



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



525.02 RELEASE OF EVIDENCE AND PROPERTY 12-21-16

PURPOSE

The purpose of this order is to establish procedures for the release of evidence/property.

POLICY

It shall be the policy of the Sacramento Police Department to ensure that evidence/property releases are done within the confines of current laws and Departmental guidelines in an expeditious manner.

PROCEDURE

A. GENERAL

1. Evidence/property releases shall be done pursuant to this General Order and established Evidence and Property Section (EPS) procedures.
2. Cases that will be assigned, shall be done by the Office of Investigations (OOI) or the Major Collisions Investigations Unit (MCIU) within ten (10) days of being entered into Versadex; cases not assigned within ten (10) days shall be the responsibility of the EPS.
3. Evidence/property shall not be released without valid identification.
4. The following items shall not be released in the field pursuant to current laws, Department guidelines, and the potential for evidentiary value:
 - a. Firearm(s).
 - b. Item(s) that were used in the commission of a crime or are illegal to possess.
 - c. Money.
 - d. Item(s) related to rapes, homicides, attempted homicides, and deaths involving suspicious circumstances.
 - e. Items seized pursuant to a search warrant.
 - f. Item(s) recovered for an allied agency.
 - g. Item(s) that cannot be processed in the field (e.g., number restoration, chem.-print, etc.) and are required to be processed by the crime lab or FIS evidence lab.
5. Property/evidence that does not meet the requirements for release in the field shall be booked pursuant to GO 525.01 (Evidence and Property).
6. Officers shall use "FR-Field Released" for the Storage Control location if the items are released in the field and entered into Versadex.

B. PRIOR TO FIELD RELEASE

1. Officers may release evidence/property to victims in the field if they are either on scene or able to respond within 20 minutes. Prior to the release officers shall:
 - a. Request the Crime Scene Investigations Unit (CSI) to photograph and process the evidence pursuant to GO 510.11 (Deployment of CSI.) NOTE: If only photographs are required field supervisors may photograph the item(s) and book them pursuant to GO 525.04 (Use of Digital Camera for Investigative Purposes.)
 - b. Complete the Property Supplemental Report (SPD 110), have the victim sign the bottom portion, and forward to Records to attach to the report. NOTE: If the victim refuses to sign the SPD 110, the item(s) shall be booked.
2. If the victim is unable to respond within 20 minutes, the officer shall book the item(s).
 - a. If the evidence is booked for this reason, the booking officer shall notate in the "Remarks" field, along with their initials, badge number and date, on the Storage Control screen in Versadex that the property can be photographed and released.
 - b. EPS personnel shall photograph the item(s) with the victim prior to its release.



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3. Officers shall query all serialized items via the CLETS Automated Property System before doing a field release. NOTE: If the CLETS system is down, officers shall book serialized items into the EPS.
4. When an item(s) has been field released to a victim, and it is later determined that the item(s) should have been booked, the item(s) shall be retrieved from the victim and booked into the EPS.

C. CHECKING OUT EVIDENCE/PROPERTY

1. Employees requesting evidence/property for court or an investigation shall contact the EPS and request that the items be retrieved during normal business hours. NOTE: Employee shall contact the EPS if it becomes necessary for them to cancel or re-schedule the pickup.
2. EPS personnel shall ensure that each item requested is
 - a. Removed from storage and ready for pickup.
 - b. Signed "out" using the chain of custody pursuant to EPS procedures.

D. RETURNING EVIDENCE/PROPERTY

1. Property shall be returned directly to EPS personnel and signed back "in" during normal business hours.
2. If the officers are unable to return evidence directly to EPS personnel, the officer shall
 - a. Secure the property in a booking locker at a police facility.
 - b. Add a new Evidence Continuity "EC" entry in Versadex with the following information listed for each item:
 - (1) "Original submittal" as the purpose.
 - (2) Date/Time placed in the locker.
 - (3) ABRA of the person placing item in the locker.
 - (4) In remarks – reason for not returning directly to EPS.
3. When the items are retrieved from the booking locker, EPS personnel shall
 - a. Use the information from the EC entry in Versadex to complete the EC "return" for each item.
 - b. Indicate "retrieved from booking locker" in the Remarks field.
 - c. Send a correction notice (if the EC was not completed as outlined above).

E. EVIDENCE REMAINING AT COURT OR WITH THE DISTRICT ATTORNEY

1. When the evidence is retained in court or with the District Attorney, officers shall complete the Receipt of Evidence (SPD 994) and have the Court Clerk or the Deputy District Attorney sign it.
2. The original SPD 994 shall be forwarded to the EPS and attached to the property record by EPS personnel. NOTE: Upon request, a copy of the SPD 994 shall be given to the Deputy DA or Court Clerk with whom the evidence was left.
3. When evidence/property is seized pursuant to a search warrant, the detective assigned shall ensure a court order or a "Return of Search Warrant" is furnished.
4. When a case is pending court action or when a warrant has been requested, the detective may indicate on the "property release" in Versadex that the evidence shall be retained until the final court decision.
5. All District Attorney release letters shall be routed directly to the EPS.

