

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

PROPERTY ROOM OPERATION
SUBJECT

DATE: April 2, 2020

NO: G-01

FROM: CHIEFERIC JONES

TO: ALL PERSONNEL

INDEX Property Room Operation
Property Record Preparation
Property Disposition and Retention
Property Disposal/Release

I. POLICY

- A. The Property Room shall be responsible for the intake, storage, release and disposal of all property received by the Stockton Police Department, which is classified as evidence, as found property, as no-case narcotics, taken by search warrant, held for safekeeping, seized per 11470 H&S, or turned in for destruction by owner.
- B. The Property Room is charged with the responsibility of maintaining an accurate record of all property which comes into its custody and for recording its disposition.

II. LAW

- A. By law, a Police Department is responsible for maintaining property: property it seizes, property that is found, and property that is surrendered.
- B. The release of such property shall be in accordance with Federal, State, and local laws.

III. CLASSIFICATION OF PROPERTY

- A. All property assigned to the Property Room for storage shall be classified either as evidence, as found property, as no-case narcotics, held for safekeeping, taken by search warrant, seized per 11470 H&S, or destruction only.
- B. Definitions
 - 1. The following definitions refer to classifications used in processing and disposing of property and evidence that comes under the control of the Police Department.
 - a. Evidence: Property which may be related to a crime, or which may implicate or exonerate a person of a criminal charge.
 - b. Found Property: Non-evidentiary property, which after coming into the custody of a law enforcement agency, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense (Sections 2080-2080.7 of the California Civil Code).
 - (1) Found property does not include intentionally abandoned property (2080.7 California Civil Code). Discarded items are not found property.
 - (2) Please dispose of discarded items - never submit to Property.
 - c. No-Case Narcotics: Non-evidentiary controlled substances.
 - d. Property Held for Safekeeping: Non-evidentiary property which is placed in the custody of a law enforcement agency for temporary protection.
 - (1) (Firearms are held pursuant to 12028.5 PC, other property is generally addressed in Sections 1412 and 1413, California Penal Codes and

- e. Property Taken by Search Warrant: Property which is held by a court-ordered search warrant. This includes all items listed on the search-warrant inventory (Section 1536 of the California Penal Code)
 - (1) No item held by search warrant shall be released without a court order.
 - f. Property seized per 11470 H&S: Seized property, which is subject to forfeiture will be processed in accordance with applicable laws.
 - g. Destruction Only: Property voluntarily surrendered to the department for destruction purposes only.
- C. When property that is originally booked as non-evidence, i.e., found property, held for safekeeping or no-case narcotics, is later connected with an arrest or crime, it is the booking officer's responsibility to edit the original property record to reflect the reclassification as evidence.

IV. BOOKING OF PROPERTY/EVIDENCE (Refer to General Order G-2 for specific booking instructions.)

A. Booking Officer's Responsibility

- 1. Booking officer defined: For the purpose of this Order, the term "booking officer" shall mean the employee who enters the information into the Revolution Bar Code System.
- 2. All property or evidence which is not to be immediately released, and which is not essential to an immediate investigation, shall be placed by the booking officer in an intake locker in the Property Room, or another appropriate storage location prior to the completion of the booking officer's shift.
 - a. At no time shall any employee or investigator retain personal possession of any property or evidence taken into custody.
 - b. At no time shall any evidence or such property be stored inside, or on top of any employee's personal locker or desk, nor shall such property be left unattended.
- 3. In order to minimize chain-of-custody concerns, together with protecting trace evidence from loss and contamination, the following guidelines are established for the submission of evidence/property items booked into Property:
 - a. All evidence/property shall be appropriately itemized, packaged, sealed, initialed (I.D. number) and dated.

All items will be sealed appropriately to prevent access to its contents without such access being detected. The following applies:

 - (1) Paper bags and clasp envelopes shall be sealed with evidence tape. STAPLES ARE NOT ALLOWED
 - (2) Plastic bags should be either heat sealed or sealed by folding over the open end and using evidence tape to secure the body of the bag.
 - (3) Narcotics/dry marijuana will continue to be placed in a K-Pak pouch, weighed and then heat sealed.
 - (4) Boxes shall be sealed by putting evidence tape over the top and around the body of the box.
 - (5) Firearms will be rendered safe by utilizing red plastic tubing. Booking officers shall insert the plastic tubing through the barrel of the firearm and secure the ends of the tubing by tying them together.
 - (6) All firearms shall have a completed wire IBIS Tag attached to the firearm. BOTH SIDES OF THE IBIS TAG SHALL BE COMPLETED.

