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FORWARD

***"Evidence is that all important link
which ties the suspect to the crime."***

This manual is not designed to comprehensively deal with techniques for searching out and gathering evidence in its many forms, nor does it attempt to individually list all of the ways in which evidence may be manifested in the myriad of crimes committed each day. Rather, it is targeted at the relatively small area of the proper method of preserving, packaging and marking for later identification, those physical items already gathered and recognized as evidence.

Most items gathered as physical evidence can be handled using standard procedures. For those items in particular, this manual has only generalized instructions. In-depth, specialized instruction regarding items which require special handling and/or distribution may be found in the index.

Chapter I

Procedures

I. INTRODUCTION

This material has been prepared to familiarize all police employees with the proper methods of collection, preservation and storage of evidence and property.

The methods and procedures set forth herein are presented for two main reasons:

- To ensure that evidence is properly handled, documented and preserved to prevent contamination and/or inadmissibility in court, and;
 - To ensure that property is disposed of in an appropriate and timely manner, once it is no longer of use to law enforcement.
- A.** The impounding of property should not be taken lightly by any employee of this Department. The process of impounding, recording, controlling, storing and disposing of property is multifaceted; there is a direct and profound impact on many operations within this Department, as well as the criminal justice system as a whole.
- B.** Officers are urged to use prudent judgment, as well as common sense, when impounding property. **Valuable time is wasted processing worthless property or correcting mistakes in packaging and documentation if careful attention is not paid to the rules of evidence.**
- C.** It is imperative that all employees involved in the handling of property have thorough knowledge of the appropriate procedures.
- D.** For the purpose of these procedures, property is defined and categorized as follows:
1. **Evidence** is any property that comes into the custody of a police department employee when such property may tend to prove or disprove the commission of a crime, or the identity of the suspect, pursuant to an official criminal investigation.
 - a) **Examples of evidence:** physical or chemical evidence left at the scene of a crime by a victim or suspect; recovered (stolen) property; or property currently under observation which is suspected to have been used in, or be the result of, the commission of a crime.
 2. **Property for Safekeeping** is any property of no evidentiary value surrendered to an employee of this Department for temporary custody with the understanding that the person **surrendering** the property has a **legal right** to do so, and that the property will be returned to the rightful owner(s) at the end of a specified period of time, unless the property is disposed of by the Department in a manner prescribed by law or as requested by the owner(s).

3. **Found Property** is any property of no evidentiary value whatsoever, which comes into the custody of an employee of this Department, and whose rightful owner may, or may not, be known to the finder or to the Department. Due diligence must be exercised with respect to determining the rightful owner. Upon failing to do so, the Department shall dispose of the property in a manner prescribed by law (usually after 90 days of receipt).
4. **Property for Destruction** is any property, including firearms and ammunition, released by a citizen to the Department for disposal.

II. SUPPLIES/FORMS

Evidence collection and preservation supplies are provided by the Property Section.

A. Forms

1. The **Property Tag Log Book** is a ledger book which is kept in the Report Writing Room. Entries noting the date, Tag #, DR # and employee name must be made **every time** a Property Tag is used. All entries must be completed fully. Completed log books are maintained in the Property Section (See Attachment A). The Property Tag Log Book shall be kept until such time that all of the property tags in the given book have been purged.
2. **Property Tag BPD Form #320-23** is provided for complete documentation and control of all property impounded, including: **Evidence; Property for Safekeeping; Found Property; Property for Destruction.**
 - a) All property (with the exception of motor vehicles), regardless of size, coming into the possession of an employee of the department, shall be thoroughly documented on the Property Tag under one of the four above-noted categories.
 - b) Property Tags consist of a five-part N.C.R. form. The original and first three copies **always** accompany the original report to the Records Bureau. The original and the third copy shall be forwarded to the Property Section. The second copy shall be retained by the Records Bureau. The fourth copy is the Investigation Division copy and shall be forwarded to the assigned detail by the Records Bureau. The fifth, "hard copy," shall be attached to the first item of evidence by the personnel booking the property (See Attachment B & C). If multiple items are placed into **one** container, bag, etc. the "hard copy" shall be attached to the exterior of such. In this case, an item card shall be completed and attached to each item, including the first item.
3. **Property List BPD Form #B320-28 (long form)** should only be used when *more than three* items are being one evidence tag. The property list (long form) also consists of a four part NCR form (See Attachment D).

- a) All copies shall be turned in with the report, **not** attached to evidence.
 - b) The Records Bureau shall forward the white and gold copies to the Property Section. The yellow copy shall be retained by the Records Bureau with the original report.

 - c) The pink copy shall be forwarded to the detective assigned to the case.
4. **Item Tags** - three different, color-coded tags are used to categorize property as (See Attachment E):
- a) **Evidence (Form #B320-129A)** - tag color changes yearly.
 - When booking multiple items into evidence, attach a color-coded tag to each item individually.

 - b) **Safekeeping (Form #B320-129B)** - white tag.

 - c) **Found Property (Form #B320-129C)** - orange tag.

 - d) **Property for Destruction (Form #C320-378)** – blue tag.
5. **Property Disposition Sheets** are generated from the Bar Code Computer system and periodically forwarded to the assigned detective for review (See Attachments F and G). Upon receipt of the Property Disposition Sheet, the assigned detective shall thoroughly research whether the evidence needs to be retained. If the evidence is no longer needed for any pending criminal or civil matter, the detective shall sign the evidence off for disposal, diversion, or release.
6. **Laboratory Analysis Forms 76R197C**, provided by the Los Angeles County Sheriff's Department, are used to describe what type of analysis is needed, and to document the chain of custody. This form may be completed by Property Section personnel or other personnel involved in the investigation of the case. (See Attachment H)
7. **Lab Book** – A “Lab Book” shall be maintained documenting the release and return of all property/evidence signed out for testing by the crime. (See Attachment I).
8. **Property Release Form** - Anytime property/evidence is released, the back of the original Property Tag shall be completed. The following information shall be documented: name; address; identification; signature of the person receiving the item(s). The personnel releasing the property/evidence shall confirm the legibility of the information given, and verify the name given using the identification presented. (See Attachment J and K, for multiple releases).

B. Packaging Supplies

1. **Paper bags** - Two sizes of brown paper bags are provided for packaging various types of evidence and property, #10 and #62.
2. **Plastic bags** - Four sizes of Ziploc bags are also provided for packaging various types of evidence and property. Two sizes of Kapak plastic bags are provided to secure any substance (i.e. PCP, pepper spray or tear gas, etc.) that must be heat-sealed when booked into evidence.
 - a) Ziploc bag sizes: 4 x 6; 6 x 9; 9 x 12; 12 x 15
 - b) Kapak bag sizes: 4 x 6; 8 x 9.5
3. **Envelopes**
 - a) Narcotics envelope, Form #B320-1321 (See Attachment L).
 - b) Currency envelope, Form #B320-253 (See Attachment M).
 - c) "A" envelopes: 9.5 x 12.5, for final storage in Property Room.
 - d) "B" envelopes: 4.5 x 6.75 for cassette tapes.
 - e) "C" envelopes: 6 x 9; for final storage in Property Room 1.
 - f) "D" envelopes: 7.5 x 10.5; for final storage in Property Room 1.
 - g) "E" envelopes: 14 x 18; for final storage in Property Room 1.
4. **Urine/Alcohol Kit:** supplied by LASD; stored in the jail, under breathalyzer.
5. **Blood/Alcohol Kit:** supplied by LASD; kept in hospital Emergency rooms and ID section.
6. **Sex Offense Kit:** supplied by LASD; kept in hospital Emergency rooms and ID section.
7. **Gun Shot Residue Kit:** supplied by LASD; kept in ID Section.
8. **Atomic Absorption:** Supplied by LASD; kept in ID Section.

III. WRITTEN GUIDELINES

- A. The **Property and Evidence Manual** is a complete outline of all procedures and policies regarding the handling of property.
- B. **Memos and Directives** are periodically distributed, pending changes in Crime Lab and court requirements or the discovery of new techniques.

C. Right of Refusal

1. Any property or evidence received by the Property Room that is not packaged as specified in this manual may be returned to the submitting officer for correction.
2. Property Room personnel shall prepare a Notice of Correction noting the item(s) needing correction and shall forward the completed form to the officer's immediate supervisor. A copy of the Notice of Correction shall be maintained in the Property Room.
3. If the officer does not respond to the first notice within one week, a second notice shall be prepared noting the lack of response to the first memo. The second notice shall be forwarded to the officer's lieutenant. A copy of the second notice shall be maintained by the Property Room.
4. If the officer does not respond to the second notice within one week, a third notice shall be prepared noting the lack of response to the first two memos. The third notice shall be forwarded to the officer's Division Captain. A copy of the third notice shall be maintained in the Property Room.
5. The officer shall document any corrections to improperly booked evidence in a supplemental report.

IV. STORAGE LOCATIONS *(NOTE: This is not an exhaustive list of all the Property Room storage locations, for further details refer to the attached Property Room diagrams.)*

No explosives, incendiary devices, caustic materials, or any other chemicals of a dangerous nature are to be stored in the Evidence Rooms. Property Room personnel shall immediately transfer, or cause to be transferred, all such items to a designated location.

- A. **Room 1** is used to store property/evidence small enough to be secured in designated envelopes and drawers.
- B. **B-1** is on the south wall and the back of the center wall of Room 1 . This area is designated to store large bulky items such as TV's, stereos, computers, etc.
- C. **B-2** is in the center of the Room 1 addition and is designated for the storage of large bulky items such as TV's, stereos, computers, etc.
- D. **B-3** is on the east side of the Room 1 addition and is designated for the storage of bulky items that will not fit into the B-1 and B-2 areas.
- E. **SS** – (Space Saver shelves) is located on the east side of Room 1. This area is designated for boxed cases.
- F. **187** (Homicide) is located on the north side of the SS area and is designated for the homicide evidence.
- G. **Room 2** is used to store all firearms, both active and ready for disposal.

- H. **Room 3** is used to store all narcotics and currency, both active and ready for disposal.
- I. **Room 5** (Cage) is used for the storage of bicycles, both active and ready for auction. Room 5 also has a metal locker for the storage of flammables such as solvents, gasoline, etc. (**NO FIREWORKS OR EXPLOSIVES**).
- J. **Room 6** is located off-site at City Yards. It is used to store very large items, quantities of items that cannot be stored in the property room, and evidence from old cases that is being retained by the investigating detective. Old homicide evidence may also be stored in this location.
- K. **Room 7** (Container) is located off-site at City Yards. It is used to store large items, quantities of items that cannot be stored in the property room, and evidence from old cases that is being retained by the investigating detective.
- L. **Girard and Peterson**, (154 W. Providencia), can be used for large seizures of auto parts, but only with the approval of the Professional Standards Lieutenant or the Watch Commander. Officers should indicate on a tag where the property is stored.
- M. **FR –** (Freezer) refers to the walk-in freezers located in the back area of the Property Room and in the parking structure to the rear of the Property Room. This area is used to store perishables, (i.e. bloodstained items, DNA evidence, etc.), or any item(s) requiring frozen storage.
- N. **FR2** (Freezer) consists of trays inside the walk-in freezer in the back area of the Property Room. It is used to store smaller items requiring frozen.
- O. **FR 3** (Freezer) refers to the commercial freezer adjacent to the walk-in freezer in the back area of the Property Room. This area is used to store perishables, (i.e. bloodstained items, DNA evidence, etc.), or any item(s) requiring frozen storage.
- P. **REF** (Refrigerator) refers to the refrigerators located in the back area of the Property Room. This area is used to store evidence requiring refrigeration.

V. **PROPERTY TAGS/DOCUMENTATION**

- A. The Property Tag is a standard 8.5" x 5.5" five-part NCR form (See Attachment B).
- B. A Property Tag is required **every time** an item of property is impounded or otherwise secured by an employee of this Department.
 1. Property is not to be released in the field without prior completion of a Property Tag.
 - a) **Exception:** when there is an arrest for shoplifting and the property in question can be identified and returned to the store, it shall be photographed, then released.
 - b) If it is **not** identifiable, however, it must be booked into evidence. (GO # 414).

- C.** All applicable sections of the Property Tag, as well as the tag itself, must be completed in ink. Upon completion, the tag is reviewed by the Watch Commander for content, accuracy, legibility, and spelling. If approved, the Watch Commander initials the lower right-hand corner, and forwards the tags, along with the report, to the Record Bureau. The Record Bureau then separates the tags as follows:
1. **Original (white)** - to the Property Section.
 2. **NCR copies** - one to the Property Section (back-up copy), one to the Records Bureau, and one to the Investigating Division.
- D. Long form - BPD B22** - (Attachment C).
1. **White copy (original)** to Property Section.
 2. **Yellow copy** attached to original report and filed in Records Bureau.
 3. **Pink copy** to Investigation Division.
 4. **Goldenrod copy** to Property Section as a back-up copy.
- E.** Step-by-step procedure for processing evidence and property:
1. List no more than three (3) items on a Property Tag.
 2. Choose an adequate space to lay out all items.
 3. Separate and categorize items.
 - a) Keep items separated by suspect and victim (owner) whenever possible.
 4. Combine *like* items.
 5. Separate items into piles by item number.
 6. Place blank Property Tags and color-coded Item Tags on or near each pile.
 7. Inventory and list items on the appropriate tag(s). If there is more than one item, be sure to use the appropriate color-coded tag, i.e., **white** for **safekeeping**, **orange** for **found property**, and **the designated color** for **evidence** (the color changes each year).
 8. After completing the Property Tag, package all items, keeping the packages separated by item number, and secure the packages, using staples or tape.
- Note:** Staples should be used sparingly, according to bag size.

