



*Kern County Sheriff's Office*

**Policies and Procedures**

<b>TITLE: PROPERTY STORAGE/RETRIEVAL</b>		<b>NO: J-1800</b>	
<b>APPROVED: Donny Youngblood, Sheriff-Coroner</b>			
<b>EFFECTIVE:</b> <b>February 18, 2003</b>	<b>REVIEWED:</b> 06/08/2018	<b>REVISED:</b> 03/10/2006	<b>UPDATED:</b> 06/08/2018

**POLICY**

The Kern County Sheriff's Office maintains a Property Room for the express purpose of storing property in accordance with all applicable laws and ordinances, protecting the public safety, and to accomplish our law enforcement mission.

Property stored in the Kern County Sheriff's Office Property Room is classified as follows:

- Evidence: Any property that comes into the custody of the Sheriff's Office that may tend to prove or disprove the commission of a crime or the identity of a suspect, pursuant to an official criminal investigation.
- Found Property: Non-evidentiary property coming into the custody of the Sheriff's Office and whose owner may or may not be known. Property that has been determined to be lost or abandoned and is not suspected to be connected with any criminal offense.
- Property Held for Safekeeping: Property of no evidentiary value that is in the custody of the Sheriff's Office for temporary protection on behalf of the owner.
- Property for Disposal: Any property, including firearms and ammunition that has been seized from or surrendered by a citizen to the Sheriff's Office for disposal.

**PROCEDURE**

**DIRECTIVE A: SECURITY OF PROPERTY STORAGE AREAS**

- The business hours for the Property Room shall be from 8:00 A.M. to 4:00 P.M., Monday, Tuesday, Thursday and Friday, holidays excluded.
- All property storage areas shall be secured during non-business hours.
- Entry to property storage areas by unauthorized personnel is prohibited:
  - a) Except under the supervision of the Property Room staff; or,
  - b) An emergency exists; and,
  - c) A supervisor is present.

Any afterhours entry into the secure areas of the Property Room by personnel not assigned to the Civil Section/Property Room Unit shall be documented on a Crime or Incident report. This report shall include the date and time of the entry, all personnel who entered the restricted areas, and the reason for entering. A copy of this report shall be forwarded to the Support Services Division Commander.

## **DIRECTIVE B: PACKAGING OF PROPERTY**

### **Narcotics**

- Narcotics or suspected narcotics shall be packaged separately, in a Narcotics Evidence Lab Envelope, from other items. Narcotics or suspected narcotics and paraphernalia containing an obvious drug residue shall be packaged in a heat-sealed K-Pak bag. Marijuana and large items such as scales are excepted.
- These items should be listed on the same Property Record as other items for the same case.
- Narcotics requiring lab analysis should be placed in a Narcotics Evidence Lab Envelope or an appropriate sized container with a completed lab envelope attached to the outside.

### **Money**

- A currency label must be used, in addition to the evidence label, for the booking of money.
- Money must be separated from other property or evidence and must be packaged separately. For example, a found or seized wallet containing money would be booked as two separate items:
  1. The money
  2. The wallet
- All money will be placed in a heat sealing, K-Pak bag.
  - Paper currency will be packaged flat, not rolled or wadded.
  - Coin will be packaged loose or rolled.
  - Neither type of currency should be put in the K-Pak bag in a quantity that might cause the bag to rupture. If the quantity of money is too large for one bag, use additional bags as needed.
  - The K-Pak bag will be heat-sealed and evidence tape will be placed across the seal. The officer's name and badge number should be written on the evidence tape.

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## **Firearms**

- Firearms must be rendered safe prior to deposit into the Property Room. Cartridges, clips and magazines shall be removed from guns, and cartridges removed from clips and magazines. The empty clips or magazines shall be placed in a small evidence bag and the bag shall be attached to the firearm. Upon receipt, the Property Control Officer shall make sure the firearms have been rendered safe and may reinsert the magazine into the weapon for storage if necessary.
- Firearms shall be kept separate from other property; however, firearms may be listed on the same Property Card as other case items.
- Ammunition, discharged bullets and casings shall be packaged and listed separately.
- Firearms shall have a completed Property Tag attached to the trigger guard.
- Under most circumstances, firearms should not be placed in envelopes or bags. If a firearm has blood or other similar body fluids on it, the firearm should be rendered safe and packaged as any other biohazard evidence. The bag shall clearly indicate that a firearm is enclosed.

