

Property Procedures

610.1 PURPOSE AND SCOPE

It is the policy of the Palo Alto Police Department to insure that all evidence/property is processed and stored in a manner which provides optimum security against loss, theft or tampering. Responsibility for proper handling and storage of evidence/property begins with the employee who has first custody of the evidence/property. This responsibility is then transferred to the Property Technician when the evidence/property is placed in his/her custody. The Investigative Services Division Captain or his/her designee shall have the overall responsibility for the storage and safekeeping of all evidence/property. This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property. The Palo Alto Police Department has a full time property unit consisting of two civilian Property/Evidence Technicians.

610.1.1 DEFINITIONS

PROPERTY - includes all items of evidence, items taken for safekeeping and found property.

EVIDENCE - Property which is related to a crime or which may implicate or clear a person of a criminal charge.

FOUND PROPERTY - Non-evidentiary property which, after coming into the custody of the Department, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense.

PROPERTY HELD FOR SAFEKEEPING - Non-evidentiary property which is in the custody of the Department for temporary protection of some person/persons. Examples are:

- Property obtained by the Department for safekeeping such as a firearm;
- Personal property of an arrestee not taken as evidence;
- Property taken for safekeeping under authority of a law, i.e. Welfare & Institutions Code § 5150 (mentally ill persons).

610.2 PROPERTY HANDLING

- (a) **Taking Property** - Employees who take property into custody shall, in every instance, place all property obtained in the course of his or her employment in the Department's property system prior to going off duty. In no instance shall property be stored in a personal locker, desk, or other unauthorized locations.
- (b) **Documentation** - The employee will prepare a case report or follow-up report and a property report describing how, what, when, and where he/she came into possession of the property.
 1. The employee shall submit the property report with the property item; property reports for large items stored in the temporary storage room shall be placed in the file on the property room door;
 2. The employee shall also prepare a property tag and attach it to the property items, except for those which are placed in a container stamped with the property identification stamp;

Palo Alto Police Department

Policy Manual

Property Procedures

- (c) **Inquires** - The employee will make appropriate inquiries into the State Department of Justice computer regarding serialized or identifiable items of property to determine if the property is reported stolen.
- (d) **Property Technician: Present** - When the Property Technician is on duty, the employee shall:
 - 1. Deliver property he/she has taken into custody, to the Property Technician;
 - 2. The Property Technician shall verify property received to the property described on the property report. An exception to this provision is sealed cash, and items sealed to preserve trace evidence;
- (e) **Property Technician: Absent** - In the absence of the Property Technician, the employee shall place small property items, together with the property record, in a temporary storage property locker.

610.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the Palo Alto Property sheet describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings;
- (b) Mark each item of evidence with case number and item number;
- (c) The property shall be stored in the temporary evidence lockers outside the evidence area until it is received by the Property Technician;
- (d) Submit the original property form with the property. A copy shall be included in the police report.

610.2.2 SPECIAL HANDLING

Certain items of evidence are handled in a manner different from the standard property intake procedure:

- (a) **Firearms** - an employee accepting custody of a firearm shall insure that the firearm is unloaded prior to accepting it. When the firearm is taken into custody in a loaded status (i.e., taken from a suspect), the officer taking the firearm into custody shall unload it as soon as possible and always before transferring custody to another person. All firearms will be handled and transferred from one person to another with cylinders open, magazines removed, bolts opened and locked and chambers cleared, safety on.
 - 1. If for some reason such as damage, malfunction, or maintaining the firearms condition for evidentiary purposes, the firearm cannot be unloaded, the person having custody of it shall insure that the status is given to the person to whom the firearm is transferred. If the loaded firearm is deposited into a temporary storage locker, it will be clearly marked and an explanation of its loaded status attached for the Property Technician to read.
 - 2. The Property Technician shall make arrangements for unloading any firearms that were not unloaded prior to securing them into the property/evidence room.
 - 3. The Property Technician will maintain a separate log of all firearms which come into his/her possession. The log will contain: the case number, make, model, serial number, and disposition.