- (7) A Firearms Entry Request Form shall be completed for each firearm booked and placed in the locker with the packaged firearm. (Do not place the Firearms Entry Request Form inside the box or bag.)
- (8) Generally, handguns will be boxed, and long guns will be bagged in a rifle bag, secured with filament tape and evidence tape.
- (9) The firearm AND its magazine shall be listed as a single item in Revolution and packaged together. For the safety of others, the magazine must be REMOVED from the firearm.
- (10) In all instances, the magazine shall be EMPTIED, and the bullets booked separately from the magazine.
 - (a) If booking a firearm with a magazine, the magazine shall be placed in the box or bag WITH the firearm.
 - i. If the firearm is booked using a box, the firearm shall be secured to the box using flex ties. The magazine should be secured to the box using flex ties.
 - ii. If the firearm is booked using a bag, the magazine should be placed in paper packaging to eliminate direct contact with the firearm.
 - (b) Only the magazine that belongs to the gun being booked shall be placed with the gun. If booking additional magazines, they shall be listed and packaged as a separate item.
 - (c) If booking live rounds taken from the same magazine in a firearm as one item, the different brands shall be listed in the description field.
- (11) Officers who recover firearms that they cannot render safe shall follow the steps below to ensure firearms are properly secured and stored.
 - (a) A gun safe has been installed in the sally port area of the main PD. Officers will secure loaded weapons that they cannot render safe or cannot confirm are rendered safe in there.
 - (b) A key to the safe and the safe combination will be kept at Headquarters. Officers must check out the key and obtain the combination in order to access the safe.
 - (c) This safe will be video recorded at all times.
 - (d) Officers will book the weapons into Revolution as required per the current listed policy. The location will be listed as PD SAFE.
 - (e) The Rangemaster will then check the safe weekly, and attempt to render the firearms safe.
 - (f) If the Rangemaster can render them safe at the range, the Rangemaster will have an Evidence Technician respond to collect and book the weapon into property.
 - (g) If that is not possible, then the Rangemaster will be responsible for transportation of the firearm to the Property Room, where it will remain until it is destroyed. These weapons shall be placed in the loaded weapon

- safe. Only the Property Room Supervisor and the Rangemaster will have access to that safe.
- (h) The Rangemaster will assist with processing any weapons booked into the loaded weapon safe.
 - (i) These weapons will remain in the safe until the case is adjudicated or until they can be properly destroyed per a case disposition.
 - (j) EOD shall be responsible for destroying all weapons that cannot be rendered safe.
4. All Property Records must include a Department Reference number (D.R.). D.R. numbers may originate from the following sources:
 - a. Crime Report
 - b. Significant Incident Report (S.I.R.)
 - c. Accident Report
 - d. Arrest Report
 - e. Motor Vehicle Report (M.V.R.)
 5. Any other incident wherein property is booked which is not associated with one of the aforementioned types of report, i.e., no-case narcotics, alcohol or other contraband, including syringes found by an officer, and solely associated with a citation, shall require the officer(s) to obtain a D.R. number for "Property Card Only."
 - a. In those cases, the Property Record will become the document associated with the D.R. number and submitted to the Records Section as an attachment to their report.
 - b. No additional report is needed for these types of incidents, unless the particular circumstance warrants it (**i.e., FOUND GUN**).
 6. Anytime a firearm is booked, a Crime Report, an Arrest Report, a Subsequent Report, or Significant Incident Report must be completed.
 - a. If booking a firearm for "DESTRUCTION ONLY," a Weapons Release Form must be completed by the booking officer.
 - b. The form must be signed by the person releasing the firearm for destruction prior to accepting the firearm.
 7. When submitting a report, an appropriate entry shall be made by the officer indicating the circumstances surrounding the officer coming into possession of the property as well as the Property Record number.
 8. In the event an item(s) requires processing for latent prints, the booking officer shall attach a "**WARNING - LATENT FINGERPRINT EVIDENCE, DO NOT TOUCH**" label to the bag or envelope containing the item(s).
 - a. Form PD1430, "Request for Evidence Processing," shall be completed by the officer and submitted to the Photo/Latent Section of the Investigations Division.
 9. The property/evidence shall be placed in an evidence locker. A variety of locker sizes are available. Items should not be left on the floor or counter.
 - a. Lockers are accessible for storage twenty-four (24) hours a day, seven (7) days a week.
 - b. Items shall be placed in lockers in accordance with size.
 - c. When property booked is limited to the contents of a small evidence envelope, it shall be placed in one of the mail-slot lockers (lockers #88 and #89).