Do not staple Ziploc bags—they are self-sealing.
Staples do not close properly when used on plastic bags ,
creating the risk of injury when the bags are handled.

9. Complete the information on all Item Tags and affix them to the corresponding packages. If the package is a Ziploc bag, put the tag inside the bag. **Do not staple.**
10. Place smaller containers in large bags or boxes to eliminate potential problems in locating these items at a later time.
11. Place items in appropriate evidence lockers in the lower Report Writing Room. Items or quantities of items too large for the lockers may be placed in the temporary storage rooms next to the Patrol entrance on the lower level.

It is best to preserve and document evidence as soon after collection as possible. This will help maintain the integrity of the evidence..

Evidence of great value should **never** be "placed on exhibit" for all to view, but *always* collected, preserved, and handled as swiftly and efficiently as possible, pertinent to time demands and other tasks.

VI. BOOKING IN PROPERTY/EVIDENCE

It is the policy of the Burbank Police Department to book evidence into the property system as soon after seizure as possible. Property is not to be secured in personal lockers, files, or desks. Maintaining a piece of evidence in a case file **may** be acceptable *under certain circumstances*. However, the evidence must first be processed through the property system and then signed-out—**no exceptions**.

A. Obtaining a Property Tag

1. Obtain a DR number, or use a citation number.
2. Go to Property Tag box, (located in the Report Writing Room), and remove the lowest-numbered tag (Property Tags are consecutively numbered).
3. Record the following information in the Property Tag log book next to the corresponding number already stamped in the log book:
 - Date of entry;
 - DR number, or citation number;

- Employee number of the individual recording the entry. (This is important because we use this number to track property in the computer)
4. Always use ink to sign or fill out evidence tags.
 5. Advise Property Room Personnel anytime a blank occurs in the log book, or whenever an evidence tag is missing.

B. Quantity of Property Tags Needed

1. Separate property by owner name whenever possible.
 - a) **Example:** If a bank robbery suspect is arrested, recovered property should be listed under the bank's name, but the weapon should be listed under the suspect's name, making the release of property to its rightful owner much easier.
2. **Firearms and related evidence**, (i.e. guns, ammunition, holster, magazine, etc.) are always booked into evidence using a separate Property Tag.
 - a) If a suspect is arrested in possession of a firearm *and* other stolen property, two Property Tags are required.
 - b) Descriptions of firearms booked into property must include the brand, model, serial number and type of weapon, (i.e. pistol, revolver, etc.).
3. **Narcotics** always receive separate Property Tags, and are placed in narcotics evidence envelopes, except as noted in "e"
 - a) Any related paraphernalia must be booked under a **separate** tag from the narcotics themselves.
 - b) To facilitate analysis at the Sheriff's Crime Lab, a *separate* narcotics evidence envelopes must be used for *each type* of narcotics.
 - c) If a large quantity of narcotics is impounded, secure the appropriate Property Tag to the narcotics envelope, and then secure the envelope to the container holding the contraband.
 - d) If a subject is arrested in possession of narcotics, paraphernalia, cash and a firearm, a minimum of four evidence tags will be necessary.
 - e) Over the counter medications in prescription bottles and NOT involved in any criminal investigation or suspicious death, do not need to be placed in a narcotics envelope.

4. **Currency**, (U.S. or foreign), always receives a separate Property Tag and is placed in a currency envelope.
 - a) If the envelope is not large enough, affix the Property Tag to the currency envelope and secure both to the container holding the currency.
 - b) Currency is always counted and verified by two employees.
 - c) Currency is always documented by denomination, and the Property Tag must include the dollar amount being booked into evidence, (for example: U.S. currency in the amount of \$98.06).
5. **Explosives**, including fireworks, are always booked into evidence using a separate Property Tag (i.e. separate from other related evidence also being booked in).
 - a) These items shall be booked at the Range and the booking officer shall note this on the Property Tag.

C. Carefully complete all information required on Property Tags, giving specific, *concise* descriptions of all the items controlled by the tag.

1. **Always include serial numbers when available.**

D. Property Tags must list a DR number, a VR number, or a citation number.

E. All Item Tags must be securely fastened to the item, package or container.

F. It is highly recommended, and always preferred, that the same person finding the property place it into evidence, effectively limiting the chain of possession.

1. Any time this is not possible, the report must clearly identify *all* parties handling the property.

a) Improper, or incomplete documentation of the chain of possession may result in pertinent evidence being ruled inadmissible in court.

G. Receipt of Property / Evidence

1. Property Room Personnel are responsible for cataloging all property/evidence received into the custody of the Property Section.

2. The room and bin numbers where items are stored must be written on both the original and back-up copies of the Property Tag, and entered into the Bar Code Computer.

3. Property Room Personnel must maintain a sequentially-numbered list of all Property Tags, located in Room 1.
4. Whenever a Property Tag is received by the Property Section, the corresponding Property Tag number must be crossed off the list.
5. Property Room Personnel are responsible for locating any Property Tags signed-out to an officer, but not returned to the Property Section within three (3) days.
6. Officers will be notified by memo, via chain of command, whenever seized property is not received by the Property Section within three (3) working days of its seizure.

VII. SPECIFIC TAGGING PROBLEMS

- A. The BPD Property Tag (hard card) must be attached to the first item of property placed into evidence. A colored evidence item tag is attached to each item. In the cases of Found Property (orange), or Property For Safekeeping (white), Item Tags must be affixed to all items, including the first item.

1. Reference Examples:

- a) If an arrest results in the seizure of seven pieces of stereo equipment, "see long form" is written on the BPD Property Tag affixed to the first item. Each of the items receives separate colored evidence item tag
- b) If a firearm is seized as Property For Safekeeping, a BPD Property Tag (hard card) and a white Property For Safekeeping item tag must be affixed to the firearm.
- c) If three suspects are arrested for 459 PC and all three have property in their pockets at the time of booking, a separate Property Tag is used for each suspect. In the event that the owner/victim can be immediately determined, the property is placed into evidence under that person's name, keeping in mind that each individual item of property must still be separated, and *booked separately*, into evidence. Note on the long form where the item was found (See Attachment D).
- d) If a bicycle is found, a BPD Property Tag and an orange Found Property item tag are affixed to the property (evidence and tag).
- e) In all cases where property booked into evidence requires two separate tags, affix them in such a way that both tags can be easily seen by the property office. In some instances, it may be necessary to staple the tags back to back *before* affixing them to the property.

***Reminder:** Anytime there are more than three items on a tag, write "see long form" on the original Property Tag, and begin itemization on the long form (BPD 128) with Item #1.

VIII. TEMPORARY STORAGE OF EVIDENCE

A. To establish and maintain a short, secure chain of evidence, all evidence must be properly marked and stored.

1. **Small items** are to be locked in evidence lockers in the Report Writing Room.
2. **Large items** that will not fit in the evidence lockers are placed in the temporary storage rooms adjacent to the Patrol entrance on the lower level. A secondary temporary storage area is also available in the Property Room garage. The Watch Commander has access to the garage.
3. **Motorcycles, minibikes and mopeds** are stored in the private vehicle impound lot, along with the appropriate impound sheet. A Property Tag is generally not required for an impound.
4. **Firearms** must be unloaded before being tagged and placed in the appropriate lockers in the Report Writing Room.
5. **Fireworks, explosive, and highly flammable items** shall be taken to the Range.
6. **Flammables** such as gasoline, solvents, etc. may be temporarily stored in the drying cage.
7. **Bicycles** are placed in the temporary storage room adjacent to the Patrol entrance "marked temporary storage."
8. **Narcotics** are deposited and secured in the lockers in the Report Writing Room.
 - a) Vice/Narcotics is responsible for testing narcotics in the Property Room.
 - b) Under the direction of the Vice/Narcotics, Property Room Personnel are responsible for forwarding evidence to the crime lab, and securing its timely return.
 - c) The Property Section is responsible for the storage of evidence held during any diversion program.
9. **Blood Evidence** shall be dried in the Blood Drying Cage adjacent to the K-9 run. Separation is of paramount importance. Always separate bloody

items that are from different sources. These items shall be retrieved by the Forensic Specialist Detail.

10. **Sexual Assault Kits** shall be placed in the refrigerator in the lower report writing room. The key for the refrigerator can be obtained from the Watch Commander. (Note: Hospital staff may advise officers to place these kits in a freezer. The Los Angeles County Crime Lab has authorized temporary storage in a refrigerator.)

IX. CONTROL OF EVIDENCE (CHAIN)

- A. Every time evidence is removed from the Property Room, the removing officer's name and the date must be noted on the original Property Tag at both sign-out and return, respectively.

1. Property Section personnel have access to all items of evidence, and are part of the evidence chain, and as such are not required to sign evidence in or out as long as it does not leave the control of the Property Section.

- B. Evidence going to the Los Angeles County Sheriff's Laboratory is handled as follows:

1. Complete the requested information: agency name, (Burbank PD); violation section; suspect/subject name; investigator; handling detail; received from, (date and name of person sending evidence to the lab); a brief description of evidence being sent; the number of packages; the Property Tag number; and the type of test requested on the lab receipt, (LASD Form SH/Cr 126). Staple this form to the assigned evidence, making sure that all related evidence is also stapled together (See Attachment H)

Note: Prior to sending urine evidence to the lab, remove the BPD Property Tag and store it in the index file with the original tag.

2. Write the name of the bureau and the officer requesting the action, the Property Tag number, the lab receipt number, (LASD Form SH/Cr 126's, used in numerical sequence) and the DR number in the Crime Lab Book located in Room 1 (See Attachment I).
3. Any and all evidence sent to the crime lab must be personally signed for by the Sheriff's Department Crime Lab personnel.
4. Once evidence is received by the LASD, the green receipt will show the courier's name and pick-up date, and the name of the person releasing the evidence to the courier. This information is also noted in the crime lab log book. Property Room Personnel notes the related Property Tag number on the green receipt as well.

5. The green slip is placed in the index file with the original evidence tag. The courier's name and the pick-up date are also noted on the evidence tag.

C. Evidence returned from the LASD laboratory will be handled as follows:

1. Note the return date, person(s) handling the evidence, and lab results in the LASD log.
2. Remove all corresponding green slips from the index file, also noting the return date, person(s) handling the evidence and lab results on each index file copy.
3. Depending on the Bureau or Section requesting the examination of the evidence, the following shall apply:
 - a) **Traffic** - make three (3) photocopies of the lab results, forwarding two of those copies to the Traffic Bureau, and the other to the City Attorney's Office, keeping the original with the evidence. Destroy the green slip.
 - b) **Vice** - make two (2) photocopies of the lab results, forwarding one copy to the Vice/Narcotics Section, and one to the City Attorney's Office. The same procedure applies to blood and urine evidence in narcotics cases.
 - c) Questioned documents may or may not have a report attached upon return. If so, make one (1) photocopy, attach the green and pink slips, and send it to the requesting officer. Attach the original report to the evidence and file.

Note: Whenever evidence is picked up at the crime lab by a member of this Department, the above-noted procedures still apply. Sometimes evidence is returned without any documentation, whatsoever, (including the pink slip). In this event, follow the appropriate procedure for returning evidence, replacing the report copy with a sheet of paper indicating, "**No Report.**"

- d) Upon the return of evidence from the lab, remove the Property Tag, (3 x 5 card), from the index file and re-attach it to the evidence for storage.

X. TEMPORARY REMOVAL OF PROPERTY/EVIDENCE

- A.** To obtain evidence from the Property Section, the requesting employee must sign and date the original Property Tag. Property Room Personnel then files the tag in the Property Section tickler file under "Evidence Signed-out."
- B.** It is solely the responsibility of the person signing out property to notify the Property Section, **in writing**, of the final disposition of that property. Signing the Property Tag is sufficient for written notification. Original Property Tags must reflect the current, actual disposition of property at all times..

- C. It is the sole responsibility of the person checking out an item of evidence to maintain the chain of custody and ensure its integrity. Evidence shall be returned to the Property Room in a timely manner. Anytime evidence is retained by the court or will be retained outside the Property Room for longer than two weeks, the person to whom the evidence was checked out shall notify the Property Room of its status.
- D. If after two weeks the Property Room has not received notification regarding the status of evidence which has been checked out , the Property Room Sergeant will notify the supervisor of the employee who failed to return the evidence or submit the requested documentation.
- E. All narcotics shall be returned immediately after court. Narcotics shall never be maintained outside of the Property Room unless it is booked into the custody of the court, the Crime Lab, or the Forensic Specialist Detail.

XI. **ULTIMATE DISPOSITION OF PROPERTY**

Unless otherwise governed by provisions of law, the detective assigned to the follow-up stage of the investigation has final authority regarding the disposition of property or evidence held by this Department. Where no detective is assigned to a case involving property held by this Department, the Sergeant in charge of the detail, or his designee, shall make the final decision as to the disposition of property in a manner prescribed by law.