## **Property Requiring Refrigeration**

- Only evidence that requires laboratory analysis or contains perishable evidence shall be booked into the Property Room evidence refrigerator. All such evidence shall be accompanied by a properly completed "Request for Analysis" form (form CL2200-006).
- In the event evidence is booked into the refrigerator without a lab analysis request, it will be the responsibility of the officer assigned to investigate the case to properly complete a lab analysis request as soon as practical. The officer shall forward the completed request to the Property Room immediately. If a lab request is not received within one calendar week of the evidence booking date, a memo will be directed from the Property Room to the investigating officer's unit supervisor requesting further instructions regarding the evidence. In the event there is no response to the aforementioned memo, the Support Services Division Commander shall forward a disposition request to the investigating officer's Division Commander, via the appropriate Bureau Chief Deputy.
- If no lab analysis of the evidence is required, it will be the responsibility of the investigating officer assigned to the case to make a determination whether or not the evidence needs to continue to be prepared by refrigeration. If not, the investigating officer shall direct the Property Control Officer to remove the evidence from cold storage.

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- Sex Crimes Kits and Narcotics Envelopes booked into the Property Room refrigerator are exempt from the above stated procedure.

**Other Physical Evidence**

- Physical Evidence shall be packaged in an appropriate envelope or bag whenever possible.
- Items too large for envelopes or bags shall have a tag attached to each item.

**DIRECTIVE C: PROCEDURES FOR DEPOSITING PROPERTY**

All property booked into the Sheriff’s Office Property Room shall be entered into Evidence on Q Property and Evidence System. A barcode label shall be affixed to each item of property.

All property obtained, during the course of a work shift, will be placed in the Sheriff’s Office property system prior to going off duty. Property not delivered to the Property Room will only be stored in authorized locations.

Property booked at locations other than the Property Room shall be delivered to the Property Room as soon as possible. Property held in substation areas may continue to be held at the substation pending resolution of the court case for which it was seized. Evidence so held shall be delivered to the Property Room no later than thirty (30) days after adjudication of the case. All property will be released from the Property Room.

**Special Handling Procedures**

- Personnel shall place small items with a barcode label attached in the appropriate sized temporary storage locker.
- Personnel shall place large items, (bicycles, lawn mowers, etc.) in the designated area by the temporary storage lockers.
- For items too large for a regular evidence container, but deposited in the Property Room, a Property Tag shall be prepared and attached to the item. The barcode label shall be attached to the Property Tag.
- Items too large for deposit into the Property Room can be secured in a designated outside storage area with the Property Tag attached. The Property Record shall be put in temporary storage locker for small envelopes.
- Items containing flammable substances, such as gasoline, kerosene, or diesel fuel, should be documented and returned to the owner whenever possible. In the event the owner is not known, or the item is not returnable, the tank containing the flammable substance should be thoroughly sealed to prevent leakage prior to delivery to the Property Room. Care should be taken not to leave the evidence near anything that would be considered a likely ignition source. The investigating officer should make

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every effort to find the owner of the property and have it returned as soon as possible. Gas cans and other similar containers containing flammable liquids shall be placed in the flammable liquid storage locker located in the Property Room lobby.

### **Improperly Packaged or Submitted Property**

Improperly submitted property includes any property or evidence not packaged or documented in accordance with the minimum guidelines set forth by this policy.

When property is delivered in person to the Property Room staff and the property is improperly packaged or submitted, the Property Room staff will:

- Refuse to accept the property.
- Clearly articulate to the reason for refusal to the delivering agent.
- Accept the property once the necessary corrections have been made.