- d. Long guns, bats, sticks, etc., shall be placed in the long-gun lockers.
 - e. Large items such as tires, bicycles, lawn mowers, etc., shall be tagged and placed in the Bike/Narco Room at the Main PD.
 - f. Items that need to be kept refrigerated or frozen shall be placed in the refrigerator or freezer compartment located in the holding cell area or located in the sally port area of the SEB.
 - (1) The refrigerator key and access ledger for the Main Police Facility will be kept at Headquarters. Personnel needing access to the evidence refrigerator will check out the key from the Headquarters clerk and complete the ledger prior to placing items in, or removing items from, the refrigerator.
 - (2) The refrigerator key and access ledger for the SEB will be kept in the Evidence/Identification Section. Personnel needing access to the evidence refrigerator will check out the key from Evidence/Identification Section personnel and complete the ledger prior to placing items in or removing items from the refrigerator.
 - g. Please refer to General Order G-03, Booking of Money, for details.
10. For Officers who take into custody property/evidence which is large in size, i.e., anything larger than a small portable television, and only when the victim/owner is known, the following shall apply:
- a. List the item(s) on a Property Record.
 - b. Contact the property owner to come to the Department at their earliest possible convenience to pick up the property.
 - (1) The Property Room is generally open Monday through Thursday from 0630–1700, and Fridays from 0630-1600 hours. The Property Room is closed alternating Fridays that generally coincide with Phase Two weekends off.
 - c. Upon the property owner's arrival, and under the direction of the investigator/officer, the Property Record shall be signed off prior to the release of property.
 - (1) The investigating officer shall document the release of the property/evidence by including such information on a report.
 - d. A photograph of the property and owner together will be taken prior to release of property.
 - (1) If the property is released at the scene, an Evidence Technician shall photograph the release, and the Latent/Photo Lab Section will maintain the photograph.
 - (2) The investigating officer shall take and book a printed photograph if an Evidence Technician is not available.
 - e. The victim/owner shall be informed to maintain possession of the property until such time as an investigator or a representative for the District Attorney's Office advises the case has been adjudicated.
11. Property/evidence of large size, wherein ownership cannot be shown, shall be booked and maintained in the Property Room until such ownership is determined.
- a. Subsequent release of said property shall be handled by the Division/Section responsible for the investigation.
12. In special circumstances, the Watch Commander may authorize the use of other storage areas for large items until other arrangements can be made.

- a. The Property Record shall indicate the location of the item stored.
13. When the booking officer wants suspected controlled substances analyzed, a Controlled Substance Evidence Envelope (BFS 2) shall be completed. The envelope shall be completed in ink.
- B. Booking Officer's Supervisor Responsibility.
1. In any situation where there may be a question about how an item is listed or booked, the responsibility to determine the acceptability of the property record will rest with the booking officer or their supervisor. It will be the responsibility of the operational unit in charge of the booking officer to determine, direct and/or administer corrections, training and/or discipline, should investigators or prosecutors determine items were listed improperly. Firearms will be the exception to this rule.
 2. Two copies of the property critique will be provided to the booking officer's supervisor.
 - a. Supervisors will personally serve employees with one copy of the Property Critique.
 - b. Upon serving the property critique, supervisors will sign the second copy of the property critique and have the employees sign as well.
 - c. The signed second copy will be returned to the Property Room Supervisor via the appropriate location in each division/section.
 - d. The booking officer should make necessary corrections the day a critique is received. In any case, the corrections shall be made within seven days of the officer's receipt of the critique. A second property critique is generated seven days after the first only if initial corrections were not made. If a supervisor receives a critique for an employee who does not work for them, it is their responsibility to forward the critique to the proper supervisor and notify the Property Room Supervisor of such.
 - e. Supervisors will notify the Property Room Supervisor, by email, if they receive a critique for a person who will be off work longer than the seven-day window.
 3. Provide guidance when there is a question on the manner in which items should be booked with respect to their evidentiary value or value to the owner.
- C. Property Room Responsibility
1. Verify the Property Record to ensure it has been properly completed.
 2. Verify all narcotics and money as listed in the corresponding Property Record(s).
 - a. Verification of narcotics will consist of verifying the information listed on the DOJ Envelope matches the information as listed on the Property Record.
 - b. Verification of money will consist of verifying the embedded money tally in Revolution with the Money Tally Sheet submitted inside the money pouch, as well as verifying the Money Pouch Label matches information as listed on the Property Record (i.e., total dollar amount, item number, Property Record number, Booking Officer, etc.)
 - c. At anytime up to this point, the property clerk may refuse acceptance of evidence/property due to erroneous or incomplete information.
 3. A Property Critique will be initiated by Property Room personnel whenever the Property Record or items are not in compliance with General Orders and/or Departmental Special Orders.
 - a. The employee who booked the property shall be responsible for correcting the errors.
 - b. Personnel is to respond to the Property Critique within seven (7) working days or as soon as possible after receipt of the notice.