- A. When the evidence or property is received, the Bar Code Computer will calculate the following **review dates**.

Review dates are not a disposal release date, it is only a reminder to the case detectives that they still have evidence associated with that case.

Felony	8 months*
Homicide	60 months*
Misdemeanor	7 months*
Marijuana (less than one ounce)	6 months*
Found Property	3 months*
Property Held for Safekeeping	2 months*
Dead Body/Suicides	4 months*
Property for Disposal	Immediately
Suspicious Incident/Misc. Investigation	7 months*

***Can be extended by detective any time prior to release**

B. Assigned Cases - It is the responsibility of Property Room Personnel to review the ICN computer print out, (automatically received by the Property Room every Monday), to determine which detectives have been assigned to which case and enter it into the Bar Code Computer.

C. Non-Assigned Cases - In reviewing non-assigned cases, Property Room Personnel determines which detail would have handled the case and enters it into the Bar Code Computer.

D. Detective's Responsibility - It is imperative that the assigned detective either dispose of property, or release it to the rightful owner, as soon as practical.

1. When returning property to the rightful owner, an Approval to Release Property must be forwarded to the Property Section. Property Room Personnel then mails a letter to the rightful owner (See Attachment N). The detective must indicate who the property is to be released to.
2. The release of property may be authorized using the Detective's copy of the Property Tag, or by signing off on the original Property Tag, kept in the Property Office.

E. Property Room Responsibility

1. When the Property Room receives approval to release property, prior to mailing the letter, Property Room Personnel must first verify that the evidence/ property to be released is still in custody. In the event that the property has already been released, placed into court evidence, or sent to the crime lab, the assigned detective will be notified of its location.

2. Upon verifying that the evidence/property is presently in custody, the letter can be mailed, pulling the Property Tag from the numeric file, and noting the mailing date at the bottom. The tag is then filed under "Card Sent" in the tickler file.
3. It is the responsibility of Property Room Personnel to monitor the "Card Sent" tickler file on a weekly basis, and to see to it that evidence is properly disposed of in a timely manner. If property/evidence is not picked up within 15 working days, it will be disposed of in accordance with policy. The Professional Standards Lieutenant must also monitor the "Card Sent," file, but only on a monthly basis.

F. Release of Stolen or Embezzled Property

1. The person claiming ownership must produce personal identification, as well as satisfactory proof of ownership of the property.
2. The person claiming ownership must contact the Detective assigned to the case, as the Detective has final authority to release the property.
3. The Detective is not required to release property to a claimant if it has any evidentiary value in a prosecution, which can be determined by consulting the offices of either the District Attorney or City Attorney.
4. If the person from whom the property was seized wishes to be heard, the Detective must conduct an informal hearing to determine ownership.
5. In the event that the Detective is unable to conclusively determine ownership, the parties in contention should be advised to seek judicial determination of ownership. (Penal Code Section 1408-1413).
6. A complete photographic record of returned stolen or embezzled property must be made and retained by the ID Section. (P.C. 1413(b)).

G. Unclaimed Property held by the Department for more than 90 days will be examined by Property Room Personnel to determine one of the following dispositions:

1. If the property in question is contraband, provisions for destruction must be made in accordance with departmental policy.
2. If the property is of value, it may be allocated for public auction according to law.
3. Clothing of little or limited value may be sold at auction, or donated to a non-profit organization. A container in the Property Section is used for such

clothing. Property Room Personnel are responsible for monitoring this bin, and contacting non-profit organizations on a regular basis.

4. Property suitable for use by the Police, or other departments within the city, may be retained for such purposes. (See instructions for diverting property).
5. Found property must be retained for a period of 90 days, after which it can be disposed of in accordance with Section 2080.4 of the Civil Code. After the prescribed 90-day period, found property whose rightful owner remains unknown, may be released to the finder, or otherwise disposed of as unclaimed property. Any property found by a city employee in the course of their employment, where the rightful owner remains unknown, is disposed of, as the employee has no legal claim to the property. (2080.3 Civil Code)

H. Bicycles must be retained for a period of 90 days in accordance with Section 2080.4 of the Civil Code. Bicycles that have been signed-off for disposal will either be sold at public auction, destroyed, or diverted.

1. All motorcycle frames with vehicle identification numbers (VIN) must be impounded and stored at the City's Official Police Tow facility. No property tag is needed.

I. Release of Firearms

1. If the firearm is seized in connection with a 5150 WIC or Domestic Violence case, the handling detective shall follow the procedures as set forth in the attached memo from Deputy City Attorney, Juli Scott. In all other cases, proceed to step two.
2. The handling detective shall identify the owner of the firearm and send the attached letter/description of firearms form notifying the owner that the firearm is eligible for release.
3. Upon receipt of the California DOJ "Eligibility to Possess Firearms" letter from the Records Bureau, the handling detective shall contact the owner of the firearm and make an appointment to release the firearms (The handling detective shall be present during the release).
4. The handling detective shall contact the Property Room with the appointment time for the release.
5. Prior to releasing the firearms, the handling detective shall conduct a records check to confirm that the owner of the firearms is eligible to possess them.
6. The handling detective's actions with respect to the above-listed steps shall be documented in a follow-up report

J. Unclaimed Firearms held by the Department are disposed two separate ways:

1. After retention for not-less-than 180 days, where no rightful owner has been found, and/or the firearm is ordered destroyed by the courts, it will be destroyed in a manner prescribed by law. (12032 Penal Code)
2. After retention for not less than 180 days, where no rightful owner is found, and/or the firearm is ordered destroyed by the courts, it may be **retained for departmental use**, (12032 Penal Code), using the appropriate diversion process. (See page 30 for process).

XII. DISPOSAL OF PROPERTY AND/OR EVIDENCE

A. At the end of each Property Tag's review date, Property Room Personnel are responsible for notifying the appropriate Detective or Detail that the review date has passed.

1. The Property Room will distribute the Disposition Forms generated by the Bar Code Computer (See Attachment G) by the 10th of each month.
2. Prior to distributing the Disposition Forms, Property Room Personnel will generate a computer list of all Disposition Forms by Property Tag Number and assigned employee or Detail receiving the Disposition Sheets.
3. If the assigned employee has more than 40 (Forty) outstanding property dispositions, the Professional Standards Bureau Lieutenant will be notified. The Professional Standards Lieutenant will meet with the Bureau Commander(s) of the involved employee and/or Detail to review possible remedies.
4. The Disposition Sheets are distributed monthly to an assigned employee or Detail. Delays in this procedure must be reviewed and approved by the Professional Standards Lieutenant.
5. Property Room Personnel notifies the assigned employees Bureau Lieutenant, via chain of command, if the Disposition form has not been returned to the Property Section by the end of the month.

B. The Property Room contains an interim location for **“guns for disposal.”** The handgun rack will hold approximately 91 guns, while the long gun rack holds approximately 56 weapons. It will be the responsibility of Property Room Personnel to schedule a gun destruction anytime the “guns for disposal” bin has an aggregate total of 50 guns. When authorization for disposal of property is received from the Detective handling the case, the following will occur, based on category:

1. Firearms for Disposal

- a) Property Tag or Property Disposition Sheet must be signed-off for disposal by the assigned Detective and/or Detective Bureau Sergeant.
- b) Pull **original** Property Tag out of numeric file.
- c) Property Tag should be reviewed by Property Room Personnel, approved disposition, "**OK TO RANGE**" is written at the top of tag and initialed by Property Room Personnel.
- d) The weapon shall be moved to the assigned Range Bin and the movement shall be entered into the Bar Code Computer.
- e) Original Tag is filed in "Weapon Disposal" tickler file.
- f) Pursuant to Section 12028 PC, weapons are to be turned over to the Rangemaster for examination, (conducted in the presence of Property Room Personnel), to determine if the weapon should be destroyed or retained for departmental use. The inspection and disassembly process **must** be completed within five (5) days. This may be extended with the approval of the Deputy Chief. Disassembly does not require the presence of Property Room Personnel.
- g) Property Room Personnel will prepare a Firearms for Destruction List from the Property Tags in the Weapons Disposal tickler file. The list will include: description of the firearm; serial number; DR #; and Property Tag # (See Attachment O). The list will be generated by the Bar Code Computer.
- h) Property Room Personnel will compare the original Property Tag to the described firearm, and verify against the Bar Code destruction list.
- i) Firearms shall be destroyed by the Rangemaster and serial numbers shall be verified by Property Room Personnel.
- j) Property Room Personnel will transport the destroyed weapons to the City landfill and supervise the burial.
- k) A copy of the Firearms for Destruction list will be forwarded to the Records Bureau Supervisor, who is responsible for entering the weapons into the Automated Firearms System (AFS). The FCN number will be included in the space provided in the Firearms for Destruction list.
- l) The original Property Tags will be stamped "**Destroyed,**" dated and initialed.

- m) The original Property Tags are then filed in the closed file.
- n) Back-up Property Tags will be destroyed.
- o) Whenever approval for disposal was made on the Detective's copy, the back-up copy, or the disposal copy, this copy is attached to the original Property Tag before filing in the closed file.
- p) The original weapons for destruction list shall be maintained by the Property Section.
- q) A copy of the firearms for destruction list shall be forwarded to the Deputy Chief.
- r) Appropriate entries shall be made in the Bar Code Computer to update the final disposition of the weapon.

2. **Ammunition for Disposal**

- a) Ammunition for disposal must be signed-off by the Detective or Detail handling the case. In the case of Found Property, Property Room Personnel may sign-off the ammunition.
- b) Retrieve the original Property Tag from the numeric file.
- c) The Property Tag must be reviewed by Property Room Personnel and approved for disposition. “**2R**” is written at the top of tag by Property Room Personnel.
- d) The ammunition is stored in the Range bin, located in Room 2.
- e) Ammunition can be transferred to the Range or given to the Rangemaster at any time.
- f) The original Property Tag is removed from weapons disposal file, stamped “**Range,**” dated and initialed.
- g) The original Property Tag is then placed in the **Closed** file.
- h) The back-up Property Tag is then destroyed.
- i) The Bar Code Computer is then updated to show the disposal action.

3. **Release Safety Precautions**

For security reasons, ammunition and a firearm shall not be released on the same day to the same person or to two different people who are associates.

Ammunition seized with a firearm shall normally be destroyed rather than released unless the person objects or unless a court orders otherwise. As used in this paragraph, ammunition shall include all types of fixed ammunition and gun powder. The same logic may be used to require separate release dates for other dangerous weapons and necessary elements for their operation; air guns and pellets, blowguns and fletchettes, bows and arrows, speargun and spears, Taser, and batteries, etc.

- C. The Property room contains an interim location for "Currency for Finance." The bin is located in Room 3. It will be the responsibility of Property Room Personnel to schedule a transfer of funds anytime the "Currency for Finance" bin exceeds \$3,000.

1. **Currency for Disposal/Transfer**

- a) The assigned Detective or the Detective Bureau Sergeant must sign-off on the Property Tag or Property Disposition Sheet for disposal. Property Room Personnel signs-off in the case of Found Property or Property for Safekeeping. Anytime the value of Found Property, or Property for Safekeeping is over \$100, the Professional Standards Lieutenant must approve the final disposition.
- b) Retrieve the original Property Tag from the numeric file.
- c) Change the location in the Bar Code Computer to "**3FIN.**"
- d) Once the Property Tag is reviewed by Property Room Personnel and approved for disposition, "**3FIN**" is written across the top of Property Tag, and initialed by Property Room Personnel.
- e) Remove the currency envelope from the **Active Currency Drawer** in Room 3.
- f) The currency envelope (BPD 320-253) is then placed in the **Finance Drawer** in Room 3.
- g) The Property Tag is moved to the **Finance Tickler File.**
- h) Property Room Personnel will insure that currency for Finance is transferred to the Treasurer's Office any time the dollar amount exceeds \$3,000.
- i) The Property Tag, Bar Code Currency List and currency envelopes are to be opened and compared by the Warrant Clerk, property room personnel, and the Internal Affairs Sergeant.. The Professional Standards Lieutenant may substitute other witnesses. In thoses instances involving a descrepancy between the amount listed on the

envelope and the amount in the envelope, the Internal Affairs Sergeant will reseal the currency in the original envelope and book the envelope back into property marking it for non-disposal without approval from the Deputy Chief. The Internal Affairs Sergeant will immediately notify the Deputy Chief in writing of the discrepancy. Property room personnel will place the original tag back into the Active Currency drawer.

- j) Property Room Personnel must prepare a **Currency Transfer List** from the Bar Code Computer and forward it to the Warrant Office for count and verification (See Attachment P).
 - k) Enter the Property Tag, DR # and amount on the Property Transfer List.
 - l) A **Daily Report Of Cash Receipts** Form (B625-21A) is also filled out (See Attachment Q).
 - m) The **Currency Transfer List** and **Daily Report of Cash Receipts** are hand carried to the City Treasurer's Office, along with the currency.
 - n) The pink copy of the **Daily Report of Cash Receipts** , along with a copy of the **Property Transfer List**, is given to the Warrant Clerk for his/her files. A copy of the **Daily Report of Cash Receipts** and the **Property Transfer List** is also retained by the Property Section.
 - o) Pull the back-up copy of the Property Tag and destroy it.
 - p) Currency with any numismatic value is handled in the same manner as any other item sent to auction.
 - q) Foreign currency shall be stored in Room 3 (3FC), separate from U.S. Currency. Upon approval for disposal, foreign currency shall be sent to auction, **not** to the City Treasurer's office.
 - r) Once the currency has been transferred, update the Bar Code Computer.
 - s) The final currency list is then printed and retained in the Property Room (Finance File), with a copy to the Deputy Chief.
- D. The narcotic room contains an interim location for "Narcotics for disposal." The disposal drawers are broken down by marijuana, coke, meth., etc. It will be the responsibility of Property Room Personnel to schedule a narcotics destruction when the bins reach an aggregate capacity of 75% or 75 pounds, whichever is less.