When improperly packaged property is submitted to the Property Room via the secure property lockers and is not inspected by the Property Room staff prior to the departure of the submitting officer, immediately upon discovery of such property, the Property Room staff shall:

- Not further process the property/evidence and set the property aside in a secure location.
- E-mail a form letter to the work location/supervisor of the submitting officer, detailing the error and a final date for pick up and correction of the submitted property.
  - The date for final pick up and correct resubmission of the property shall not exceed seven (7) calendar days from the original date of submission.
- In the event the property has not been resubmitted properly packaged by the expiration of the final date for pick up, the Property Room staff will:
  - Arrange for the collection and return of the improperly submitted property to the submitting officer, through that officer's supervisor.
    - In substations, the arrangements will be made with the substation Sergeant or their designee.
    - In Detentions Facilities, arrangements will be made with the facility Administrative Sergeant or, in his/her absence, the on-duty shift supervisor or their designee.
    - In Metropolitan Patrol, the arrangements will be made with the Division Administrative Sergeant or in his/her absence, the on-duty Patrol Sergeant or their designee.

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- When notified of the existence of improperly packaged property by the Property Room, it shall be the responsibility of the submitting officer's supervisor to ensure the officer re-submits the property in proper form and format. This will be done as soon as practical after supervisor notification.

When property is returned to a work unit pursuant to this section, the Property Room staff shall prepare a report to the Support Services Division Commander documenting the circumstances. The Support Services Division Commander will forward a copy of this report to the affected employee's Division Commander for informational purposes.

**DIRECTIVE D: WITHDRAWAL AND RETURN OF PROPERTY**

**Withdrawal of Property**

- Only the officer assigned to investigate a case or persons authorized by the investigating officer may withdraw property related to the case from the Property Room.
- Property Room personnel will indicate in Evidence on Q, the necessary information to document the withdrawal of the property. Withdrawing personnel will electronically sign acknowledging receipt of the property.
- Individual items generally will not be removed from bags of property and checked out. In the event an investigator or other authorized person needs an individual item out of a bag of multiple items, investigator must:
  1. Check out the entire evidence bag/package;
  2. Open the evidence bag/package and remove needed item;
  3. Repackage and secure the remaining items and change item number listing to reflect correct contents of the evidence bag/package.
  4. Check the package containing items not needed back into the Property Room.
  5. Items taken must be re-packaged according to the original guidelines upon return to the Property Room. The personnel withdrawing the item shall complete a supplemental report indicating they removed the item from the Property Room and the item was returned to the Property Room in accordance to this policy.
- Any investigating officer who withdraws, or authorizes the withdrawal, of property or evidence from the Property Room shall be held responsible for the safety and security of the property during the time the property/evidence is outside of the Property Room.

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- Property/Evidence withdrawn from the Property Room shall be returned to the Property Room as soon as possible. The investigating officer shall notify Property Room personnel if they intend to keep the property or evidence out longer than 24 hours. If so, the investigating officer shall immediately direct a memo to the Property Control Officer indicating how long they expect to retain the property/evidence. The memo shall be retained as part of the Chain of Custody for the withdrawn property/evidence.
- The Property Room Sergeant shall be present for the withdrawal of narcotic evidence.

**Property withdrawn and Not Returned**

- There are circumstances wherein property is withdrawn from the Property Room and not returned. This is especially common when the court keeps seized evidence in its Evidence Room pending some judicial action. It shall be the withdrawing officer’s responsibility to secure a receipt for the property from the court, or other entity that has the lawful authority to retain the evidence, and return the receipt as soon as practical to the Property Room. Property Room personnel receiving such a receipt shall make the appropriate entries into the Property Room records documenting the transfer of the property.

**Return of Property**

- Property shall be returned to the Property Room packaged according to packaging guidelines.
- The person returning the property shall sign his or her name in the space provided on the back of the property record.
- Property Room personnel will make the necessary Evidence on Q entries for all property returned.

**DIRECTIVE E: VIEWING OF PROPERTY**

**Individuals Authorized to View Property**

Only the following are authorized to open property containers to view items contained therein:

- The investigating officer,
- Deputy District Attorney or DA’s Investigators
- Persons authorized by a Magistrate
- Persons authorized by the Sheriff

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- Property Room staff.

All other parties shall have the authorization of the investigating officer or their designee to view property.

