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SUBJECT: Handling of Evidence

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I. PURPOSE

To establish guidelines for receiving, safeguarding and disposing of property received in any manner by the University Police.

II. POLICY

It is the policy of this Department to ensure that all property and evidence which comes under its control is handled in a manner to guarantee successful prosecution, to facilitate timely return of property to its rightful owner and to dispose of property which is no longer of evidentiary value in accordance with the law.

III. DEFINITIONS

- (a) All property coming into the control of the University Police shall be classified as evidence, found property or property for safekeeping.
  - (1) **Evidence** - property which is or may be related to an actual or suspected offense; which may implicate or clear a person of a criminal charge; or which may aid in the adjudication of a criminal or civil matter.
  - (2) **Found Property** - property not of an evidentiary value which has apparently been lost or abandoned.
  - (3) **Safekeeping** - property not defined as evidence or found property that is booked into temporary custody on behalf of the owner.
  - (4) **DESTRUCTION** – in those cases where an investigating officer has determined that no prosecution is warranted and the contraband was seized for public safety purposes. Furthermore, the contraband has no evidentiary value and, being unlawful, is available for immediate destruction according to law.
  
- (b) Evidence Custodian - refers to the Administration Services Division Commander who is accountable for all items of evidence or property being held by the Department.

- (c) Assistant Evidence Custodian - refers to the employee assigned to assist the evidence custodian in accounting for evidence or property being held by the Department.
- (d) Serial Number - the number applied by the manufacturer that identifies a product as unique from other products of the same model and manufacturer.
- (e) Owner Applied Number (OAN) - the number applied by any person other than the manufacturer which identifies a product as unique from other products of the same model and manufacture. OAN may include, but is not limited to, driver's license number, social security number or state property number.

#### IV. PROCEDURES

- (a) All evidence and property seized shall be stored in accordance with department guidelines.
- (b) Any employee who seizes, receives or otherwise takes custody of any property or evidence shall properly process the property/evidence. Each item will be properly packaged, identified individually, marked, tagged and described in the report. An evidence sheet will be completed and placed with the property in the temporary storage locker or hand delivered with the property to the evidence custodian. If an item is placed in a locker, the key will be dropped in the key drop box. The only exception is where responsibility is fully or partially delegated to an investigator outside of the Department, i.e., the coroner's deputy.
- (c) Employees will process only that quantity of evidence necessary for case prosecution. Property may be returned to its owner in instances where the rightful ownership of the property can readily be determined and case prosecution will not be jeopardized. A photo of the property and the owner's picture identification will be taken prior to the release of the property. The photo(s) will be attached to the evidence sheet.
- (d) Personal Property held or booked for safekeeping will be put into the evidence lockers marked "13, 14, and 15." The keys are stored in the lockbox key #52 which can be accessed by the on-duty W/C or OIC for property release. For "SAFEKEEPING" purposes any property booked into these lockers may be held for up to 3 days. After the 3<sup>rd</sup> day the property will be moved into long term safekeeping care of the evidence technician. An evidence report will be prepared and a copy attached to the main report in accordance with Department procedures. The original evidence report will remain with the item of property until it is released.
- (e) All items booked into the evidence system, except vehicle code misdemeanors, will have an appropriate connecting report. The report will describe the property and how, where, when and by whom it was recovered. An evidence report will be

prepared and a copy attached to the main report. The original evidence report will remain with the item of property/evidence. Vehicle code misdemeanors shall have the item booked into evidence attached to the evidence sheet, i.e., tabs, placards and license plates.

- (f) Employees shall not, under any circumstances, store property or evidence in their personal locker or any other unauthorized location. The packaged and labeled items will be placed in the temporary evidence storage locker and the key will be dropped in the evidence key lock box in the report writing room prior to the end of the officer's tour of duty.
- (g) Evidence/property items too large to fit into the temporary evidence storage locker(s) will be stored directly into the storage Facility in parking structure 2. Each item will be individually tagged as noted in Section 11 of this order.
- (h) All flammable material will be placed in the approved container provided for this purpose.
- (i) All hazmat items will be placed in the approved container provided for this purpose and will be clearly labeled as "Hazardous Material".
- (j) Evidence requiring cold storage for chemical analysis, such as blood, saliva or urine, will be booked in the evidence refrigerator. Such evidence will be refrigerated no later than six (6) hours after being obtained. The refrigerator shall be locked and the key deposited in the evidence key drop box.