4. Property Room staff generally will issue Property Critiques for the following errors:
 - a. Items not sealed
 - b. Evidence tape not signed/dated
 - c. Weapon not rendered safe
 - d. Money tally sheet facing wrong way or incorrect
 - e. Money label incorrect
 - f. Drop safe money log not signed
 - g. CLETS Entry form not submitted with firearm.
 - h. Property Records not completed. Some examples are as follows:
 - (1) Damage not noted
 - (2) Items not itemized (if required)
 - (3) Serial number not listed or incorrect
 - (4) Involved party information not entered
 - (5) DR Number incorrect
 - (6) Wrong classification marked or multitude of classifications for a single item
 - (7) TPW is incorrect; net weight missing
5. Finalize the Property Record indicating acceptance of property/evidence into the property room.
 - a. If a Property Critique has been sent to the booking officer, the Property Record will not be finalized until after the necessary correction(s) have been made.
6. Assign the property/evidence a suitable storage location so as to maintain evidentiary value, as well as protect Department personnel from potential injury.
 - a. If the property booked is cash, it shall be placed in the Property Room safe.
 - (1) Prior to being placed in the Safe, an entry shall be made in the Property Safe Journal indicating: date, time, Property Record number, bin location in safe, item number, dollar amount, initials and ID number of the Property Clerk.
 - (2) The Property Room Supervisor shall verify and initial the Property Safe Journal. (Refer to G.O. G-3)
7. Property Room personnel shall ensure all Controlled Substance Evidence Envelopes (BFS 2) are turned over to the Case Review Detectives for transportation to the Department of Justice Laboratory for analysis.
8. Forward the Property Record to the Records Section for scanning as an attachment to the original document of record.

V. INTERDEPARTMENTAL HANDLING OF BOOKED PROPERTY

- A. Responsibility for Disposition of Booked Property
 1. The Division/Section shall provide disposition instructions on property booked within their respective investigative areas of responsibility, except for found property which will be handled by Property Room personnel, unless advised otherwise by the investigator.
 - a. Detectives shall provide Property with disposition instructions on evidence pertaining to cases investigated by them.
 - b. An Evidence Disposition Request will be initiated by Property Room personnel and routed to the proper Unit/Section, or the investigating officers may initiate an Evidence Disposition Request upon clearing the case.
 - c. Upon receipt of the Evidence Disposition Request, the investigator will process the request within thirty (30) days.

- (1) If it involves a firearm/ballistic evidence, photo lab personnel must be notified by the investigator immediately, so that IBIS Personnel can conduct research on the weapon for possible IBIS-related cases.

Research must be completed prior to the weapon being destroyed.

- d. Prior to giving disposition instructions, the investigator will be responsible for researching the case to determine the following:
 - (1) Has the statute of limitations expired?
 - (a) Is the subject in custody?
 - (2) Was the property taken pursuant to a Search Warrant?
 - (a) All property that is confiscated by a search warrant cannot be released/destroyed without a court order signed by a judge.
 - (3) Whether or not an appeal is on file with the courts.
 - (4) If the suspect(s)/defendant(s) have any active warrants on file.
 - (5) If granted probation, are there any stipulations to the order, i.e., possession of firearm prohibited.
 - (6) Has firearm/ballistic evidence been reviewed by IBIS Personnel?
 - (a) If adjudication is complete, and investigation has given authorization to dispose of ballistic evidence, then it can be released to the IBIS Unit.
 - (b) If ballistic evidence from a case has been entered into the IBIS database, there is no need to release the property to the IBIS Unit. All evidence that has been entered into IBIS has been imaged and is stored in the Data Concentrator owned and operated by the Bureau of Alcohol, Tobacco, and Firearms.
 - (7) Is there active Federal Prosecution?
 - (a) Frequently, property/evidence may be retained in cases with multiple defendants. Care must be taken in reviewing case reports to ensure the property proposed for release or disposal is no longer needed for additional suspects' trials.
- e. The investigator shall obtain authority from the District Attorney's office prior to the release of evidence if the case has not been adjudicated.