The investigating officer or their designee shall be in attendance when other parties view property.

Entire packages of property must be checked out for viewing. Individual items will not be removed from packages for viewing.

Property shall be signed out and signed in under same guidelines as withdrawal of property.

Property Room staff shall direct the signing of the Property Record but will not be a part of the viewing process.

Viewing of narcotics will be supervised by the Property Room Sergeant.

Property returned shall be packaged the same as it was when withdrawn.

## **DIRECTIVE F: DISPOSAL OF PROPERTY**

### **Disposal of Property – General**

Authorized methods of Property Disposal

- Return to owner
- Release to finder
- Auction
- Sheriff’s Office or another agency use
- Destruction
- Donation

Procedures applicable to all methods of property disposal:

- No item of property held by the Sheriff’s Office shall be disposed of until authorization to do so has been received by the Property Control Officer.
- When there are two or more defendants involved, property will be kept until all defendants’ trials have been concluded.
  - Property shall not be disposed of until the period for appeals has passed and all appeals have been concluded.

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### **Release of Firearms**

- In the event the property is a firearm, as defined in Penal Code Section 16520, the Law Enforcement Gun Release procedure set forth in PC 33850 shall be followed.
- All provisions as set forth in Penal Code 33850 in regard to the lawful transfer of ownership of firearms shall be complied with prior to the release of any firearm pursuant to a finder's claim.

### **Disposal by written documents:**

- Disposal/return of items will be conducted upon receipt of a request entered by the investigating officer or his/her designee in Evidence on Q.

### **Court Ordered Disposition**

- The Court Order shall be reviewed to determine its validity
  - (a) The order must be in legal form
  - (b) The order must be signed by a judge
  - (c) The order must be confirmed (stamped) by the Court Clerk
- The Court Order will be matched to the Property Record to verify that items listed on the Court Order are in our possession.
- Court Orders received at the Property Room window will be examined for evidence they have been approved by the DA's office. If a Court Order has not been approved by the DA's office, the Property Room staff will attempt to contact the appropriate DA for authorization to release property. If we are unable to obtain authorization from the DA, the property will not be released.
- Upon approval of the Property Control Officer, items may be delivered to and signed for by the party of the order.

### **Disposition by Seizing /Investigating Officer**

- Requests for disposition of property items held in the Property Room will be periodically sent to seizing/investigating officers. Officers will be asked to indicate if items should be Held, Returned or Disposal by choosing the appropriate in Evidence on Q.

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- The following dispositions apply to Evidence on Q:

**Hold:**

If items are from a misdemeanor case and have been held for 90 days or from a felony case and have been held for 1 year, a reason to retain the items and a tentative disposition date must be given.

**Return:**

When items are marked for return, the name and address of the receiving party must be provided.

**Disposal:**

When items are marked for disposal, they will be pulled from property storage and will be disposed of in the appropriate manner.

- If the officer receiving the request for disposition is no longer assigned to the case, the officer shall notify the Property Room so the record can be updated in Evidence on Q.
- Disposition requests should be completed as soon as possible. If requests for dispositions are not completed within one (1) month of the date they are sent, a second request will be sent. If the second request is not returned within 10 working days, the Support Services Division Commander will forward a new request for disposition to the officer's Division Commander.

**DIRECTIVE G: CONVERSION OF PROPERTY**

The purpose of this section is to provide clear and consistent guidelines to provide for the legal conversion of property marked for disposal to Sheriff's Office use. Disposal of property may be accomplished by destroying the property pursuant to court orders or instructions, returning the property to its rightful owner or finder, sold at public auction, donated, or converted to Sheriff's Office use.

Any item, which has been designated by a court or any other lawful entity to be "**destroyed**" due to its pernicious nature must be, in fact, destroyed. Destroy, by definition, means to ruin completely, to demolish, to injure or mutilate beyond possibility of use (Black's, 6<sup>th</sup> Edition, 1990); to reduce to useless fragments, to render useless (Webster's Unabridged, 1989).

Any item designated to be "**disposed**" may be disposed of in any of the above-mentioned processes, including conversion to Sheriff's Office use.