Palo Alto Police Department

Policy Manual

Property Procedures

- (b) **Flammables** - per Palo Alto Fire Code §79.201(E), flammable liquids shall not be stored at the Police Department. If it is necessary to retain flammable liquids, the fire Department should be contacted regarding safe storage of the materials.
1. The District Attorney's office advises that in misdemeanor cases such as siphoning gas, the gasoline does not need to be retained as evidence. Photos of suspect and evidence should be taken and placed into evidence, identified with case number. In felony cases, the District Attorney's office should be contacted and asked whether the flammable material should be retained as evidence or whether it may be disposed of.
- (c) **Perishables** - perishable items such as shoplifted food shall not be brought to the police station as evidence. They should be photographed and returned to the storekeeper. The case number and date should be shown in the photograph. When possible, price tags shall be retained to show the value of the items taken.
1. Perishable items will not be retained for safekeeping since we have no sanitary means to store them. Perishable items shall be disposed of by the officer and not be booked into the property room.
- (d) **Explosives** - when explosives, except fireworks, become evidence, they shall not be brought to the police station but should be turned over to the authorized ordinance personnel.
1. The District Attorney's office should be contacted to determine the necessity for retaining the explosive material for evidence.
- (e) **Money** - all money submitted into the evidence room shall be packaged in heat sealed plastic bags. Amounts of cash exceeding \$100.00 shall be stored in the safe inside the property room. When property room personnel release money, they shall seek out an ISD supervisor, or another employee of equal or superior rank, and open the sealed bag in their presence. The money shall be counted at that time. When money is deposited in the City's Revenue Collections Facility, the property room personnel shall fill out a Transit Tag indicating the case number and the amount being deposited. The staff of Revenue Collections will verify the amount, and sign the Transit Tag, acknowledging receipt of the cash. One copy of that receipt shall be affixed to the original property report and the other maintained in the property room file.
- (f) **Drugs/Narcotics** - all drugs/narcotics will be packaged in plastic heat seal bags and heat sealed by the person processing the property/evidence. The gross weight (narcotic substance, packaging and the weight of the sealed bag) will be indicated on the evidence sticker on the sealed bag.

If the amounts or type of drug/narcotic prohibits the use of plastic heat seal bags, other types of containers may be used. However, all containers will be sealed sufficient to prevent tampering. An evidence sticker shall be affixed to the container indicating the gross weight of the narcotic substance, packaging, and the weight of the container. In addition, the gross weight of the narcotic substance and packaging in which it was seized shall be indicated on the property sheet. Marijuana plants will be packaged in a manner which will allow them to dry out. Each plant will be tagged with the case number written on the tag. When the plants are dry, they will be packaged for long term storage by the Property Technician. Marijuana plants will not be weighed, but will be photographed and counted and described by height and any further detail on the property sheet.

Palo Alto Police Department

Policy Manual

Property Procedures

610.2.3 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air dried prior to booking;
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the property officer, or placed in the designated container for return to the Department of Motor Vehicles. No police report is required;
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to a Community Service Officer, or placed in the bicycle storage area until a Community Service Officer can log the property;

City Property, unless connected to a known criminal case, should be released directly to the appropriate City Department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

610.3 PACKAGING

For most of the items submitted into the property room, no special packaging is required. Items should be marked with the case number and the item number. It shall be the responsibility of the Property Technicians to package items for storage in a manner that preserves their evidentiary value and conserves space in the property room.

610.3.1 SPECIAL PACKAGING

Officers are required to package certain items as outlined below:

- **Items submitted for processing for Latent Fingerprints** - These items shall be packaged in such a manner that the Property Technicians will be able to remove them from the temporary storage lockers without contaminating the items(s) with their own fingerprints. The "Process Evidence" box on the property report should be checked.
- **Narcotic and Controlled Substances** - These items shall be packaged in the provided heat sealed bags. For substances that require laboratory analysis, the submitting officer shall fill out the label on the bag, enclose the substance in question, seal the bag, write their initials over the seal, and record the GROSS weight of the bag on the label.
- **Syringes** - A syringe shall be placed in the puncture proof tubes provided in the evidence packaging area. An exception to this would be new, unused syringes that are still in the original factory package.
- **Trace Evidence** - Items that are suspected to contain trace evidence shall be packaged and sealed in such a manner to protect them from any cross contamination with any other items, and to ensure that the suspected trace evidence is not lost during transportation and storage.
- **Firearms** - Refer to Policy Manual § 610.32.
- **Wet Items** - Items that are wet shall be air dried in the temporary storage room. The officer who submitted these items shall be responsible for returning to the temporary storage room and submitting the items into the property room.
- **Bio-hazards** - Any item that is suspected to contain any bodily fluid, or is in any way suspected of representing a threat to personnel, who may handle the item, **MUST** be clearly marked as such. The property report shall also have a notation that a bio-hazard is suspected. This designation can be accomplished with the provided

Palo Alto Police Department

Policy Manual

Property Procedures

"Bio-Hazard" labels, or clear and prominent labeling by the submitting officer. The property room should not be considered a conduit for the disposal of bio-hazard materials. Officers who come into possession of such items that are not of any evidentiary value shall dispose of the item(s) at the Stanford Hospital Emergency room.

