random sampling of property to verify that policies and procedures are being followed.*
- d. *An IACLEA best practice is for an inventory by an outside vendor or an invited representative of the Sheriff's Office to be performed when there is a property facility personnel change. The vendor/representative selected will be knowledgeable in regards to the legalities and procedures pertaining to the operation of an evidence and property facility. The extent of the inventory may be determined by the Director of Public Safety with input from the vendor/representative. In all cases it should be sufficient to ensure the integrity of the property system and accountability of the property and consist of a review of current evidence and property General Orders and Procedures. At the conclusion of the inventory, the vendor/representative will provide to the Director of Public Safety or his/her designee a written report documenting the results of the inventory and any areas requiring improvement. Any noted disparities will be promptly addressed.*

J. SUBMISSION OF FIREWORKS/VOLATILE SUBSTANCES /HAZMAT

- 1. *A yellow flammables storage locker marked "EVIDENCE ONLY" is located in the department's secure, fenced bicycle storage area. The locker has been provided for safe and adequate temporary storage of Fireworks, Volatile Substances and Hazardous Materials (HAZMAT) as evidence or for destruction.*

Items that are or contain volatile substances or HAZMAT, such as gasoline or acids, should never be brought into the SUDPS building. Please refer to the following protocols for transportation and storage of fireworks, volatile substances, and HAZMAT.

- a. *Fireworks should be transported directly from the scene to the Yellow Flammables locker. Patrol deputies are encouraged not to transport more than ten (10) pounds of fireworks at one time. Loose fireworks should be placed into a paper bag or non-static container. Patrol deputies should notify the patrol supervisor when any fireworks are being confiscated or transported.*

Volatile substances or hazardous materials must be packaged in airtight containers prior to transporting. SUDPS provides airtight metal cans with lids for these substances.

- b. *A Sheriff's Office Bomb Technician should be notified when there are large quantities, commercial fireworks, or any fireworks which are improvised or have been tampered with. A Bomb Technician should be notified of any unusual circumstances involving fireworks or explosives.*



Personnel trained in the proper handling of hazardous materials should be contacted to examine any item suspected of being a volatile substance or hazardous material prior to packaging or transporting. The Palo Alto Fire Department and the Stanford University Environmental Health and Safety Department have access to trained HAZMAT personnel. HAZMAT personnel will arrange for safe remove of the bulk of the item(s) from the scene. Only a small sample of the material, if absolutely necessary for evidence purposes and deemed by the HAZMAT technician as safe to store at SUDPS, should be booked in as evidence. HAZMAT personnel should be consulted to confirm the proper non-reactive packaging technique and storage requirements for the sample.

- c. Any fireworks placed into the Yellow Flammables locker must be accompanied by a copy of the evidence page. A copy of the evidence page is also to be placed in an evidence locker in the evidence room to notify the Property and Evidence Technician. "Yellow Flammables Locker" is to be noted on the evidence room copy. If no charges are desired, mark the evidence and evidence page "FOR DESTRUCTION." This should also be noted in the associated report.

Volatile substances or HAZMAT sealed in metal cans shall be placed into the Yellow Flammables locker where they must be stored away from a heat source and direct sunlight. Empty metal containers that once held volatile substances or HAZMAT may also be stored in the same location until arrangements can be made by the Property and Evidence Technician to dispose of them in an approved manner. Previously used metal containers shall not be re-used. "Yellow Flammables Locker" should be noted on the evidence page. A copy of the form must be placed in an evidence locker in the evidence room as notification to the Property and Evidence Technician.

K. RELEASE OF PROPERTY (IACLEA 15.1.8)

1. Property may be released from the SUDPS evidence facilities only by the Property and Evidence Technician or, in his/her absence, a person designated by the Investigations Services/Records Division Lieutenant.
2. The Investigations Services/Records Division Lieutenant in conjunction with the Property and Evidence Technician shall establish hours for the release of property from the evidence rooms.
3. Property that has been placed in the property and evidence facility will be released only to owners, authorized agents of owners, persons who have made a legal claim for unclaimed found property (not a firearm, evidence or contraband), or for official use of SUDPS as authorized by the Investigations Services/Records Division Lieutenant, and/or pursuant to court order. Any questions regarding release of property pursuant to a court order should be directed to the Lieutenant. Under some circumstances, such questions should include a request made through the Sheriff's Office-Stanford Liaison Captain to the County Counsel for an opinion prior to release of the property.