B. Officer's Responsibility When Taking Property from the Property Room

1. Any officer taking property items from the Property Room shall present their Bar Code Identification Label (embedded on the back of their identification card) to Property Room personnel.
 - a. After scanning the requesting person's Bar Code, Property Room personnel will scan the appropriate activity type, i.e., checked out for court, out to ID, etc.
 - b. All dates, time, items, and the disposition of item(s) are recorded by the Revolution Bar Code System.
2. When returning the item(s) to the Property Room, Property Room personnel shall scan the items and place them in a suitable storage location.
 - a. If an item was checked out for court, but not returned, Property Room personnel

shall complete a To/From letter and send it to the officer's Commander within twenty-four (24) hours.

3. When an officer checks an item out of the Property Room and turns the item(s) over to a second party, it will be the responsibility of the officer signing out the property to ensure the Secondary Property Release (SPD Form 1125) is completed and turned in to the Property Room. Property Room personnel will record the Secondary Release information in Revolution and then forward the Secondary Release Form to Records for filing. Refer to Appendix "A" for preparation instructions.

- a. The only exception to the use of the Secondary Property Release will be any item(s) left at the State of California Department of Justice Laboratories.
- b. It will be the responsibility of the officer turning over item(s) to another party to ensure the Secondary Property Release is submitted to Property Room personnel within twenty-four (24) hours.
- c. The person receiving the items must sign and print their name on line number seven (7) on the Secondary Property Release.

(1) Under no circumstance will officers sign for another person.

4. When returning evidence to the Property Room, it is the returning person's responsibility to assure the following:

- a. The item is inside the package; the package is sealed or resealed with evidence tape, it is signed, dated and initialed with Department ID.
- b. The appropriate Bar Code is on the package.

VI. GENERAL PROPERTY DISPOSITION AND RETENTION

A. Found Property

1. The responsibility for the handling and disposition of all property classified as found property rests with Property Room personnel.
2. Found property shall be retained for a minimum of 90 days prior to being disposed of (Section 2080.2 California Civil Code).
 - a. Items of no monetary value and no known owner may be disposed of immediately in accordance with Section VII. B., 3. a through c.
3. Where owners are identified, notification will be sent by mail to the owner instructing them to contact the Property Room.
 - a. The notice is generated and recorded by the Revolution System.
 - b. If the notice is returned due to an incorrect address, a reasonable effort will be made to determine the correct address and re-mail the notification.
 - (1) If the correct address cannot be determined, the notice will be maintained in the Property Room for a period of two (2) years before being disposed.
4. The owner will be given 90 days to prove ownership and claim the property.
 - a. If the property is not claimed, it will be offered to the finder (unless the finder is a City employee)
 - (1) After notification is made:
 - a) The finder will be given 15 working days to claim the property.

- b) If the found property is valued at less than \$250, it may be released to the finder.
 - c) If the found property is value at \$250 or more, it will be advertised as found in the newspaper for seven (7) days.
 - d) If the property is not claimed, the finder is legally entitled to the property after paying the advertising costs.
 - e) Exception: found firearms will be destroyed.
5. Unclaimed property will be auctioned, disposed of, or acquired for Departmental use.
- B. Property Held for Safekeeping
1. Anytime property is held, a Property Receipt (SPD Form 1001) must be given to the person from whom the property was taken, and a report written documenting the circumstances surrounding the taking of property.
 - a. The Property Receipt will inform the citizen of the procedures for the return of held property.
 - b. Personnel shall note in the narrative of their report whenever a receipt is issued.
 2. Property that is being held for safekeeping will be released to the owner by Property Room personnel with the exception of weapons. Case Review will be responsible for all firearms and other deadly weapons releases.
 - a. For property where ownership is questionable, the Case Review Unit will be responsible for releasing it to the owner.
 - b. Property shall be returned as soon as possible to the rightful owner upon request or by legal mandate.
 - c. Property (excluding firearms) not claimed within 60 days shall be considered intentionally abandoned by the owner and disposed of per Section 2080.10 of the California Civil Code.
 - d. Penal Code Section 29825 prohibits any person subject to a restraining order issued pursuant to Sections 545, 545.5, or 546 of the Code of Civil Procedure from purchasing or otherwise obtaining a firearm knowing that he or she is subject to a restraining order.
 3. In order to show compliance with Penal Code 29825, the Section/Division having investigative responsibility shall determine whether the rightful owner has a Domestic Violence Restraining Order on file prior to the release of the firearm.
 - a. In those cases wherein the rightful owner is subject to a Domestic Violence Restraining Order, Property Room personnel shall retain the firearm until such time as the restraining order expires, or upon receipt of a court order, after which the firearm may be released to the rightful owner.
 4. Firearms held for safekeeping which are involved in Domestic Violence incidents and which have not been claimed by the rightful owner, and the owner is not subject to a Domestic Violence Restraining Order, shall be retained for a period of 12 months, after which they may be sold or destroyed (Section 18275 (a) PC).
 - a. The booking officer shall indicate on the Property Record whether the circumstances surrounding the taking into custody of the firearm involved a Domestic Violence incident by checking the Domestic Violence box.
 5. Firearms held for safekeeping which are not involved in Domestic Violence incidents, and which have not been claimed by the rightful owner, shall be retained for a period of six (6) months, after which they shall be sold or destroyed (Section 33875 PC).