1. Narcotics For Disposal

a) Interim Storage (ready for destruction)

1. The Property Tag shall be signed-off by the assigned Detective or Vice/Narcotics Sergeant.
2. The original Property Tag shall be removed from master numeric file and filed in the **Narcotics for Disposal** tickler file.
3. The evidence shall be removed from the storage drawer (active cases) in Room 3 and placed in the **Narcotics for Disposal** drawer by type of drug.
4. Property Room Personnel will insure the proper Bar Code entry is made. After the Bar Code Entry is complete the Narcotics List shall be printed out.

b) Final Disposal

1. Prior to the final destruction of any narcotics Property Room Personnel must generate a Narcotics Disposal List (from the Bar Code Computer). The Narcotics Disposal List will include the Property Tag number, DR number and narcotic type and an Order for the Destruction or Disposition of Controlled Substances (court order). The list will be forwarded to the Burbank Superior Court for approval by a judge (See Attachment R & S) for court order and destruction list.
2. After approval by a judge, Property Room Personnel will call the City of Long Beach, Southeast Resource Recovery Facility, (SERRF) at (562) 570-1196 for a disposal appointment (See Attachment T).
3. Property Room Personnel will then complete a Narcotics Manifest and attach it to the approved Disposal List and Court Order. Prior to transportation to SERF, the narcotics are weighed by category (gross weight) and documented on the manifest.
4. Prior to the disposal, Property Room Personnel will make arrangements to schedule the appropriate number of officers accompany him to the disposal location. SERRF requires a minimum number of armed sworn officers based on the amount of narcotics for disposal. Six armed, sworn officers are required for amounts of 500 lbs or more; two are required for any amount below this threshold.
5. Unless there is an extremely large seizure, we will likely never have more than 500 lbs to dispose of at any given time, as Property Room Personnel will schedule disposals well before reaching that amount.

6. Remove the Property Tag from the **Tickler File**, stamp the disposition initial and date it, and dispose of the back-up copy.
 7. File the Property Tag in the closed file.
 8. Update the Bar Code Computer to show narcotics destroyed.
 9. Civilian personnel can not transport narcotics without a sworn escort.
- E. The Property Room contains an interim location for auction items. When any item is signed for destruction and it is an item that could be auctioned, it shall be moved to the auction bin.

1. **Property/Evidence For Auction**

a) **Interim Storage for Auction (interim)**

1. The Property Tag must be signed-off by the Detective or Detective Bureau Sergeant.
2. The property/evidence will be examined by Property Room Personnel to determine whether it should be auctioned or diverted for Departmental use. Only property with an estimated value of \$50.00 or more shall be sent to auction.. If there is a question of value, the Property Sergeant shall make the final determination. If the item appears to have significant value, (for example: jewelry), it shall also be reviewed by the Professional Standards Bureau Lieutenant.
3. The original Property Tag is removed from the master numeric file.
4. The property/evidence is removed from its storage location and placed on the auction shelves.
5. The original Property Tag is filed in the **Auction Tickler File**.
6. The Bar Code Computer is updated to show the property/evidence in the "4 Auction" location.

b) **Property/Evidence For Auction (final)**

1. Prior to transfer, Property Room Personnel will generate a **Property Auction List** from the Bar Code Computer. Included on the list are the DR number, the Property Tag number and a description of the property (See Attachment U).
2. When property is ready for pick up, call PROPERTYROOM.COM at (626) 369-0275 and fax a list of these items to (626) 369-0302.

3. After the property/evidence has been picked up by PROPERTYROOM.COM,, the Property Tag is removed from the tickler file "**Purchasing/Auction,**" dated, initialed, and stamped with the disposition.
4. The back-up tag is destroyed, or forwarded to the Records Bureau if it contains a serial number for the auctioned item so that this may be noted in the Automated Property System (APS).
5. Photocopy the original **Bar Code Property Transfer List** and forward a copy to the Deputy Chief. The original **Property Transfer List** will be filed in the Property Room.
6. The proper Bar Code entry shall be made to show that the final disposition of the property/evidence.

F. Property/Evidence with No Value

1. Property for Destruction

- a) The original tag is signed-off by the Detective or Detective Bureau Sergeant.
- b) The evidence/property is removed from its storage location.
- c) The evidence/property is examined by Property Room Personnel.
- d) The property/evidence is placed in a secured trash dumpster located next to the Property Room.
- e) Only Property personnel will supervise the disposal of such items into the dumpster, which is to remain locked at all times.
- f) When the secured dumpster is full, Property Room Personnel will make arrangements with the Refuse Department.
- g) Keys to the security dumpster are to remain in the custody of the Property Personnel **at all times**.
- h) After disposal of the evidence/property, the original Property Tag is dated, initialed, stamped "**disposed**" and filed in closed file.

- i) The back-up copy of the Property Tag is destroyed, or forwarded to the Records Bureau if it contains a serial number for the destroyed item so that this may be noted in the Automated Property System (APS)
- j) Bar Code entry is made to show the final disposition of the item(s).
- k) Property Room Personnel are responsible for making arrangements with Public Works to dump the secured trash.
- l) A police employee shall accompany the transport of secured trash to the city refuse site to confirm destruction.

G. Release/Disposal Prior to Expiration of Review Date.

1. Property/Evidence may be signed off for release, disposal or diversion with the approval of the case Detective or Detail Sergeant.
 - a) The Property Tag (original or detective copy) can be checked to dispose anytime prior to the expiration date. (See Attachment C)
 - b) Property may be released prior to expiration of the review date as long as the Detective or Detail Sergeant has approved its release.
 - c) Any time evidence/property is released to an individual, the recipient must complete the reverse side of the Property Tag, (See Attachment J), with the following information:
 1. Items being released
 2. Name and address
 3. California driver's license or other photo ID
 4. Signature of recipient
 5. Date
 - d) The Detective request must be indicated on the first line of the Property Tag.
 - e) The item number, approved by, approval date, final disposition of property, person taking the action and the date shall also be completed on the Property Tag.
 - f) No items of evidence will be disposed of until it has been held for a minimum of seven months. If a signed notice is received from a detective authorizing the disposal of evidence which has not been in the custody of the Property Section for seven months, the notice shall be attached to the original Evidence Tag and filed in the "Property for Disposal" tickler file and the Bar Code Computer shall be updated. It

shall be the responsibility of Property Room Personnel to monitor the "Property for Disposal" file and dispose of those items that have been held for the required seven month period.

H. Disposal of Homicide Evidence- In an effort to ensure that disposals of this nature undergo a high degree of scrutiny, such disposals shall take place only after review and approval of the handling detective, the Lieutenant of the Crimes against Persons Detail, the Investigation Division Captain, and the Deputy Chief.

1. If upon receipt of a disposition request from the Property Room, the handling detective determines that the evidence may be disposed of, the handling detective shall perform the following tasks in addition to signing off on the disposition request
 - a. The handling detective shall check with the District Attorney's Office to make sure there are no pending criminal concerns
 - b. The handling detective shall attach a memo to the disposition request, documenting the response from the District Attorney's Office and providing a brief synopsis of the case, including whether it was successfully prosecuted and the status of the suspect(s)
2. The handling detective shall forward the signed disposition request and related memo to the Crimes against Persons Lieutenant who shall review and sign off on the disposition request, approving the disposal of the evidence
3. The Crimes against Persons Lieutenant shall forward the disposition request and related memo to the Investigation Division Captain, who shall review and sign off on the disposition request, approving the disposal of the evidence
4. Finally, the Investigation Division Captain shall forward the disposition request and related memo to the Deputy Chief who will review, check with the City Attorney's Office regarding possible civil issues (noting the response on the disposition request), approve, and forward the disposition request to the Property Room
5. Upon receipt of the signed disposition request, Property Room personnel will verify that the appropriate personnel have approved the disposition request and will dispose of the evidence

XIII. PROPERTY FOR SAFEKEEPING/FOUND PROPERTY

- A.** Items entered as Property for Safekeeping or Found Property do not require a Detective's signature for release or disposal.
1. Property Room Personnel are responsible for following the steps required to notify the owner or finder as to when and how they may retrieve said property.
 2. Copies of all Found Property and Property for Safekeeping reports are forwarded to the Property Section.

B. Property for Safekeeping

1. Officer's Responsibility

Anytime an officer takes property from a person in the scope of his or her duties as Property for Safekeeping, the following guidelines shall be followed:

- a) Complete a Burbank Police Property Tag itemizing each item.
- b) Complete a Property for Safekeeping Receipt (C320-23a) and provide the owner the yellow copy of the receipt (See attachment V).**
- c) The officer shall attach the original Property for Safekeeping Receipt to the Property for Safekeeping Report.
- d) The officer shall attach the pink copy of the Property for Safekeeping Receipt to the original Property Tag.

2. Property Room Personnel's Responsibility

- a) Property Room Personnel are responsible for notifying the owner(s) of Property for Safekeeping with a notification letter as soon as the property is received. (See Attachment V)
- b) If the property is not retrieved by the owner within 60 days of the date the property was originally received, it will be disposed of in accordance with City policy.
- c) Anytime a notification letter is returned by the Postal Service it shall be attached to the original Property Tag.

C. Found Property

1. Property Room Personnel are to review all Found Property reports daily.

2. Property Room Personnel are to examine all Found Property for any type of identification or markings.
 - a) If the owner is identified, Property Room Personnel will send a notification letter to the owner/victim.
 - b) The original Property Tag is then filed in the **Card Sent File** with the appropriate notation.
 - c) If ownership cannot be determined, the Property Tag is filed in the **Found Property File**.
3. Property must be retained for 90 days if no owner is found, (2080.2 Civil Code).
4. If the property has not been claimed by the owner by the expiration date, a notification letter will be sent to the finder. (See Attachment M)
 - a) Credit cards and personal items, for example: Social Security or identification cards, will not be released to the finder; they will be destroyed.
 - b) Firearms shall not be returned to finder(s).
 1. Anytime a firearm is booked in as Found Property, Property Room Personnel shall defer the final disposition of the firearm to the Investigation Division – Persons Sergeant.
 - c) Anytime a notification letter is returned by the Postal Service, it shall be attached to the original Property Tag.
 - d) Items of no obvious value, for example: keys, old clothing, etc., may be disposed of.
5. The property may be disposed if any of the following occur:
 - a) The property is not claimed by the finder within fifteen (15) days after the notification letter was mailed;
 - b) The notification letter is returned “undeliverable” by the Postal Service;
 - c) The finder does not comply with the requirements regarding advertisement.

D. Firearms for Safekeeping

1. Anytime a weapon is seized, as per 8100 WIC, it will be returned to the “owner” (as prescribed in 8100 WIC). In cases where weapons are to be retained, the Safekeeping report is referred to the Detective Bureau for case assignment.
2. In the event that the weapon is evidence in a criminal case, the requirements for 12028.5 PC do not apply.
3. The firearm shall be made available for release to the owner or person who had *lawful* possession 48 hours after the seizure, or as soon thereafter as possible, not to exceed 72 hours after the seizure (12028.5(b) PC). Decisions regarding the release of firearms shall always be the responsibility of the Detective Bureau.
4. In those cases where a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon may be likely to endanger the victim or person reporting the assault or threat, the agency shall advise the owner accordingly, and within 10 days of the seizure, initiate a petition in the Superior Court to determine if the firearm or other deadly weapon should be returned. (12028.5(e) PC).
5. The law enforcement agency shall inform the owner or person who had lawful possession of the firearm or deadly weapon, at their last known address by registered mail, return receipt requested, that they have 30 days from the date they receive the notice to respond to the court clerk to confirm the desire for a hearing, and that failure to respond may result in a default order forfeiting the confiscated firearm or other deadly weapon.
6. Anytime a firearm is taken as a result of a Domestic Violence Case, Death Investigation, Sick Cared for Case, Dead Body, Suicide or Miscellaneous Investigation, the disposition of the firearm shall be made by the Investigation Division. Property Room Personnel shall not make any disposition of firearms other than Found Property or Firearms for Destruction. In any Death Investigation, when a disposition is made on the firearms, the estate should always be notified during the return.
7. For security reasons, ammunition and a firearm shall not be released on the same day to the same person or to two different people who are associates. Ammunition seized with a firearm shall normally be destroyed rather than released unless the person objects or unless a court orders otherwise. As used in this paragraph, ammunition shall include all types of fixed ammunition and gun powder. The same logic may be used to require separate release dates for other dangerous weapons and necessary elements for their operation; air guns and pellets, blowguns and fletchettes, bows and arrows, speargun and spears, Taser and batteries, etc.