610.4 RECORDING OF PROPERTY

The Property Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the Property Report.

An item number shall be obtained for each item or group of items. This number shall be recorded on Property Tag and the Property Report.

If, during the time the property is held by the Palo Alto Police Department, the location of the property is changed, the change shall be noted on the Property Report.

610.5 PROPERTY CONTROL

Each time the Property Technician receives property or releases property to another person, he/she shall enter this information on the property report form. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

610.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Request for analysis, for items other than narcotics or drugs, shall be completed on the appropriate forms and submitted to the Property Technician. This request may be filled out any time after the booking of property or evidence.

610.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Items requiring laboratory analysis shall be turned into the property room. The officer shall indicate on the property report what type of analysis is required.

It shall be the responsibility of the Property Technician to take items requiring analysis to the laboratory at least once per week, and more often if required. All items taken to the lab shall be recorded in the crime lab log book maintained in the property room. While at the lab, the Property Technician shall pick up and return to the property room all items on which a lab examination has been completed. These items shall be placed in the property room.

610.6 SECURITY OF STORAGE AREAS

Property storage areas will be secured during all non-business hours and during business hours whenever the Property Technician is absent. The Property Technician and/or other authorized persons will be responsible for securing all areas upon leaving. When the Property Technician is absent the property storage areas may only be entered when:

- (a) **Emergency** - a circumstance of emergency exists or access is necessary to store or retrieve property which cannot wait for the availability of the Property Technician.
- (b) **Authorization** - the person entering the storage area must be authorized by the Investigative Services Division (ISD) Captain.
 1. **Exception** - an exception to the above two provisions is that the Watch Commander has access to the small storage cage for the purpose of storing large items in the absence of the Property Technician.

Palo Alto Police Department

Policy Manual

Property Procedures

- (c) **Property Storage area keys:** Only the following keys to the property storage areas are authorized:
1. One complete set of keys (to the main property room, supplementary storage areas, all temporary storage lockers and the alarm system) will be assigned to the Property Technicians;
 2. One complete duplicate set of keys will be assigned to the ISD Captain and kept in a secured designated place;
 3. One key to the temporary storage room will be assigned to the Watch Commander;
 4. Duplications or possession of keys to the property storage areas' alarms is prohibited without the express permission of the ISD Captain and the Chief of Police;
 5. Locks to the property storage areas and the property storage areas' alarm system will be re-keyed and the safe combination changed whenever a Property Technician is reassigned.

610.6.1 REPORTING OF SUSPICIOUS CIRCUMSTANCES

The Property Technician will notify the Investigative Services Division (ISD) Captain immediately upon discovery of any signs of tampering, unauthorized entry, or other suspicious circumstances and will initiate a case report with complete details.

The ISD Captain will review the report and cause a formal investigation to be initiated if warranted.

610.6.2 INTERNAL AUDITS

Internal audits of the property and evidence in storage will be performed periodically, no less than twice a year, by police personnel. Such audits will be unannounced for the purpose of ensuring integrity of the property/evidence system.

Audits will be performed under the auspices of the Investigative Services Division Captain, who will submit a written report to the Chief of Police. Any discrepancies found will be thoroughly investigated and corrective action taken if necessary. Audits by the City Auditor or other independent party authorized by the Chief shall be conducted at least once a year.

610.7 WITHDRAWAL AND RETURN OF EVIDENCE

An integral part of effective management of a property/evidence function is adequate control and recording of withdrawal and return of evidence. Transferring possession of evidence from one person to another is known as the chain of possession. Accurate records of each change of possession are paramount for prevention of tainted evidence, loss of evidence and for effective prosecution of a case. Properly controlled chain of possession of evidence can also prevent embarrassment to the Department and discipline of employees.

Adherence to the procedure set forth in this general order will result in the complete recording of each change of possession and location of all evidence. The last person in the chain shall be the person who has custody of and is responsible for the proper care and preservation of the evidence.

610.7.1 DEFINITIONS

INTRA-AGENCY: The property/evidence does not leave the Palo Alto Police Department (i.e., viewing for identification).