C. Recovered Property

1. Property may be released by the Section/Division having investigative responsibility to the rightful owner prior to the conclusion of a trial under authority of a court order, or upon written authorization of the representing District Attorney.
 - a. Exception: Items held for investigation of a capital offense shall not be photo released (i.e., 187 PC, 207 PC, etc.). Items held in crimes with a statute of limitations in excess of six (6) years shall not be released.
 - (1) Prior to release, a photograph will be taken of the property and owner together.
 - (2) The owner must agree to reasonably make the property available until the conclusion of legal proceedings.
 - a) If there is additional property being held, the Property Record will remain active until disposition of the case.
 - (3) The person from whom the property was taken will be given notification of their right to claim the property.
 - a) If ownership is disputed, a claim must be made to the court to determine ownership.

D. Evidence

1. Normally, prior to disposal, evidence will be retained for a minimum of four (4) months after the case has been adjudicated.
2. All cases wherein the defendant have been sentenced to serve time in state prison will be checked by the Section/Division having investigative responsibility to assure no appeal has been filed.
 - a. The period for filing an appeal is 60 days after conviction for a felony, and 30 days after conviction for a misdemeanor.
3. All evidence in homicide cases, wherein the defendant is given the death penalty, shall be retained until the death sentence has been carried out (Section 1418 PC).
4. Unless disposal is authorized earlier by the investigator, property booked into the Property Room as evidence with no arrests, or no known suspect(s), shall be disposed of in accordance with established "Purge Guidelines".

VII. **PROPERTY DISPOSAL**

A. General Guidelines

1. Whenever booked property is identified by this Department as being eligible for disposal, one of the following methods will be utilized. Regardless of the method chosen, thorough documentation on all internal paperwork is required.
 - a. Return to owner or finder
 - b. Auction
 - c. Destruction
 - d. Conversion to City use
 - e. Cash monies turned over to Fiscal Affairs Unit for deposit in general fund
2. Documentation of disposal transactions will be made on the original Property Record.

- a. Documentation shall include the date of transaction, item(s) disposed of, method of disposal, signature of person receiving or disposing of the property, and where necessary, signature of the verifying employee.
3. Property held by this Department shall be disposed of in a manner authorized by statute.
 - a. 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.
 - b. Property shall not be disposed of until the period for appeals has closed and all appeals have been concluded.
 - c. The Property Clerk shall not dispose of property until the end of the time period established by Departmental policy for holding the item; e.g., found property, property held for safekeeping, etc.
 - d. 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.
 - e. In all cases where property is destroyed, Property Room personnel shall document information in the appropriate Department of Justice computer file concerning each item or serialized property that is authorized for disposal.
 - f. No property will be disposed of unless the Property Clerk receives a property evidence disposition form, a court order, or written instructions from the District Attorney's Office (Purge Guidelines).
 - (1) **EXCEPTION:** The responsibility for disposition of all items classified as found property or safekeeping rests with Property Room personnel, with the exception of weapons.
 - g. Any property item in which the manufacturer's serial number has been removed shall have an identification mark embedded or engraved in or permanently affixed to it prior to being disposed (California Penal Code Section 537e).
 - (1) Property Room personnel shall engrave the Property Record number on all property as described in Penal Code Section 537(e).
 - (2) Documentation of all items given an identification number shall be maintained by Property Room personnel.
 - (3) Cases where more than one item on the same Property Record requires an identification number, distinction shall be made by placing a letter after the Property Record number.

Example:	B12345	- First Item
	B12345 (a)	- Second Item
	B12345 (b)	- Third Item
- a) **EXCEPTIONS:** If the method of disposal is destruction, the above does not apply.
 - b) **ANY FIREARM WITH THE SERIAL NUMBER REMOVED SHALL BE DESTROYED.**

B. Disposal Procedure

1. Return to Owner or Finder
 - a. Citizens receiving property shall provide the property clerk with proper personal identification, and when possible, satisfactory proof of ownership.
 - b. Citizens receiving property for another person or company will be required to submit a notarized letter authorizing the release of items to them.