E. Property for Destruction

1. All property turned over to the Police Department for destruction is to be handled as follows:
 - a) Property Tags are to be completed in full.
 - b) Property is to be disposed of in accordance with policy.
 - c) If property for destruction is a firearm, it shall be handled like any other firearm that has been signed-off for disposal.

XIV. PROPERTY FOR DIVERSION

A. General Property for Departmental Use (City Use)

1. Property may only be used by the City for training, work, or undercover operations if the property is diverted *in compliance with* the Burbank Municipal Code, Section 9-406 and 9-407. Such action is governed by the following:
 - a) A memo requesting the use of the property is sent to the Property Section via chain of command.
 - b) Property Room Personnel then sends a memo requesting the diversion of the property to the Purchasing Director via the Deputy Chief (See Attachment W).
 - c) No property is to be diverted for use by the City until after proper authorization has been received from the Purchasing Director or their designee.
2. Expendable items, (for example: liquor, cigarettes, tools, supplies, etc.), either for City use in undercover operations, or general use, are not diverted via the Purchasing Director. Instead, the Lieutenant requesting the items signs for them on the original Property Tag, and the items are considered closed-out by the Property Section. The use and/ or disposal of these items is the responsibility of the supervisor signing for them.

B. Firearms for Departmental Use (Diverted Firearms)

1. The original Property Tag (or Disposal Form) must be signed-off for disposal by the Detective or Detail handling the case.
2. The original Property Tag is pulled out of the numeric file.

3. The weapon and the original Property Tag are reviewed by the Rangemaster and Property Room Personnel.
4. For firearms deemed inappropriate for departmental use, refer to Firearms for Disposal.
5. Weapons deemed appropriate for Departmental use cannot be diverted any earlier than four months after the weapon was *originally* booked into evidence. (BMC 9-402).
6. Complete a Certificate of Weapon Retention list, to include: a description of the weapon; the serial number; the Property Tag number; and the DR number. (See Attachment Y) The retention of weapons for official use is permitted by 12030(a) Penal Code.
7. The above-noted list shall be signed by a Superior Court Judge and the Property Room Sergeant. (Although not required by law, judicial review of the diversion only clarifies the action)
8. The diversion memo to the Deputy Chief is forwarded to the City Purchasing Director for approval.
9. The list of retained weapons is forwarded to the Records Bureau Supervisor, who is responsible for entering the weapons into the Automated Firearm System (AFS) retained for official use. The FCN number is included in the space provided in the weapons list.

XV. SECURITY

- A.** Access to the Property Room and all other property storage areas is restricted to Property Room Personnel, the Deputy Chief, and the Professional Standards Lieutenant. The Deputy Chief may authorize after-hours admittance to the Property Room when necessary.
 1. Departmental personnel shall not enter property storage areas unless escorted by Property Room Personnel. Normal business hours for the Property Room are weekdays, 0800 to 1600 hours.
 2. Entry by non-property personnel shall be documented on the access log maintained in the Property Room (See Attachment X).
 3. Property or evidence can only be removed from its storage location by Property Room Personnel or the authorized designee.

4. The doors to the Property Room must be secured whenever Property Room Personnel leave. Room 3 and 4 are to remain locked when not occupied, and no one other than Property Room Personnel is to have access.
5. The counter door shall remained locked during normal business hours.

B. Key Control

1. Keys to the Property Room are to remain under the control of the Property Room personnel.
2. The duplication or possession of keys to secured property areas without the express consent of the Deputy Chief is strictly prohibited.
3. Property Room personnel are strictly prohibited from relinquishing Property Room keys or alarm codes to anyone other than authorized personnel.

Whenever anyone authorized to have access to the Property Room is reassigned or is no longer employed by the Department, the Professional Standards Lieutenant will advise the Deputy Chief. The Deputy Chief will decide if the Property Room lock need to be changed.

In the event that a key is lost, new locks (cores) shouldl be installed at the direction of the Deputy Chief.

4. It is the policy of the Property Room that spare keys be maintained in the Building Manager's lockbox only; none in the Watch Commander's office.

C. Alarm System

1. The main property storage rooms (and Room 6) are protected by an internal system. Access codes are assigned to authorized personnel only.
2. Employees entering the main property room must deactivate the alarm upon entry. The alarm must also be deactivated during normal business hours.
 - a) The alarm must be activated upon closing.
 - b) Property storage areas are to be secured, and the alarm system activated, whenever unattended, (i.e., all non-business hours, as well as business hours when Property Room Personnel leaves the area).
3. Employees entering Room 6 must deactivate the alarm using the key stored in the Property Room Office.
 - a) The alarm system must be reset upon closing.

- b) Alarm codes must be reprogrammed whenever personnel changes are made, or at the direction of the Deputy Chief.
- 4. Property Room Personnel are to test the alarm at least once a month to ensure that the Communications Center is indeed monitoring the system.

XVI. PROPERTY AUDITS

- A.** Weapons, money and controlled substances stored in the Property Room must be audited on a regular basis to monitor the security of this property.

1. Internal Audits

- a) The Professional Standards Lieutenant (or authorized designee) will audit the following types of property, along with the associated records, on a quarterly basis, in random groups of five:
 - 1. Firearms (five weapons)
 - 2. Currency and valuables (five envelopes)
 - 3. Controlled substances (five packages)
- b) A comparison between the description on the Property Tag, the computer record, and the actual item, (or the description on the container, if sealed) must be made.
- c) The Professional Standards Lieutenant (or authorized designee) will inspect the following files, on a quarterly basis, for accuracy and adherence to policy:
 - 1. Card Sent tickler file
 - 2. Evidence Sign-Out tickler file
 - 3. Found Property files
 - 4. Safekeeping files
 - 5. Auction tickler file
 - 6. Firearms for Destruction file
 - 7. Narcotics for Destruction file
- d) The Professional Standards Lieutenant (or authorized designee) is responsible for the routine auditing of the following practices and procedures:
 - 1. Packaging Standards
 - 2. Supplies
 - 3. Security/Key Control
 - 4. Alarm Responses
 - 5. Bar Code Operation
 - 6. Documentation of Property Tags

7. Refrigeration
8. Auction Bin
9. Narcotics for Disposal
10. Weapons for Disposal
11. Currency for Disposal

- e) The Professional Standards Lieutenant (or authorized designee) is responsible for documenting and reporting the quarterly audit results to the Deputy Chief.

2. External Audits

- a) The Deputy Chief (or authorized designee) will conduct random audits on a quarterly basis. In addition, at least once a year, a captain from another division will also conduct an audit.
- b) The audit should include randomly selected items from the weapons, currency and narcotics files for inspection.
- c) The audit may also include pulling random crime reports and comparing the documented evidence against both active and inactive Property Tags and inventory.
- d) The quarterly audit conducted by the Deputy Chief (or authorized designee) shall also consider the same criteria for inspecting items inspected by the Professional Standards Lieutenant.

XVII. INVENTORIES

A. Inventory Process

1. Property Room Personnel shall conduct a complete inventory at least once a year, or anytime a personnel changes are made.
 - a) Every item placed into the property system must be accounted for. All property rooms shall be included in the inventory process, including Room 6.
 - b) All packages in all rooms and bins shall be inventoried using the Bar Code Computer.
 - c) Upon completion, the inventory is filed in the Property Section office.
 - d) A copy of the inventory is also forwarded to the Professional Standards Lieutenant.

If an item is discovered missing, Property Room Personnel shall notify the Deputy Chief who will determine if a full-scale investigation is necessary.

- e) Whenever any firearms, currency or drugs appear to be missing, notice shall be immediately forwarded to the Deputy Chief.

B. Inventory Schedule

1. The schedule on the following page shall be followed to ensure that inventories are done in a timely manner:

Burbank Police Department Inventory Schedule

MONTH	ITEMS	LOCATIONS
January	Guns	A & B Drawers
February	Money	C Drawers
March	Narcotics	D Drawers
April		Spacesaver
May	Guns	B – 1
June	Money	B – 2
July	Narcotics	Room 3
August		Found/safekeeping
September	Guns	Room 5
October	Money	Ref
November	Narcotics	Room 6
December		

*Any exceptions to the schedule must be approved by the Deputy Chief.

Chapter 2

Packaging

I. PACKAGING AND TAGGING PROPERTY/EVIDENCE

- A.** When considering which type of packaging to use, keep in mind all of the purposes the packages serve:
1. Keeping the evidence as close to its original condition as possible
 2. Preventing the inadvertent loss of evidence (i.e., falling out of the package) by properly securing all containers
 3. Preventing contamination of evidence
 4. Preserving the individual identity of evidence for court presentation
- B.** The following packaging instructions should be adhered to as closely as possible. Keep in mind that the type of packaging should fit the type of evidence to be preserved.
1. Some large items only need a Property or Item Tag.
 - a) For example:: lawn mowers; rifles; television sets; etc.
 2. **Liquids** - package or preserve using the following:
 - a) Clean, sealable glass jars or the original container, if sealable;
 - b) Containers provided by the crime lab specifically for blood and urine samples;
 - c) Paint cans
 3. Numerous small articles of evidence connected to the same case may be placed in a master container under the same Property Tag; however, each item should be numbered and tagged using a **separate** item tag. The original hard copy Property Tag should be affixed to the outside of the main container, (Item #1).
 - a) Care must be taken to prevent cross-contamination.
 - b) Use long form and colored Item Tags (appropriate color for current year).
 4. Known source samples should be packaged and tagged separately from unknown samples. For example::

- a) Dust from a burglary suspect's clothing and samples of safe insulation from a burglary scene are packaged separately, with separate Property Tags.
- b) Blood sample at scene and blood-soaked clothing from a suspect are packaged separately, with separate Property Tags.
5. Whenever possible, items to be sent for laboratory analysis should be packaged separately from items not needing analysis.
6. **Perishable items** such as meat, frozen foods, etc. should be left with store if possible. If necessary to seize, secure in appropriate bag and placed in freezer in Property.
7. **Blood-stained clothing** must be dried before packaging. (See Blood for Property Section)
8. **Firearms** may be secured in a paper bag or simply with a tag attached.
 - a) In all cases involving the impounding of firearms, no property other than that associated with firearms (ammunition, holsters, etc.) is to be listed on the same Property Tag.
 - b) Affix a Property Tag to long guns, which do not require packaging.
 - c) All firearms must be **unloaded** prior to securing in the report writing room lockers.

Exception: When it is necessary to book in a weapon in exactly the same condition in which it was found, unless cocked, mark plainly on the Property Tag in the upper left-hand corner, "**Loaded Weapon,**" and place the weapon in a paper bag marked the same way.)
9. **Jewelry** should be packaged individually, with no more than one item of jewelry per bag. Jewelry should also be packaged separate of other types of evidence.
 - a) Each item must be bagged separately, with a separate item tag, and described fully on the Property Tag. The only exception might be costume jewelry.
10. **Coin and currency** must be counted and verified by two people, and packaged separate of other evidence, using separate Property Tags.
 - a) The denominations should be described and the amount totaled on the face of the currency envelope.

- b) Moneys taken from multiple suspects involved in one case is booked into evidence using separate Property Tags and separate currency envelopes.
 - c) All seams on the currency envelope shall be sealed with evidence tape and initialed by the booking officer.
11. **Trace evidence** (for example: hair samples, fibers, powders, paint chips, soil, etc.) should be packaged in small, clean, blank, paper bindles before placing in any other bag or envelope.
- a) Several bags may be placed in one envelope or bag, as long as the item is tagged separately, with adequate descriptions on the respective Property Tags
 - b) **Do not use plastic bags or containers for this type of evidence.**
12. **Wet Evidence** (for example: blood or semen-stained clothing) should be tagged and hung in the drying cage in the lower-level parking structure. Be sure to lock the drying cage after putting evidence into it.
- a) Property Room Personnel or the Forensic Specialist Detail will secure the evidence once it has dried.
 - b) **Do not place wet evidence in a bag or in plastic of any kind.**
13. **Small pieces of evidence** should be placed into appropriate sized bags or envelopes, stapled *sparingly*, and tagged.
- a) **Do not staple Ziploc bags.**
 - b) Package quantities of like items together (for example: cigarette cartons, ammunition, etc.).
 - c) Each bag should be secured and identified (for example: Item #1, Item #2, etc.) using Item Tags.
14. **Dry clothing, bedding, shoes, etc.** of evidentiary value should be wrapped separately, in paper bags, to avoid cross-contamination.
- a) Seal and tag each bundle.
15. **Knives, ice picks, and other sharp objects** should be wrapped in cardboard for safety in handling and then placed in an appropriate bag, envelope, etc.

16. **Documents** should be duplicated and a copy included with the original report. Package documents in an appropriately sized Ziploc bag, or envelope, and tag appropriately.
17. **Checks (non-negotiable)** should be duplicated and a copy included with the original report. Secure checks in Ziploc bags and tag appropriately.
18. **Alcohol** booked into evidence for vehicle or business and professions code violations should be placed in a glass vial.
 - a) A full sample should be sufficient.
 - b) The vial should be placed into a Ziploc bag with the tag enclosed.
 - c) If the original container has not been opened, attach the Property Tag to the container itself.
19. **License plates** should be placed into the smallest Ziploc bag possible with the tag enclosed.
20. **In all cases, items shall be placed into the smallest fitting containers possible.**
21. In all cases, packages should never be left open or unsecured, but stapled or taped, to guard against loss of evidence, and thereby enhance the integrity of the system.
 - a) When securing bags, use as few staples as possible.