F. RELEASE OF EVIDENCE/PROPERTY TO OWNERS

1. When it has been determined that evidence/property is no longer needed, it may be released back to the owner by the detective assigned the case. NOTE: A property release is not required for cases that are not assigned.
 - a. The detective assigned to the case shall send a "property release" to the EPS using the Versadex mail system (V-MAIL).
 - b. The "property release" shall contain specific disposition instructions for each item booked.
2. If a property release is not submitted by the detective, EPS personnel shall send
 - a. The detective a V-MAIL requesting that they complete a property release within ten (10) days.
 - b. A second request to the detective and sergeant if no response is received after ten (10) days.
 - c. A third request through their chain of command if no response is received from the detective or sergeant.



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3. Prior to submitting the release of the evidence/property, the detective shall
 - a. Verify ownership and address information of each item booked. Note: If the owner and/or address are unknown, detectives shall indicate "owner unknown" / "address unknown."
 - b. Ensure that the property release instructions are complete and the information on the booking receipt is correct and or completed.
4. Evidence/property shall not be released without the owner's or authorized agent's signature.

G. RELEASE ERRORS

1. If the property release was done incorrectly, a "Property Correction" may be sent to the employee.
2. "Property Corrections" shall be made within seven (7) days and returned to the EPS.
3. If the correction is not made within seven (7) days, a second request will be sent to the detective and supervisor.

H. SPECIALIZED PROPERTY RELEASES

1. Homicide and Other Special Cases
 - a. Evidence/property related to a homicide or other major felony cases shall be held at the direction of the Office of Investigations and the EPS.
 - b. Evidence/Property related to an In Custody Death, Officer Involved Shooting or pending litigation shall be held indefinitely or until the statute of limitation has expired at the direction of the Professional Standards Unit supervisor.
2. Money Releases
 - a. The EPS manager or designee shall approve money releases that are less than \$10,000.
 - b. The Office of Investigation (OOI) Captain shall approve money releases that range between \$10,000 and \$25,000.
 - c. The OOI Deputy Chief shall authorize money releases that are greater than \$25,000.
3. Firearm(s) Releases
 - a. All firearm(s) shall be maintained and disposed pursuant to State and Federal laws.
 - b. The EPS Manager or designee shall review all cases in which firearm(s) are being processed for release to claimant(s) and determine their disposition.
 - c. The EPS shall maintain custody of all firearm(s) until a disposition has been reached.
 - d. Firearm(s) reported stolen by an allied law enforcement agency may be released back to the agency with the approval of the detective who was assigned the case. Note: If the case is unassigned, the EPS Manager or designee shall authorize the release.
 - e. Firearm(s) shall not be released to the claimant if there is any indication that their release could jeopardize the safety of the public or law enforcement officers.
 - f. Firearm(s) shall not be released if the claimant
 - (1) Does not possess a valid clearance letter from the Department of Justice (DOJ) and the firearm(s) is not properly registered.
 - (2) Is prohibited from possessing a firearm per 29800 PC, 29805 PC and/or 29000 PC.
 - (3) Is subject to a restraining order or a protective order.
 - (4) Has been dishonorably discharged from any branch of the United States military.
 - (5) Has been adjudicated as a mental patient or is a patient of a mental hospital or institution.
 - g. Pursuant to Section 18000 PC and/or 18010 PC, firearm(s) shall not be released unless directed by a court order or at the direction of the Deputy District Attorney.
 - h. Firearms confiscated pursuant to 8102 W&I shall be handled pursuant to GO 522.01 (Handling Mentally Ill Persons.)
4. Found Property Releases
 - a. EPS personnel shall adhere to Civil Code Section 2080 et seq. for disposition of found property.
 - b. The EPS shall determine a disposition on all found property in which the owner is "unknown" after 90 days.



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- c. If the owner of found property is known, the EPS shall notify the owner to claim his or her property within fifteen (15) days.
 - d. The EPS shall dispose of all found contraband as necessary.
 - e. "Found evidence" shall be handled and processed as evidence pursuant to GO 525.01 (Evidence and Property.)
5. Safekeeping Releases
- a. EPS shall adhere to Civil Code section 2080.10 when releasing or providing a disposition for property booked for safekeeping. This includes keeping the property for 60 days.
 - b. Property booked as a result of a dispute in ownership shall be released to the claimant at the discretion of the EPS Manager or designee.