- (1) The notarized letter of authorization will then be forwarded to Records for scanning as an attachment to the Property Record.
- c. Upon request, and with the approval of the Property Room Supervisor, or his/her designee, items may be mailed to the owner.
- (1) If items are mailed, it will be documented in the Property Record.
 - (2) When releasing property, the Property Clerk shall document the transaction by noting the date, time, and items released on the original Property Record.
 - (3) The person receiving property shall sign the Property Record, indicating they are the lawful owners and have taken possession of those items signed for.
 - (4) The Property Clerk shall countersign, verifying the release.
 - (5) EXCEPTION: Whenever property is turned over to the lawful owner by an investigator, it will be the responsibility of the investigator to document the release by noting the date and time the items were released, in addition to countersigning the Property Record authorizing the release.
- d. No property item shall be released without the signature of the person receiving the property.
- e. When releasing a firearm(s) to the owner, the following shall apply:
- (1) Case Review will be responsible for all firearm releases.
 - a. Prior to release of any firearm, the firearm must be registered to the person seeking its return. The registered owner must complete a "Law Enforcement Gun Release Application" and have received a clearance letter from DOJ in response to the application. (Section 33855 PC)
 1. Per DOJ guidelines, the clearance letter is valid for 30 days from the date of the letter.
 2. On the day of the release, Property personnel will verify the letter is within the 30-day window.
 3. After the release is completed, Property personnel will submit the letter to Records for scanning into OnBase.

Firearms that are not registered to the owner, or not registered at all, and were not obtained illegally will be available for release with a "Firearm Ownership Report" for the firearm, made through DOJ. Generally, this applies to long guns purchased prior to January 1, 2014. (Section 28000 PC)
 - b. Prior to the release of any firearm, an "Evidence Disposition Request" form shall be completed by Case Review and submitted to Property so that a "Firearms Storage Fee" letter can be sent to the owner as listed on the disposition form.
 1. The letter will advise the owner of any storage fees that are due at time of release of the firearm.
 2. Per Penal Code 33880, if the firearm was reported stolen PRIOR to being confiscated, the storage fee may be waived. Case Review may also waive the fee under special circumstances, i.e., firearm involved in suicide, owner is victim of crime.

3. Per Penal Code 33875, no agency is required to keep a firearm longer than 180 days after the owner of the firearm has been notified the firearm has been made available for return. The firearm may be destroyed after 180 days if unclaimed.

- c. If a firearm is not stolen, then the CJIS court case events will be reviewed for the court's instructions as to the disposition of the firearm.
- d. When the court instructs the firearm(s) to be CONFISCATED AND DESTROYED (applied only to firearms that aren't stolen) then CaseReview will complete an "Evidence Disposition Request" form noting "per confiscate and destroy order" and submit to Property.
- e. The court may order the firearm to be transferred and released to someone other than the defendant; in that case, the defendant will be notified by a "Firearms Storage" letter sent by Property personnel. When Case Review is contacted by the defendant, they will be instructed the firearm can only be released to a licensed gun dealer. The transfer will then be between the dealer and the defendant without involvement from the Police Department. ALL STORAGE FEES WILL APPLY.
- f. When the court instructs the firearm be released to the defendant, the defendant will be directed to the DOJ website for application(s) for the release of the firearm. If the defendant is prohibited for a period of time due to probation or a restraining order, they will have the option to have a Licensed Gun Dealer collect the firearm to store or transfer it. They may also choose to have the PD store the firearm. The defendant will be advised as to the storage fees.
- g. When the court does not have specific instructions for the firearm, then Case Review will evaluate the circumstances of the case and decide the disposition of the gun.
- h. When charges are not filed, and the firearm was not illegally obtained (i.e., street purchase), and the defendant is not prohibited from owning firearms, the defendant will be instructed on how to apply with DOJ for the return of the firearm.

(2) For the safety of Departmental personnel, an officer will, upon releasing a firearm(s), escort the person taking possession out of the building.

- a) Generally, guns and ammunition returned to the owner will not be released at the same time. In the event this type of release becomes necessary, it will not be released without the Watch Commander's approval.
- b) Guns must be released with red plastic tubing rendering the weapon safe. The owner of the gun will be instructed to leave the red plastic tubing in place until they arrive home.

