



Kern County Sheriff's Office

Policies and Procedures

TITLE: FINDER'S CLAIM ON SEIZED PROPERTY		NO: J-1810	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: November 11, 1996	REVIEWED: 06/15/2018	REVISED: 05/12/2003	UPDATED: 06/15/2018

POLICY

The California Civil Code establishes procedures by which property found by the public is held by the Sheriff's Office and disposed of. All property seized subject to a subsequent finder's claim shall be handled in the manner as prescribed by existing state law. The release of found property to any claimant under a finder's claim shall be handled in accordance with the following procedure.

PROCEDURE:

Any finder's claim for property stored in the Sheriff's Property Room shall be reviewed on a divisional level by the Sergeant of the Civil Unit. Final approval of all finder's claims will be made by the Commander of the Support Services Division.

DIRECTIVE A

General Rules for Release of Property Pursuant to a Finder's Claim

- No property shall be released pursuant to a finder's claim until such time as a diligent effort is made to find the lawful owner of the property.
- Any and all property with an estimated value of \$250.00 or more shall be publicized pursuant to California Civil Code Section 2080.3(a) prior to release of the property under a finder's claim. The claimant shall pay the costs of said publication prior to the property being released. It shall be the duty of the Property Control Officer or his/her agent to make publication pursuant to this section. Fees will be paid to the Sheriff's Civil Unit.
- Pursuant to California Civil Code Section 2080.1, all persons seeking the release of property under a finder's claim shall file an "Affidavit of Finder" with the Property Control Officer of the Sheriff's Office (attachment "A"). Property will not be released to a claimant if no affidavit is on file with the Property Room.
- It shall be the duty of the person releasing property to confirm the identity of the claimant. This will be accomplished by the releasing person personally viewing the claimant's identification. For the purposes of this section, valid identification shall be any identification card issued by a governmental entity which contains a photograph of the bearer and the bearer's personal information, including, but not

limited to, legal name, date of birth, address, physical description, and an identification number (i.e., California Driver's License number or similar). This information will be noted in the appropriate boxes on the claimant's affidavit and a photostatic copy of the identification will be attached to the affidavit for filing.

- Property released under a finder's claim will not be released to any person other than the finder. No property will be released to a third-party claimant or the claimant's agent except in the event that the claimant is the successful bidder in a public auction as referenced in California Penal Code Section 2080.3.
- Once property is released to a claimant, the Property Control Officer shall note on the back of the property card that the item was released and to whom it was released. A copy of the card shall be made and attached to the claimant's affidavit. The affidavit and attachment shall be kept on file in the Property Room. These files shall be made available for review by any person who has authority to view such files.

DIRECTIVE B

Release of Firearms Pursuant to a Finder's Claim

- 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.
- No firearm shall be released under a finder's claim without the review and written approval of the Commander in charge of the Support Services Division.

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