Palo Alto Police Department

Policy Manual

Property Procedures

INTER-AGENCY: The property/evidence does leave the Palo Alto Police Department (i.e., laboratory examination or court).

RETURN OF PROPERTY: Return of property as used in this order, means return to the custody of the Property Technician.

610.7.2 PROCEDURE

- (a) Withdrawal for intra-agency reasons:
1. **Who Can Request Withdrawal** - only the employee assigned to investigate a case or an employee authorized by that person will be permitted to withdraw evidence;
 2. **Advance Notice** - the employee desiring to withdraw evidence will give the Property Technician advance notice of which evidence is needed and when it is needed;
 3. **Property Technician Responsibility** - the Property Technician will retrieve the evidence from storage and assemble it for release at the pre-arranged time. The Property Technician will indicate, in the chain of possession portion of the property report, the items being released, reason for release, name of employee to whom evidence is released, and date. The employee receiving the evidence will sign the record acknowledging receipt. The property report will be placed in a suspense file to insure timely return of the property;
 4. **Photos and/or Latent Prints** - personnel removing photos and/or latent prints from a file will sign out for each item removed. Sign out cards will be placed in the suspense file to insure timely return.
- (b) Withdrawal for inter-agency reasons: In addition to 1-4 above, the following will also occur whenever the property is withdrawn for inter-agency purposes:
1. **Transfer Documentation** - the Property Technician will prepare a "Property Transfer Form." The Property Transfer Form will be completed to show the Department report number, the name of the person withdrawing the property, the destination of the property, the Property Report item number and the description of the property.
 - (a) The Property Transfer Form will accompany the property to its destination. The person to whom the property is delivered will sign the form before the property is released;
 - (b) The signed Property Transfer Form will be returned to the Property Technician by the employee who withdrew the property. The Property Technician will attach the returned, signed Property Transfer Form to the back of the property report;
 - (c) Per County Grand Jury when released to court, a court official must sign for the property.
- (c) Return of evidence:
1. **Property Technician: Present** - the returned evidence will be given directly to the Property Technician when possible. The Property Technician will retrieve the property report, ascertain that all items are accounted for, enter the date and time received on the record and sign for the return of the evidence.
 2. **Property Technician Absent** - the returned evidence will be secured in a temporary storage locker when the Property Technician is not available. The evidence will later be removed from the locker by the Property Technician, who

Palo Alto Police Department

Policy Manual

Property Procedures

will ascertain that all items are accounted for. The Property Technician will then enter the date and time on the property report and sign for the return of the evidence.

3. **Discrepancies** - the Investigative Services Division supervisor will be notified as soon as possible of any discrepancies between the evidence withdrawn and the evidence returned.

610.8 RELEASE OF PROPERTY

All reasonable attempts may be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property may be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing officer and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property report.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of ninety (90) days. During such period, a Property Technician shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. All attempts to contact the owner shall be recorded including the means and the date and time. Property not held for any other purpose and not claimed within ninety (90) days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Technician shall release the property upon proper identification being presented by the owner. **A signature of the person receiving the property shall be recorded on the original property report.** After release of all property entered on the property report, the report shall be forwarded to Records for filing with the case. If some items of property have not been released the property report will remain with the Property Unit.

610.8.1 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and, in extreme situations, legal counsel for the Department may wish to file an interpleader (Code of Civil Procedure § 386(b)) to resolve the disputed claim.

610.9 DISPOSITION OF PROPERTY

A measurement of effective management of any property function is an accurate accounting of the manner in which property is disposed. The integrity of the Department can be seriously damaged by less than stringent control and improper recording of all property disposal. Thus, it is the policy of the Palo Alto Police Department that all property and/or evidence which comes into custody of the Department be accurately recorded and disposed of in a manner prescribed by statute, general order and/or written procedures. The authorized methods of property disposal are:

Palo Alto Police Department

Policy Manual

Property Procedures

- (a) Return to owner, claimant or finder;
- (b) Sale or auction;
- (c) Agency or other public use, and;
- (d) Destruction.

The disposal of all property will be documented to show date, time, method of disposal and authority.

610.9.1 PROCEDURE

AUTHORITY FOR DISPOSAL: Upon a confirmed determination of a case's final adjudication, the Property Technician will review the original police report to ascertain the appropriate disposition of property/evidence as described in this order. In the instances where it is not clear, based on the police report, whom the property should be released to, or if it should be considered contraband, the Property Technician will route a Property Release Authorization Form to the investigating officer seeking written direction as to how to proceed with the disposition of the property/evidence.