C. Marking Evidence

1. Mark all items of evidence, or the respective containers, in an easily identifiable manner.
2. Mark valuable items in such a way that they are not permanently damaged. For example: scratching your initials on the barrel of a handgun is unnecessary when a semi-permanent ink marker or tamper-proof evidence tape can be used.
3. Whenever possible, the marking should include the date and time the evidence was collected, and the collecting officer's initials.

II. SPECIFIC PACKAGING REQUIREMENTS

A. Alcoholic Beverages

1. These guidelines are applicable for open container, as well as B&P violations.
2. If the container is unopened, the entire container and its contents may be placed into evidence.
3. In cases of multiple containers (six packs, etc.) only one unopened bottle or can need be placed into evidence.
4. If the container has been opened, place a sample of the liquid into evidence using a small vial located in the report writing room.
5. Complete the Property Tag in its entirety.
 - a) The vial can then be booked into evidence in lieu of the actual container, unless the container has some significance to the case, in which case the container shall be emptied of any remaining liquid.
6. The vial should be sealed with sealing tape provided for in the report writing room.
7. The vial should then be secured into the smallest Ziploc bag provided in the report writing room.

8. When necessary, a sample of an alcoholic beverage should be placed into a vial and the remainder of the contents disposed of. A sample of an alcoholic beverage should always be retained when it is probable cause for a greater offense, or when administrative action by Alcoholic Beverage Control is anticipated.



B. Blood

1. Blood that has dried on an object which can be easily transported should be left untouched, and the object itself should be tagged as evidence.
2. Dried blood should be protected as much as possible before being placed into the evidence locker.
3. Dried blood on an object which is too large, too heavy or too awkward to transport should be handled in the following way:
 - a) Scrape the surface of the object onto a clean piece of paper, fold securely and place the folded paper into an appropriate sized vial or bag.
 - b) If dried blood is found on an object from which a section could be cut to preserve the evidence a Forensic Specialist should be called.
4. Biohazard tag.

C. Blood Test

1. Fill out LASO blood specimen envelope.
 - a) Print all of the required information.
 - b) Make sure that the DR # matches the report.
 - c) The time listed should be the time the sample was drawn.
 - d) List the doctor or lab technician drawing the blood for "Blood Drawn By."
 - e) Mark appropriate box for tests required.
 - Per the subpoena requirement, make sure the name, including the first initial, is legible.
2. Complete Property Tag in its entirety.
3. Blood tests shall be secured in the Report Writing Room lockers.
 - a) Never freeze blood tests.

4. Blood specimens shall be packaged as pictured below. The Evidence Tag may be affixed to either side of the blood specimen envelope.

140632 BURLBANK POLICE 10552718

NAME OF OWNER VICTIM SUSPECT CHARGE

NAME T. J. ... TEL. NO. _____

ADDRESS ...

CITY BURBANK STATE CA ZIP 91501

CHARGE CODE ... OR NO. ... MISD OTHER

CHARGE CLASS ... DATE ... TIME ...

EMPLOYEE ...

Filed By _____ 1 _____ 2 _____ 3

0100-03 (11/99)

INSTRUCTIONS TO ARRESTING OFFICER:

1. Obtain specimen as promptly as possible.
2. Fill out this envelope.
3. Place subject's name, today's date, and your initials on the blood vial.
4. Do not allow blood vial out of your observation at any time.
5. Shake vial vigorously to mix blood with anti-coagulant/ preservative.
6. Place vial into this envelope. **DO NOT SEAL VIAL** Seal this envelope with the seal provided.
7. **DO NOT USE THIS VIAL IF BLOOD TYPING IS NEEDED.**

TEST REQUESTED:
 Blood Alcohol
 Drugs (Specify) _____

WAS BREATH TEST GIVEN?
 Yes
 No
 Result _____ %

SEE REVERSE SIDE FOR MEDICAL INSTRUCTIONS

18076 540343 REV. 8/91

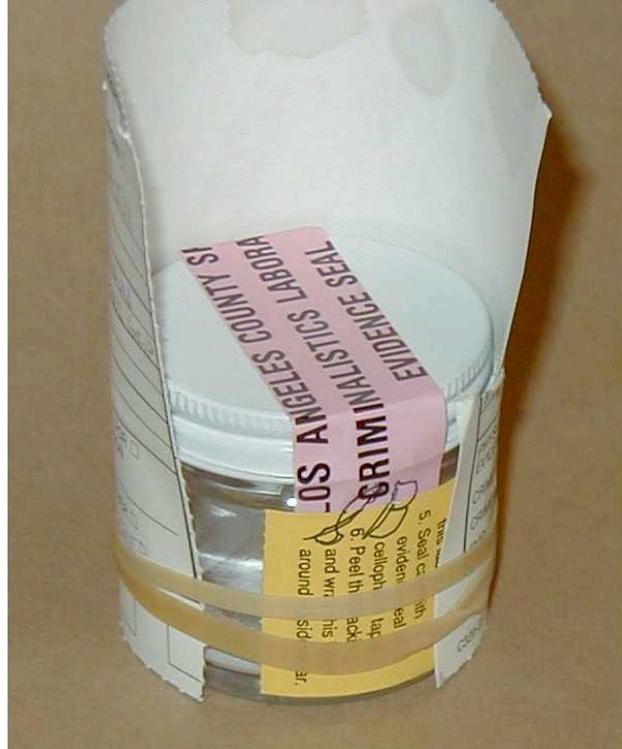
 BIOHAZARD

D. Wet Blood

1. If the blood is in a fluid state, a sample should be collected in a clean glass vial by an experienced Forensic Specialist.
2. The sample should always be refrigerated as soon as possible.
3. Do not attempt to remove blood stains from clothing.
4. The entire item should be packaged, once it has dried, and tagged into evidence.
5. Wet or damp blood stains on items should be thoroughly dried, away from sunlight or artificial heat, before packaging. Place the items in the locker, located outside of the Property Room.
6. Packaging of Bloody Clothing
 - a) Blood-stained clothing is not to be stored in plastic.
 - b) Items with wet or damp blood can be placed in the drying cage, located in the parking lot near the Property Room, (with Property Tags attached), until they are dry. Be sure to lock the door after putting items inside.
 - c) Items that are dry prior to booking shall be individually wrapped in brown paper bags, with the top of the bag folded and secured with two staples.
 - d) If a number of items are seized, tag and secure each item in individual paper bags and place into a large box or bag, if possible.
 - e) Make sure your initials are on each item for identification purposes.
 - f) Always attach an orange bio-hazard label to blood items.

E. Urine Sample - DUI

1. Have suspect void bladder and wait at least twenty minutes.
2. Have suspect void bladder again, into LASO urine sample bottle.
3. Place provided LASO seal over the lid of the jar to secure sample integrity.
4. Print all required information on urine sample label, including donor's name and the type of test requested. Place the label around the jar, over the seal.
5. Initial the edge of the label where it overlaps the seal. (The crime lab will not accept anything without initials).
6. Fill out the Property Tag in its entirety.
7. Attach the Property Tag to the jar using a rubber band only, as the tag has to be removed prior to sending to the crime lab.
8. Always initial the seal, as without the seal, the crime lab will not accept them.

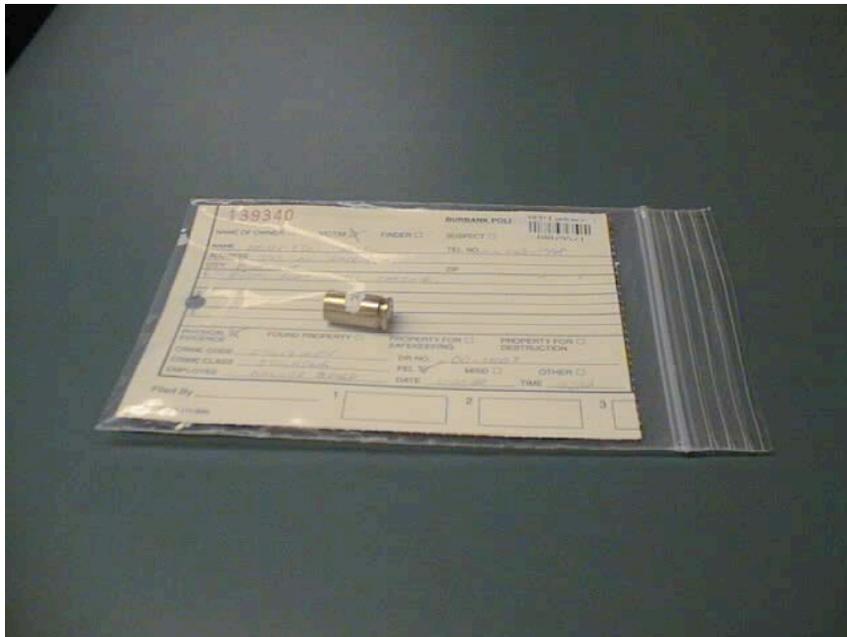


F. Flammables/Fireworks

1. All substances suspected of being flammable should be packaged in either glass or metal containers.
2. Plastic should not be used, as the chemicals in the substances may melt or otherwise react upon the plastic.
 - a) **Exception:** containers approved by the Fire Department.
3. Packaging should be airtight to prevent evaporation of flammable substances.
4. The label containers, "**Flammable Contents,**" and/or "**Contains Gasoline,**" etc., based on the type of substance it is suspected to be.
5. Complete the Property Tag in its entirety.
6. Attach the Property Tag to the outside of the container.
7. Flammables should be secured in the blood drying room outside of the Property Section office until they can be transported properly secured.
8. In the case of large amounts of flammable substance, the Fire Department should be consulted.
9. In the event that an item is stored at the Fire Department, a note should be attached to the original Property Tag advising Property Room Personnel where the item is stored.
10. Fireworks should not be stored in any locker within the Police Department, but may be stored at the Range.

G. Bullets, Cartridges and Shell Casings

1. Do not mark a bullet on the nose or sides for identification purposes.
2. If the bullet has value as trace evidence, wrap the bullet in a soft cloth or tissue, and place it in a container or Ziploc bag.
 - a) Applies to cases where the weapon was used in the commission of a crime.
3. Seal the container and mark for identification.
4. Shell casings may be marked on the inside if large enough.
5. Do not attempt to mark a live cartridge with a metal etching tool. Use a soft instrument, such as a grease pencil, a felt-tip pen or white-out instead.
6. If a cartridge or shell casing is to be examined for the ejection marks of a particular weapon, package and seal the item, marking the package for identification. **Do not mark the cartridge or casing itself.**
7. If bullets or casings are found in differing locations, number each item separately, (for example: Item #1, Item #2...etc.) and secure separately in bags or containers.
8. Secure all separate bags together in one large container.
9. Complete the Property Tag in its entirety.



H. License Plates

1. License plates should be secured in the smallest Ziploc bag that will fit.
2. **Do not use staples to secure the bag.**
3. Complete the Property Tag in its entirety.
4. **Do not put license plates in brown paper bags.**
5. Place the Property Tag inside the Ziploc bag.



I. Citations

1. Place all three copies, (yellow/white/pink), in a Ziploc bag which best fits the citation.
2. Initial and date the evidence.
3. Complete the Property Tag in its entirety.
4. Place the Property Tag inside the Ziploc bag.
5. **Do not staple the Ziploc bags.**
6. Send a copy of the citation to the Traffic Lieutenant along with an explanation of why it was booked into evidence.

J. Clothing (Evidence)

1. Package clothing, tools and shoes separately and carefully, to avoid loss of material.
2. Avoid contaminating the sample with the source.
3. Comparison samples for analysis should be packaged separately.
4. Use Ziploc bags, brown paper bags or glass vials to secure the samples.
 - a) **Do not use plastic if a sample is wet or damp**; use a paper bag or envelope.
5. Each bag should have a separate item (colored) tag for easy identification in court.
6. The long form Property Tag must detail where the sample was found.
7. Complete the Property Tag in its entirety.
8. Secure Item Tags to the outside of each individual container to prevent contamination of evidence.
9. If a number of items are packaged separately, make sure all of the smaller containers are placed together into one large box or bag.