2. Auction

- a. All items suitable for auction shall be released to an authorized vendor.
 - b. Each original Property Record shall be signed off, dated, and itemized by an authorized vendor.
- (1) The Property Clerk shall verify the release by countersigning the Property Record.

- c. A report indicating all items released will be given to the vendor for their records.
 - d. After releasing the property items to the vendor, a receipt for the items will be given to the Property Clerk.
 - e. Upon conclusion of an auction, a consignment check and consignment list for all items sold will be mailed to the City of Stockton Purchasing Department.
 - (1) Purchasing will send the Property Room Supervisor a copy of the consignment list.
 - f. Records of all items released for auction will be maintained by the Property Room Supervisor.
 - g. Pursuant to Government Code Section 1090, to avoid conflict of interest, or the appearance of conflict of interest, no employee of this Department shall purchase any item at an auction, either personally or through third parties, if such employee, by position or assignment, has any degree of supervision, control, administrative responsibility or any other official role in conducting an auction for this Department.
3. Destruction
- a. Items of no monetary value shall be placed in the receptacle provided. The disposition will be recorded in Revolution.
 - b. For items of possible value, or if there is some question as to whether the item should be sold at auction, the Property Room Supervisor shall authorize the destruction
 - c. All items placed in the receptacle shall be rendered unserviceable to the greatest extent possible.
 - d. When the receptacle is full, the Property Clerk will make arrangements for the bin to be transported to a dumpsite.
 - (1) The Property Clerk shall accompany the bin to the site and witness the disposal.
 - e. When firearms are eligible for destruction, all pertinent provisions of law shall be followed. (Sections 12028, 12029, 12030, and 12032 of the California Penal Code)
 - (1) Property personnel will prepare a gun log documenting those firearms intended for destruction.
 - (2) Prior to the actual destruction, the gun log will be routed to the IBIS Unit for review.
 - a) If a firearm on the log needs to be retained, an Evidence Disposition Request (Form PD 1335) with retention instructions must be generated by the IBIS Unit and forwarded to Property.
 - (3) Destruction of firearms shall be accomplished by incineration at a disposal site authorized by the State.
 - (4) The Property Room Supervisor will complete all necessary paperwork to accompany the firearms to the disposal site.
 - (5) On the date of the destruction, SWAT personnel will transport the firearms to the disposal site, followed by a designated Property staff member.
 - (6) Property personnel will scan the bar code label for each firearm transported by SWAT, and upload the data into Revolution.

- f. Property personnel shall cancel information regarding all serialized property destroyed from the appropriate State database.
 - (1) If the property destroyed is a firearm, then Property personnel shall re-enter the firearm as "Destroyed" in the Automated Firearms System (AFS).
- 4. Conversion to City Use
 - a. Requests for acquisition for the Police Department or other City use of unclaimed property held by this Department shall be made in writing to the Property Room Supervisor and forwarded to the Captain of Technical Services for their approval.
 - (1) Once approval is given, the Property Clerk shall have the Property Record signed by the Section, Division, or Department taking possession of the item or items.
 - (2) A Notation shall be made on the Property Record documenting the conversion to "City Use".
 - b. No property so acquired shall be used for personal or non-governmental purposes.
 - c. Records of all property items converted to City use shall be maintained by the Property Room Supervisor.
- 5. Transfer of Money to the City Treasury (Refer G-3)

**APPENDIX A
PREPARATION INSTRUCTIONS
SECONDARY PROPERTY RELEASE (SPD FORM 1125)**

In order to standardize the preparation of the Secondary Property Release (SPL 1125), the following Instructions are to be followed. For the purposes of these instructions, the release forms have been divided into eight blocks.

This form will be used when property is taken to court, and any of the evidence is to be left with the Deputy District Attorney or with the court as an exhibit, the Deputy District Attorney or Court Clerk will sign, date, and note the times retained in the appropriate blocks on the secondary property release form.

BLOCK 1 (CRIME REPORT NUMBER)

List the DR ~ (Department Reference Number)

BLOCK 2 (OFFICER)

List the name(s) of the officer(s) turning the property over to the third party.

BLOCK 3 (PROPERTY TAG NUMBER)

List the property tag number.

BLOCK 4 (DATE)

List the date the transaction is made.

BLOCK 5 (ITEM)

List the item number of the property to be turned over as it shows on the original property tag.

BLOCK 6 (DESCRIPTION)

Describe the property to be released.

BLOCK 7 (RETAINED BY)

Have the person receiving the property sign and print their name here.

BLOCK 8 (TITLE)

Have the person list their title.