If the investigating officer determines that the property/evidence should not be released, they shall indicate the reason for retention on the form, and route it to the Property Technician.

610.9.2 RETURN OF PROPERTY TO OWNER OR CLAIMANT

Upon a determination that property/evidence should be returned to an owner or claimant, the Property Technician will prepare a property release notice letter and mail it to the owner of the property.

- (a) **Owner Responds** - if the owner of the property responds, the property will be released only after proof of ownership and satisfactory identification have been presented to the Property Technician. Proof of ownership may be determined by possession of receipt, bill of sale, court decision, or undisputed claim to right of the property. Driver's licenses, passports, military identification or other identification with a photograph is considered satisfactory identification. If the property owner has no identification bearing a photograph, the Property Technician will determine whether or not identification is satisfactory.
 - 1. The Property Technician will require the owner of the property to sign the property record upon taking possession of the property.
- (b) **Owner Does Not Respond** - if the owner does not claim the property within 30 days after notification is mailed, the property will be disposed of in accordance with the provisions of this order.
- (c) **Ownership Uncertain** - when ownership of property which is believed to be stolen or embezzled cannot be ascertained and a Property Release Authorization Form has been received, the Property Technician will send a notice to the person from whom the property was taken.
 - 1. The notice will advise the recipient that, pursuant to Penal Code § 1408, the court may be petitioned to claim ownership and the property will be disposed of by the police Department thirty days after the date of notice unless a court order, declaring ownership, pursuant to Penal Code § 1411, is received.
 - 2. Property will not be disposed of until the period for appeals has closed and all appeals have been concluded.

Palo Alto Police Department

Policy Manual

Property Procedures

610.9.3 DISPOSAL BY SALE/AUCTION

- (a) **Unclaimed Property** - property which is not claimed by the owner may be sold at auction in accordance with Palo Alto Municipal Code § 2.30.170
- (b) **Auctions** - will be arranged by the Purchasing Department. The Property Technician will complete a "Surplus Supplies & Equipment" form listing the property to be sold and deliver the form and property to the Stores facility at the Municipal Service Center. He/she will obtain the signature of the Stores facility staff acknowledging receipt of the property and retain a copy of the surplus supplies form.

610.9.4 DISPOSAL BY AGENCY USE

Civil Code § 2080.4 and Penal Code § 1411 provide that if a city or county has enacted an enabling ordinance, certain unclaimed property held in the custody of the agency may be retained for the agency or other public use, rather than being sold or destroyed (Penal Code §§ 12028 and 12030 provide the authority for acquisition of firearms for agency use).

Requests for retention of property for Department use will be recorded on a "Surplus Property Form" with the statement "Request retention of listed property for Department use pursuant to Civil Code § 2080.4, and Penal Code § 1411. The request will be signed by the Chief of Police and the Director of Purchasing. A copy of the Surplus Supplies Form shall be retained in the property room.

- (a) **Firearms** - if the property to be retained by the Department is a firearm, the Property Technician will also cause an entry to be made into the Department of Justice automated firearms system institution file.
- (b) **Personal Use** - under no circumstances will property acquired as evidence or found property be used for personal or non-Departmental purposes.

610.9.5 DISPOSAL BY DESTRUCTION

- (a) **Controlled Substances and Associated Paraphernalia**
 - 1. **Destruction Pursuant to a Court Order** - drugs to be destroyed will be recorded on a drug destruction log and placed in a box for destruction. The Investigative Services Division Property Crimes Supervisor or their designee and Property Technician will inventory the drugs when the box is full. When all drugs listed on the destruction log are accounted for, the box will be sealed with tamper-proof tape. The supervisor and Property Technician will date and sign the seal.
 - 2. The Property Technician will make application for a court order to destroy all controlled substances and associated paraphernalia except as provided in paragraph D-2 of this general order. The application will list descriptions, quantities, weights, docket number and the defendant's name for each item to be destroyed. Upon receipt of the court order, the Property Technician will arrange for the material to be destroyed as follows:
 - (a) By burning or another method approved by the Department head or designee. The destruction of the material will be witnessed by at least the Property Technician and two armed detectives from ISD.
 - 3. Destruction will be accomplished on an as needed basis.
 - 4. **Destruction Not Pursuant to a Court Order** - in instances when the weight of a suspected controlled substance is substantial and it is not reasonably possible to preserve the material in place or move it to another location. Controlled substance in excess of ten pounds, or the hazardous chemical, which was used