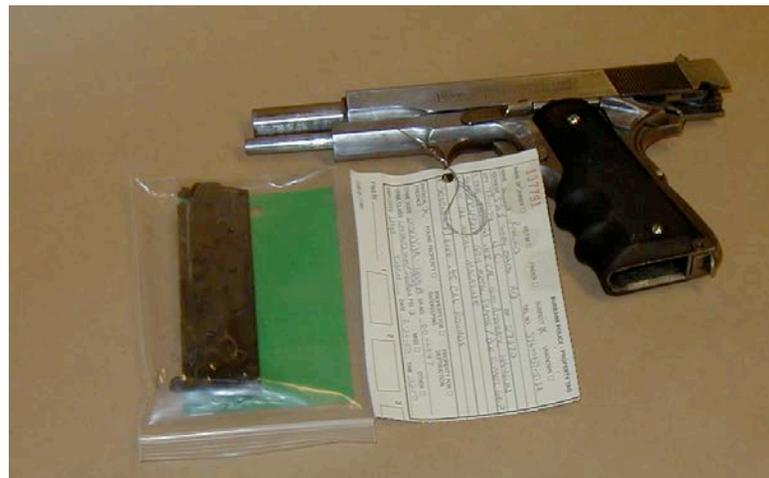
K. Handguns and Ammunition

1. Ammunition should always be removed from all firearms, unless the seriousness of the crime is such that unloading the gun may destroy or contaminate evidence.
2. If a weapon must remain loaded, place it in a paper bag clearly marked, **“LOADED WEAPON,”** on all sides of the bag.
3. Place the ammunition taken from the firearm in a Ziploc bag with the corresponding item tag, and attach the bag to the firearm using a wire tie.
4. Complete the property tag in its entirety, including make, model, caliber and serial number, and type of action (for example: semi-auto, lever, bolt, etc.) of the firearm.
5. Attach the corresponding Property Tag or item tag on the firearm using a wire tie.
6. **Do not place firearms in any container unless loaded or in need of processing for latent prints.**
 - a) If a gun is to be processed for prints, carefully place it in a paper bag and clearly mark the outside of the bag, **“Hold for Prints.”**
 - **Never place a firearm in a plastic bag.**
7. Holsters or carrying cases should remain with the weapon whenever possible.

- Note the open cylinder on a revolver. No further packaging of the weapon is necessary because the handgun will be placed in a gun box by Property Room Personnel for storage.



- A semi-automatic pistol must be unloaded and the magazine removed from the weapon. The slide should be in the rear locked position. The magazine may be attached to the weapon in a separate bag. No further packaging is necessary because the handgun will be placed in a gun box by Property Room Personnel for storage.



L. Rifles

1. Ammunition should always be removed from firearms unless the seriousness of the crime is such that the tampering with the gun might lose important evidentiary value.
2. Clearly mark loaded firearms "**LOADED**" on all sides of the weapon so that anyone handling the weapon will be aware of the danger.
3. Ammunition should be packaged separately from the firearm; it may be bagged and attached to the weapon.
4. Complete the Property Tag in its entirety, including the serial and model numbers.
5. If the serial or model numbers are not available, remove the grips or butt plate and mark in an inconspicuous location.
6. Do not mark a removable part.
7. Attach the Property Tag to the end of the barrel using wire or tape; a bag is unnecessary.



M. Gun Powder

1. The entire article of clothing should be tagged into evidence.
2. Do not attempt to tear or cut the area of pattern from the article of clothing.
3. When packaging clothing, great care should be taken to fold each article so as to minimize friction around the bullet hole and pattern area.
4. Clothing containing gun powder patterns should be packaged separately from any other item, including other clothing.
5. Attach an item tag to each item of clothing.
6. Secure the various bags together in one large paper bag or box.
7. Complete the Property Tag in its entirety.
8. Affix the Property Tag to the outside of the brown paper bag or box.

N. Hairs and Fibers

1. Individual hairs and fibers should be wrapped in clean white paper and placed in an envelope.
 - a) **Do not use plastic bags or vials for hair samples.**
2. For comparison purposes, hair samples from both the victim and the suspect should be collected from multiple areas of the head and body, and packaged separately.
3. Hairs and fibers should not be removed from either the victim's or the suspect's clothing.
4. Carefully package and tag each item of clothing separately.
5. Complete the Property Tag in its entirety.
6. Attach the completed Property and Item Tags to the evidence.
7. If there are a number of samples separately packaged, make an effort to secure all items in one large container.

O. Currency

1. A currency envelope is used whenever any U.S. currency is booked into evidence.
 - a) Currency envelopes are not used for foreign money, stocks, bonds, checks, etc. (Attachment M)
 - b) The currency envelope must list where the currency was found, specifying the address and the *exact* location, (for example: "suspect's right front pocket," etc.).
2. U.S. currency always receives a separate tag in the owner's name, if known.
3. Property Tag must be completed entirely, including the amount of money being placed into evidence.
4. Currency must be counted and verified by a second officer.
5. Fill out the currency envelope, including the denominations of the money being placed into evidence.
6. Seal all seams on the currency envelope with evidence tape, initial the seal, and attach the Property Tag to the top of the currency envelope using two staples.
7. In most cases, currency does not require marking for identification purposes.
8. Coin collections and individual coins should be described in detail (for example: three (3) mercury dimes; two (2) dated 1931-D; and one (1) dated 1932-S, etc.).
9. In the case of money taken from more than one person on the same case, a separate Property Tag should be used for each person.
10. Whenever an extremely large sum of currency is seized after hours, consider contacting Property Room personnel to secure the money in the Property Room vault.

P. Narcotics and Dangerous Drugs

1. Whenever possible, narcotics and dangerous drugs should be packaged in narcotics envelopes, with the exception of large quantities, in which case a narcotics envelope is attached to the container. Over the counter medications in prescription bottles and NOT involved in any criminal investigation or suspicious death, do not need to be placed in a narcotics envelope.
 - a) Normally one narcotic envelope is used for each suspect, but a different envelope should be used for each type of narcotic.
2. Normally, powdery drugs, (for example: heroin and cocaine), have already been packaged by the suspect.
 - a) Mark the package the drug was seized in for identification purposes, and place in the proper narcotics envelope.
 - b) Paraphernalia must be packaged separately along with separate Property Tags.
 - **Do not package narcotics and paraphernalia together**
 - c) Estimate the amount packaged on the evidence tag using either weight or quantity. (Narcotics and Property all have scales.)
3. Quantities of tablets, capsules or marijuana cigarettes should be counted before packaging.
 - a) If ten (10) or less, mark each one individually for identification before packaging.
 - b) If more than ten (10), mark a sufficient number to ensure that all will not be consumed in analysis.
4. For large seizures, (i.e., more than one container of tablets, capsules or marijuana cigarettes), mark a sufficient sampling in each container for identification.
5. Make every effort to identify (tentatively) narcotics or dangerous drugs *before* packaging.
6. Freshly uprooted marijuana plants or uncured marijuana requires special handling.(Please see Special Handling section).

7. Always identify the exact location where and by whom the contents of each container were seized.

Q. Paraphernalia

1. Package narcotics and narcotics paraphernalia *separately*. The narcotics will be sent to the lab for analysis, and the chemists object to paraphernalia being included. If not packaged separately, the two will have to be repackaged before going to the lab.
2. Normally, residue from syringes or hash pipes will not be analyzed, since it is insufficient to file possession of narcotics charge, and expert testimony is sufficient to establish unlawful use. **Exception:** homicide cases.
3. If a large amount of paraphernalia is seized in one location, (for example: a box or a jewelry box, etc.), the entire contents can be listed as one item, i.e., "one box containing miscellaneous bongs and pipes."
4. If an individual item of evidence is particularly important to a case, it should be packaged and identified *separately* on the Property Tag.
5. Hypodermic needles should be secured in plastic syringe tubes that are in the Report Writing Room. Attach the Property Tag to the tube using tape.

R. Special Problems - Growing Plants, etc.

1. Marijuana plants growing in a yard should be photographed prior to uprooting
 - a) Photographs should be taken both up close and at a distance.
 - b) Each photograph should have means of identification.
 - Show true size of plants by comparison, (for example: ruler, yardstick or officer in photo.)
 - c) Count plants *prior* to uprooting.
 - d) Package in paper or cardboard containers.
 - **Do not use plastic.**
 - **Do not punch holes in paper sacks.**
 - e) Forward to the laboratory for analysis *as soon as possible*.
2. Marijuana plants growing in pots, planters, or other containers.
 - a) Generally, the same procedure as that listed above for the plants growing in a yard, with the added step of tagging the container.

S. Perishables

1. Most perishable items seized as evidence are the result of shoplifting.
 - a) If possible, have victim/store owner retain and preserve the evidence for court. (General Order #414).
 - b) Advise the victim/store owner to retain for at least 90 days.
2. Perishables that must be retained should be immediately frozen/refrigerated in the Property Room. A temporary freezer/refrigerator is available in the lower level report writing room.

T. Semen Stains

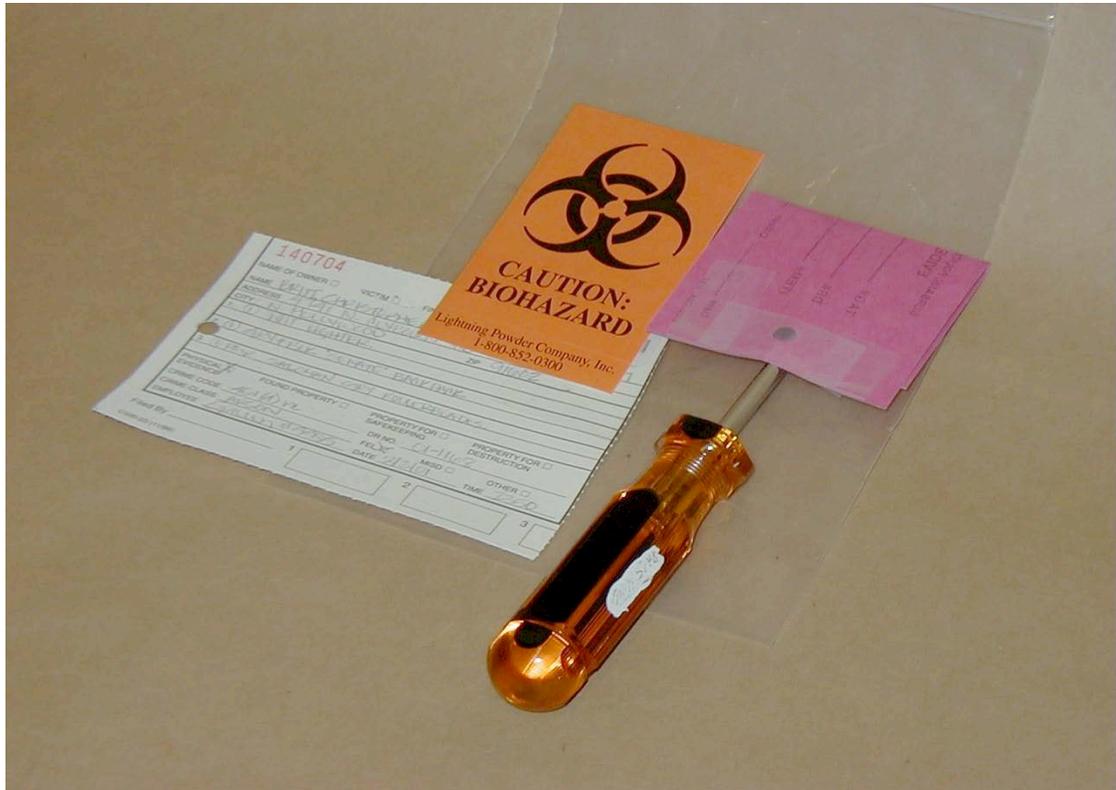
1. If the semen is wet and heavily deposited, samples of the fluid should be swabbed, air-dried, and placed in a small clean vial.
2. The article on which the deposit was found should be allowed to dry thoroughly.
3. The dried article should then be packaged with the stain toward the outside, and in such a fashion as to prevent friction on the stained area.
 - a) Vaginal smears taken from a victim by a doctor should also be booked into evidence.
 - b) Use the LASO Sexual Assault Kit for any required tests.
4. Each item of clothing should be individually packaged in a brown paper bag.
5. Complete Property Tag in its entirety, attach Property Tag to back of sexual assault kit.

U. Sharp Instruments

1. Sharp instruments should **never** be packaged in paper bags without first taking precautions to render the cutting edge or point safe for handling.
2. The use of an item tag (cardboard) taped or stapled to the instrument is sufficient.
3. Tools such as screwdrivers should be handled in the same manner.
4. If possible, use plastic bags to contain these items so Property Room Personnel are aware of the potential danger involved.
5. Fill out the Property Tag in its entirety, attach it to the property, and secure all evidence in the Report Room locker.
6. When booking knives, razor blades, and edged weapons, cover the blade with a protective cardboard covering and place in a plastic bag. Note the initials on the handle. Don't forget to place biohazard labels on the package if the weapon is possibly tainted with body fluids.



7. Other sharp tools should also be protected in a similar fashion. Note the biohazard sticker and the initials on the handle.



V. Tools and Tool Marks

1. Whenever possible, take the entire item containing tool marks into evidence.
 - a) In cases where tool marks are found on part of a structure or another item which would require cutting to preserve the evidence, a supervisor should be called to the scene to evaluate the importance of the case, the item to be cut, and to make the decision as to the best method to use for preserving the evidence.
 - b) Forensic Specialists are trained to recover the evidence needed.
2. Tools suspected of being used in the commission of a crime should be wrapped and packaged so that material adhering to the prying or cutting surface are protected.
3. Do not attempt to fit tools suspected of being used in the commission of a crime into pry marks or other impressions, as this contaminates both the tool and the impression.
4. Make sure tools and tool marks remain separated.
5. Secure tools and items containing tool marks in separate containers with separate Item Tags.