4. *Found property of an estimated value of \$50 or less may be returned to its rightful owner by an employee provided it has not been placed into the property and evidence facility and the person to whom it is released can show proof of ownership or can describe the item to the satisfaction of the employee. (See Section B for handling of found property.)*
5. Property which was seized or taken into custody pursuant to a search warrant or which was presented in court as evidence will be released only at the discretion of the court or district attorney's office.
6. Other property booked as contraband or evidence *and* not submitted to court will be authorized for release by the investigator assigned to the case after determining that such a release will not jeopardize an investigation or otherwise interfere with an SUDPS function.

Property booked in as evidence in which a criminal complaint has been filed will only be released with the authorization of the Deputy District Attorney assigned to the case after determining that the release will not jeopardize prosecution. In such a case, the person to whom the property is released will be admonished in writing not to sell, destroy, alter, or give away the item until the case is adjudicated. Both the person to whom the property is being released and the Property and Evidence Technician will sign the form. Prior to the property's release, a photo will be taken of each item to illustrate the chain of custody. The photos and the original signed admonishment form will be placed in the permanent file. The Property Processing System will be updated to reflect the authorized release of the property.

An authorization for release of property will be in writing and directed to the Investigations Services/Records Division and/or the Property and Evidence Technician. Authorizations will contain the following information:

- a. The name and address of the person(s) to whom the specific items are to be released.
 - b. *The associated Incident Report (IR) or Stanford Report (SR) case number and a description of the item(s) including serial number(s) and/or identifying marking(s).*
 - c. The release information will be placed in the permanent file, as per procedure.
7. Personnel assigned to the evidence facility may release found or abandoned property having no evidentiary value. The recipient will sign for all property received.
 - a. All applicable forms will be filled out in their entirety.
 - b. Both proof of identity and, if appropriate, ownership will be provided by the claimant prior to the property's release.
 8. The Investigations Services/Records Division Lieutenant and the Property and Evidence Technician will coordinate the release of ammunition and weapons booked for safekeeping, held for a minimum of forty-eight (48) hours, and no later than five



business days after demonstrating compliance with Penal Code sections 33850-33895 pursuant to Penal Code section 18265. *The Santa Clara County Crime Lab's firearms guidelines for Integrated Ballistics Identification System (IBIS) will be complied with prior to release.*

L. DISPOSAL OF PROPERTY (IACLEA 15.1.8)

1. All property booked as contraband or evidence which has been presented in court will be held until *SUDPS receives authorization for release or disposal by a judge*. Disposal will be conducted in accordance with appropriate laws, codes, and regulations. *The Property Processing System will be updated when the property is released or disposed of to reflect the action taken and the date.*
2. Penal Code sections 18000 and 18005 deal with the destruction of properly released evidence. This occurs ninety (90) days after a diligent effort by the Sheriff's Office or *SUDPS* to contact and notify the owner.
3. Santa Clara County Ordinance Code section A20-6 provides for the disposal of unclaimed found property three months (90 days) after it has been found. The section provides for the disposition by the Sheriff's Office of money, other property, or worthless items.
4. Santa Clara County Ordinance Code section A20-7 provides for the return of found property to the finder with application of the *Finder Claim* form. *Forms are available in the SUDPS Business Operations Division (BOD) or in the SUDPS data base in the Officer Resource Library (ORL) directory.*

M. DESTRUCTION OF CONTRABAND (IACLEA 15.1.8)

1. The destruction of items of contraband will take place in the presence of at least two members of the *SUDPS*.
2. Both members will witness the destruction at the appropriate facility. The witnesses will immediately validate all the item(s) and counter-sign for same.
3. There will be a mandated *release for destruction of* distinct items of contraband to the *Sheriff's Office Property and Evidence Room*. *The release will minimally include both narcotics and unlawful weapons (including firearms) which are never lawful to possess and are not returnable.*
 - a. The destruction will take place as necessary.
 - b. The location will be as designated by the Sheriff who may delegate the Investigations Captain or a Narcotics Task Force Commander to arrange for the destruction of the contraband.



- c. The Sheriff will delegate to the person responsible for arranging the destruction of the contraband the responsibility for mandatory reporting to the appropriate county, state, *and/or* federal agencies.