## V. MARKING OF EVIDENCE

- (a) All items of evidence will be marked for later identification with the following exceptions:
  - (1) Items that bear a serial or OAN. Items will not be dismantled to locate these numbers.
  - (2) Items that can be easily identified by distinctive markings.
  - (3) Where marking the item would destroy its evidentiary value.
- (b) Evidence should be marked in the following manner:
  - (1) Make mark(s) as small as practical.
  - (2) Make the mark distinctive and recognizable to the person making the mark.
  - (3) Mark in a place unlikely to reduce the value of the item. Spent cartridge cases may be marked in the inside of the casing or on the outside near the opening.
  - (4) Bullets may be marked on the base.
  - (5) Documents shall be marked by placing the case number, in ink, on the front upper right hand corner of the document. The booking employee should then initial the reverse side of the document.
  - (6) Where marking the item is impractical, it will be packaged with an evidence label and sealed.

## VI. PACKAGING OF EVIDENCE

- (a) Officers may use envelopes, bags or boxes, whichever is most appropriate, for packaging. Evidence which contains body fluids, such as blood and semen, are not to be packaged in plastic bags. These items should be air dried and placed in paper bags. Officers should always use the smallest packaging possible.
- (b) Always package money, drugs and guns separately and not with any other items. Money must be counted and verified by two officers. Coins will be packed in manila envelopes and sealed. The verified total of coin and currency will be written on the outside of the envelope, initialed by the collector and verified by the watch commander. All firearms must be made safe (ammunition removed) and must be properly tagged.
- (c) Officers shall carefully evaluate the circumstances when seizing large quantities of controlled substances or ingredients used in the production of controlled substances.
  - (1) Potential hazards can exist, such as harmful vapors, explosive chemicals or flammable/combustible materials that have the capacity to induce unreasonable risk to health, safety or property.
  - (2) The on-duty watch commander will notify the respective agency and request assistance when a situation exists beyond the resources of this Department (i.e., Long Beach Fire Department, Long Beach Police Department, CSULB Safety & Risk Management, etc.).
  - (3) Officers will weigh narcotic substances in grams, ounces or pounds prior to packaging. The weight will be noted on the package and on the evidence form. The officer will specify if the measurement is taken with or without the container. Marijuana plants will be counted and weighed. Specify if weight is taken with or without soil and the container. If taken prior to removing from a growing stage, photograph the plants.
  - (4) Use hazmat stickers for all items containing body fluids, such as blood, semen, urine, feces, saliva or any other potentially dangerous items.
    - a. PCP should be handled with extreme caution. Avoid unnecessary contact with the container containing PCP or any cigarette(s) dipped in PCP. Handle these containers with Cal OSHA specified protective gloves. Do not unnecessarily inhale fumes. Keep PCP in well ventilated areas outside the building.
    - b. Employees will not handle any chemical or mixture of chemicals which may be toxic, corrosive, volatile, explosive or flammable and pose any risk to public health or safety. Calls involving these materials will be handled by the Long Beach Fire Department or the CSULB Hazardous Materials Team. Hazmat specialists will assume responsibility for all handling of these materials, unless the specialist determines them to be safe.
    - c. Employees will not book hazardous materials into this Department's evidence system.