W. Safe Insulation, Plaster, and Building Material

1. Make certain that evidence found on suspect(s), and evidence found at the crime scene are handled separately.
2. The long form Property Tag should be used to designate where the items were located.
3. Clothing should be secured in paper bags, which are then folded, stapled and tagged on the outside with an item tag.
4. If any tool has debris on it, it must be packaged and tagged separately.
5. If a number of items are packaged individually, make an effort to secure all of the bags into one large box or bag, to keep all related evidence together.

X. Documents / Credit Cards

1. In most cases where large amounts of miscellaneous papers or documents of limited evidentiary value are seized, they can be tagged en masse, i.e., one envelope or bag containing miscellaneous papers/documents in the suspect's name.
2. In cases where document(s) of significant evidentiary value are seized, they should be tagged separately and described on the Property Tag.
3. Complete the Property Tag in its entirety.
4. Secure an item tag to each document and place each into the smallest possible Ziploc bag.
5. If a number of documents are secured, all of the individual Ziploc bags should be secured together in a single container.
6. In the case of credit cards, each card should be individually itemized on the Property Tag and individually secured in a Ziploc bag with an item tag.
7. In the event that several documents are of special interest to the Detectives, they may be copied and attached to the original report.



Chapter 3

Statutory Requirements

**Section 9-401 Burbank Municipal Code
Unclaimed Property; Definition:**

"Unclaimed Property," as used in this article, refers to the personal property of others in the possession of the Police Department (i.e., seized, left, or turned over by person(s) who found or saved the same) with the following exceptions:

- Property subject to confiscation under the laws of this State or of the United States; and
- Vehicles whose storage, sale or other disposition is governed by State Vehicle Code provisions.

**Section 9-402 Burbank Municipal Code
Storage and Holding Period of Unclaimed Property**

Except as otherwise provided in this article, all unclaimed property in the possession of the Police Department shall be held and stored by the Chief of Police for a period of at least four (4) months, with the exception of unclaimed bicycles, which shall be held and stored for a period of at least three (3) months.

**Section 9-403 Burbank Municipal Code
Restitution of Unclaimed Property to Owner**

The Chief of Police shall restore unclaimed property in the possession of the Police Department to its legal owner(s) upon proof of such ownership and payment of all reasonably necessary costs incurred in the care and protection thereof, as well as any cost of publication.

Where property may be needed or required as evidence in a criminal proceeding, the Chief of Police shall delay the restoration of such property to its legal owner(s) until the conclusion of said proceedings. If such property is introduced as evidence in a criminal case, it shall be disposed of only upon order of the court. If the legal owner is prohibited by law from possessing such property, restitution shall not be made.

**Section 9-404 Burbank Municipal Code
Return of Lost Property to Finder**

- Where lost money or other lost property is found or saved and then turned over to the Police Department, in accordance with the provisions of Section 2080.1 of the State Civil Code, and no owner appears to prove ownership of such property within ninety (90) days, if the property is valued at two-hundred-fifty dollars (\geq \$250.00) or more, the Police Department shall cause to be published, at least once in a newspaper of general circulation, notice of the found or saved property. If, after seven (7) days following the first publication of the notice, no owner appears and proves ownership of the property, the property shall be returned to the finder upon payment of reasonable charges, including the cost

of publication. The Police Department may require a deposit sufficient to cover the cost of publication from the finder(s) before so proceeding.

- Where such property is valued at less than two hundred fifty dollars (<\$250.00), and no owner appears and proves ownership within ninety (90) days, it may be returned to the finder without publication of notice.
- The provisions of this section shall not apply where property was found or saved in the course of employment by an employee of any public agency, or where the finder is a person prohibited by law from possessing such property.

**Section 9-405 Burbank Municipal Code
Quick Sale of Unclaimed Property in Danger of Perishing, etc.**

Notwithstanding the foregoing provisions, the Police Department may sell unclaimed property upon notice of sale of personal property under execution in certain instances, such as: when unclaimed property in the possession of the Police Department is in danger of perishing or losing the greater part of its value; when the reasonably necessary costs for the care and protection of unclaimed property is equal to two-thirds (2/3) of its value; or if the property itself is something that is commonly the subject of sale, and the owner cannot, with reasonable diligence, be found, or once found, refuses to pay the reasonably necessary costs incurred in the care and protection of the unclaimed property upon demand.

**Section 9-406 Burbank Municipal Code
Transfer of Unclaimed Property to Purchasing Division of Management Services for Sale**

All unclaimed property in the possession of the Police Department not disposed of under the foregoing provisions shall be transferred to the Purchasing Division of Management Services after expiration of the minimum applicable holding period. When property is so transferred, it is no longer redeemable by the owner or other person(s) otherwise entitled to possession.

**Section 9-407 Burbank Municipal Code
Sale of Unclaimed Property at Public Auction**

All unclaimed property received by the Purchasing Division of Management Services shall be offered for sale at public auction to the highest bidder, except as follows:

1. Unclaimed property of no monetary value shall be destroyed unless some other disposition, which would be in the public interest, can be made;
2. Unclaimed property of a type or kind which State or Federal law requires a permit or license to sell shall be destroyed unless some other disposition in the public interest can be made; and

3. Unclaimed property determined by the Purchasing Division of Management Services to be needed for the use of the City or other public use shall be retained and need not be sold.

**Section 9-408 Burbank Municipal Code
Public Notice of Intention to Sell Unclaimed Property**

Before offering any unclaimed property for sale, the Purchasing Division of Management Services shall publish a notice of intention to sell such property at public auction to the highest bidder at least once in a newspaper of general circulation within the county, specifying the time and place therein.

**Section 9-409 Burbank Municipal Code
Time and Manner of Sale of Unclaimed Property**

All sales of unclaimed property by the Purchasing Division of Management Services shall be held no less than five (5) days after publication of the notice of intention to sell in a newspaper of general circulation within the county. Items shall be sold at public auction to the highest bidder. Where certain persons are prohibited by law from possessing, using or consuming unclaimed property offered at auction, such persons shall not be permitted to participate in the bidding for such items.

**Section 9-410 Burbank Municipal Code
Disposition of Proceeds from the Sale of Unclaimed Property**

Proceeds received from the sale of unclaimed property by the Purchasing Division of Management Services shall be delivered to the City Treasurer for deposit in the General Fund.

**Section 9-411 Burbank Municipal Code
Unclaimed Property Remaining After Sale; Report to City Manager; Disposition**

The Management Services Director shall report any items of unclaimed property remaining unsold after public auction by the Purchasing Division of Management Services to the City Manager. The City Manager shall instruct the Management Services Director as to the determination of disposition, which may be in the public interest.

**Section 9-412 Burbank Municipal Code
Expenses of Sale of Unclaimed Property**

Expenses incurred in the sale of unclaimed property by the Purchasing Division of Management Services shall be properly charged against the Management Services Department funds.

2080 California Civil Code Duties of Finder

Any person finding a lost item is not bound to take charge of it; however, if the finder does so, that person thenceforward becomes a depositary for the owner, with all of the rights and obligations of a depositary for hire. Any person finding and taking possession of money, goods, things in action or other personal property, or saving a domestic animal from drowning or starvation shall inform the owner, if known, within a reasonable time, and make restitution without compensation, except for the necessary and reasonable costs incurred in saving and/or protecting the property.

2080.1. California Civil Code Delivery to Police or Sheriff; Affidavit; Charges

- Any person finding or saving property valued at ten or more dollars, (> \$10.00), where the owner is unknown or has not claimed the property, shall turn such property over to the police department of the city where found, or to the county sheriff's department if found outside of city limits, within a reasonable time, and make an affidavit stating when and where the property was found or saved the property, and describe the property itself, in particular. If the property was saved, the affidavit shall state:
 1. From what and/or how it was saved;
 2. Whether the owner of the property is known to the affiant;
 3. That the affiant has not secreted, withheld or disposed of any part of the property;
 4. The police or sheriff's department shall locate and identify the owner, if the reasonably ascertainable, to notify the owner that the department has possession of the property, and where it may be claimed. The police or sheriff's department may require the owner to pay a reasonable charge to defray the costs of storing and caring for the property.

2080.2. California Civil Code Restoration to Owner

The police or sheriff's department shall restore the property to the owner if the owner appears within ninety (90) days of the receipt of the property by the police or sheriff's department, and proves ownership and pays all reasonable charges.

2080.3 California Civil Code Advertisement; Payment of Cost; Vesting of Title in Finder

If the reported value of the property is two hundred fifty dollars (\$250) or more and no owner appears and proves ownership within ninety (90) days, the police or sheriff's department shall cause notice of the property to be published at least once in a newspaper of general circulation. If, after no less than seven (7) days following the first publication, no one appears and proves ownership, the title shall vest in the person who found or saved the property, with the exception of property found in the course of

employment by an employee of a public agency, in which case the property shall be sold at public auction. Title to the property shall not be vested in the person who found or saved the property, or in the highest bidder at the public auction unless the cost of publication is first paid to either the city, the county, or city and county whose police or sheriff's department caused the notice to be published.

If the reported value of the property is less than two-hundred-fifty dollars (< \$250) and no owner appears and proves ownership within ninety (90) days, the title shall vest in the person who found or saved the property, unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at auction without prior publication of notice.

2080.4. California Civil Code Local regulations

Notwithstanding the provisions of Section 2080.3 or Section 2080.6, the legislative body of any city, county or city and county may provide, by ordinance, for the care, restitution, sale or destruction of unclaimed property in the possession of the corresponding police or sheriff's department. Any city, county or city and county adopting such an ordinance shall provide therein that such unclaimed property shall be held by the police or sheriff's department for a period of at least three (3) months; and thereafter such property will be sold at public auction to the highest bidder, with notice of such sale being given by the chief of police or sheriff at least five (5) days prior to the set time established by publication at least once in a newspaper of general circulation within the county, or that thereafter such property will be transferred to the local government purchasing and stores agency, or other similar agency, for sale to the public at public auction. If such property is transferred to a county purchasing agent, it may be sold in the manner provided by Article 7, (commencing with Section 25500), of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property. If property is transferred to the local government purchasing and stores agency, or other similar agency pursuant to this section, such property shall not be redeemable by the owner or other person(s) otherwise entitled to possession. If the local government purchasing and stores agency, or other similar agency, determines that any such property transferred for sale is needed for public use, such property may be retained by the agency and need not be sold.

2080.5. California Civil Code Authority to Sell

The police or sheriff's department may sell such property by public auction in the manner and upon the notice of sale of personal property under execution if it is an item which is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or once found, refuses to pay upon demand the lawful charges provided for by Sections 2080 and 2080.1, in the following cases:

- When the property is in danger of perishing, or losing the greater part of its value;

- When the lawful charges provided for by Sections 2080 and 2080.1 amount to two-thirds of the property value.

2080.6. California Civil Code Public Agency; Adoption of Regulations

Any public agency may elect to be governed by the provisions of this article, with respect to the disposition of personal property found or saved, on property subject to its jurisdiction, or may adopt reasonable regulations for the care, restitution, sale or destruction of unclaimed property in its possession. Any public agency adopting such regulations shall provide therein that: 1) such unclaimed property shall be held by the agency for a period of at least three months; 2) thereafter such property will be sold at public auction to the highest bidder; and 3) notice of such sale shall be given by the chief administrative officer of the agency at least five (5) days before the time fixed therefor by publication at least once in a newspaper of general circulation within the county in which such property was found. Any property remaining unsold after public auction may be destroyed or otherwise disposed of by the public agency. In a county having a purchasing agency, the purchasing agent may conduct such sale, in which case the provisions of subdivisions (2) and (3) of this section shall not be applicable. Such sale shall be made by the county purchasing agent in the manner provided by Article 7, (commencing with Section 25500), of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code for the sale of surplus personal property, If the public agency determines that any such property transferred for sale is needed for public use, such property may be retained by the agency and need not be sold.

2080.7. California Civil Code Abandoned Property

The provisions of this article have no application to property which has been intentionally abandoned by the owner.

2080.10 California Civil Code

When a public agency obtains possession of personal property from a person for temporary safekeeping, the public agency shall do all of the following:

- a. Take responsibility for the storage, documentation and disposition of the property.
- b. Provide the person from whom the property was taken with a receipt and instructions for the retrieval of the property. The receipt and instructions shall either be given to the person from whom the property was taken at the time the public agency obtains the property or immediately mailed, by first-class mail, to the person from whom the property was taken.
- c. If the public agency has knowledge that the person from whom the property was taken is not the owner, the agency shall make reasonable efforts to identify the owner. If the owner is identified, the public agency shall mail, by first-class mail, a receipt and instructions for the retrieval of the property.

The receipt and instructions shall notify the person from whom the property was taken that the property must be claimed within 60 days after the public agency obtains possession or the property will be disposed of in accordance with the disposal provisions of this article. Within 60 days, the person may do one of the following:

- a. Retrieve the property.
- b. Authorize in writing another person to retrieve the property.
- c. Notify the public agency in writing that he or she is unable to retrieve the property, because he or she is in custody, and request the public agency to hold the property. If a person notifies the public agency that he or she is unable to retrieve the property within 60 days, or have an authorized person retrieve the property, the public agency shall hold the property for not longer than **10** additional months.

The public agency shall not be liable for damages caused by any official action performed with due care regarding the disposition of personal property pursuant to this section and the disposal provisions of this article.

As used in this section, “public agency” means any state agency, any city, county, city and county, special district, or other political subdivision.

Chapter 4

Attachments