The act of converting property is that in which an item in the Sheriff's Office custody, which was formerly evidence, recovered, abandoned or surrendered property, and has either been seized by or entrusted to the Sheriff's Office and has been released by proper authority for disposal, is used by the agency to further the official duties of the Sheriff's Office.

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The storage, maintenance and utilization of seized or surrendered properties to the Sheriff's Office are a matter of public trust. Any misuse, abuse, negligence of care, or inappropriate diversion of such property is a violation of the public trust. Such violations can result in anything from embarrassment to criminal prosecution. Therefore, any conversion of property must be done prudently and lawfully.

**PROCEDURE A: Forms of Conversion**

Property in the custody of the Sheriff's Office may be converted for the following uses:

- Placements of a piece of equipment into direct use (i.e., a vehicle, computer, firearm, videocassette recorder, or hand tools, etc.). Such use would be in direct utility to work performed whether by law enforcement or auxiliary staff.
- Enhancement of existing equipment (i.e., computer monitors, firearm parts, vehicle parts, etc.). Such conversions would be used to maintain or enhance existing Sheriff's Office equipment.
- Use as decoy or bait in a law enforcement operation (i.e., cash, narcotics, weapons, stolen property, etc.). Such property would be used to provide apparent illegitimacy to a person with criminal intent in consummating a criminal investigation.
- Public education and law enforcement training or professionalization (i.e., DVD players, DVDs, printed materials, narcotics, illegal weapons, other devices or items which might be useful in training or education). Such items would be maintained as examples of dangerous or unlawful things shown for the purpose of education for the public or for professional training of Sheriff's personnel.

**DIRECTIVE G-1**

No property in the custody of the Sheriff's Office will be converted to the personal use of any person, nor shall it be given as a gift to any person. Any person who misappropriates or diverts any property shall be considered to have committed embezzlement and will be subject to misconduct charges (DPPM B-100, C-100 or C-200) or criminal prosecution (California Penal Code Section 504, Kern County Ordinance Code Section 2.80.030).

**PROCEDURE B: How to convert property to departmental use**

To assure that any and all property that is converted to departmental use is done so properly, ethically and lawfully, the following procedure will be followed:

An employee who determines a need for an item of converted property will request approval from their Division Commander or Chief Deputy in writing.

- The requesting Division Commander or Chief Deputy will:

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- Approve or deny the request based upon need, practicality and their own discretion, and
- If approved, so indicate on the written request and forward the request to the Property Control Officer.
- The Property Control Officer will:
  - Review the request and determine if:
    - The requested property is available, and
    - If the property can be legally converted.
  - If the property is not available and cannot be released, the Property Control Officer will return the request to the requesting Division Commander or Chief Deputy.
  - If the property is available and releasable, the Property Control Officer will forward the request to the Support Services Division Commander, via the Civil Section Sergeant, for final approval for conversion and release.
- The Support Services Division Commander will:
  - Review the request for legality and appropriateness; and
  - If the conversion appears proper, give final approval and return the request to the Property Control Officer.
- The Property Control Officer will:
  - Contact the original requestor and make arrangements for the requestor to pick up the property.
  - The Property Control Officer will have the requestor sign for custody of the item on the property card; and
  - Attach the approved request to a copy of the property card as a documentary record and place into a permanent file as approved by the Support Services Division Commander.

**DIRECTIVE G-2**

No property will be converted and released from the Sheriff’s Office Property Room without the final approval of the Support Services Division Commander or in his/her absence the Administrative Services Bureau Chief Deputy.

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**DIRECTIVE G-3**

No conversions of property will be accomplished from substations or other satellite property holding facilities. All items must be booked into the Property Room prior to conversion.

**PROCEDURE C: Conversion of Property Marked for Destruction**

Any employee who perceives a need for conversion of an item which has been designated to be destroyed may contact the original authority (investigating officer or agency, deputy district attorney or judge) to determine if the item can be converted rather than destroyed and if the original authority will so permit. Such authorization must be delivered in writing to the Property Control Officer before any conversion can occur. Such documentation will also be attached to the property card as a permanent documentary record.

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