- (d) Use extreme caution in unloading any weapon. Firearms will be unloaded and made safe for handling. Officers unfamiliar with the operation of a weapon will seek assistance from an officer more familiar with weapon's functioning. Original condition of the weapon shall be noted in the report, including position of the clip or cylinder, position of the safety, hammer, live and empty rounds in the weapon. The clip, magazine or ammunition will not be stored with the weapon.
- (e) All firearms will be marked with the word "FIREARM" printed on the outside of the package. Firearms will be tagged with an evidence tag. Long guns, including sawed offs, will be marked with an evidence tag on the bore.
- (f) All firearms will be checked through AFS, DOJ and NCIC to check for wants and registration information. This information will be attached to the case report.
- (g) Knives and other sharp objects will be packaged in the following manner:
  - (1) Pocket knives will be folded closed and packaged in a manila envelope.
  - (2) Fixed blade knives will be put in a knife box and marked.
    - a. Razor blades will be wrapped and placed in a manila envelope.
    - b. Syringes or hypodermic needles will be placed in a syringe tube.
    - c. All other blades or sharp points will be packaged to eliminate hazard to others.
- (h) Sexual Assault Evidence - Officers collecting cloth materials such as clothing, bed sheets, towels, etc., containing wet blood, semen or chemical stains will air dry these articles before placing them into a clean paper bag. Each item will be packaged separately to avoid contamination. See General Order #11 in this Manual for Sexual Assault Response Team (SART) policy and procedures.
  - (1) All other evidence will be individually tagged, listing the case number, date, crime, suspect, officer and location found. The evidence sheet will be attached with tape to the package. No staples will be used.

## VII. EVIDENCE TO COURT

- (a) Officers requiring evidence for a court case will make, in writing or e-mail, a request for the evidence 24 hours in advance to the evidence custodian. Officers transporting evidence to court will be responsible for safeguarding the evidence until it has been formally received by the court. If evidence is turned over to the court, the officer will ensure the evidence sheet has been signed by the court clerk. If the officer is returning evidence from court, the officer will ensure the evidence custodian has signed for the return of the evidence.

## VIII. STORAGE AND DISPOSITION OF EVIDENCE AND PROPERTY

- (a) The evidence custodian assigned responsibility for the evidence room will be accountable for the filing, movement and disposition of all evidence and property held for safekeeping maintained in the evidence room, evidence lockers and the

evidence refrigerator. The evidence custodian will comply with all California statutes and requirements regarding the disposition of property.

- (b) The evidence custodian will monitor all temporary storage areas each work day and ensure all evidence is packaged and tagged properly. All items in temporary storage will be moved to the evidence storage room. Written records will account for all movement of evidence. An entry/exit log to the evidence storage room will contain the date/time, name or person(s) and reason for entry. Entry to the facility will be tightly controlled. Only the evidence custodian and the assistant evidence custodian will have keys permitting access to the evidence storage room. The supervisor of investigations will be allowed entrance to perform the required, periodic audits. No other individuals will be allowed access to the facility.
  - (1) Property released to the crime lab will include date/time, person releasing the property and the receiving technician with the lab.

#### IX. PROPERTY DISPOSAL

- (a) The evidence custodian will ensure that all California statutes and procedures are followed regarding the disposal of evidence and property held for safekeeping. Such property can be disposed of in four possible ways:
  - (1) Returned to the owner with documentation.
  - (2) Sold in accordance with legal requirements.
  - (3) Converted to use by this Department for official use with documentation.
  - (4) Destroyed in accordance with legal requirements.
  - (5) Any time an item is destroyed there should be a witness to the destruction. An inventory of all property destroyed will be prepared by the evidence custodian and maintained with other property records.
- (b) Under no circumstances, will evidence or property be converted to personal use by any member of this Department.

#### X. AUDITS

- (a) The Administration Services Division Commander will make periodic audits of items stored in the evidence room.
  - (1) The audit will include an examination of case files to verify that required notifications and release authorizations have been properly submitted and that a legitimate basis for the release decision is apparent from the follow-up reports. These audits will minimally include guns, narcotics, jewelry, money and other valuables.
  - (2) A mandatory audit will be conducted when there is a change of evidence custodian or assistant evidence custodian.
  - (3) The evidence custodian will do an audit quarterly.

APPROVED