

Evidence Process and Property Handling

Effective Date:	11/7/24
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Issuing Authority: Chief Probation Officer	

822.1 PURPOSE:

To establish guidelines for the processing, storage, security, and disposition of evidence and/or other property.

822.2 DEFINITIONS:

Evidence: Items taken and/or recovered in the course of Probation Department duties that may be used in the prosecution of a case or a probation violation.

Material Station: A designated area at Probation department buildings that provides materials and instructions for packaging, sealing, and securing property.

Paraphernalia: Equipment that is used to produce, conceal, and consume illicit drugs.

Property: Items taken as evidence and/or safekeeping.

822.3 RESPONSIBILITIES:

- I. Evidence Technician:
 - A. Ensure required forms and packaging supplies are maintained by designated Probation personnel at each Material Station location.
 - B. Replenish forms at Material Stations that are not provided by Probation (i.e. Sheriff Department forms).
 - C. Schedule property pick-ups at Material Stations after notification from discovering officer within five (5) business days, unless property warrants immediate pick-up (i.e. currency).
 - D. Acquire, transport, and secure property from Material Stations as necessary.
 - E. Ensure property is appropriate for processing with proper package and label.
 - F. Log property into the Property Evidence Tracking System (PETS) database and secure appropriately.
 - G. Photograph property that cannot be placed in the evidence locker with the exception of narcotics which shall remain sealed for safety.
 - H. Return property that cannot be placed in the evidence locker to the discovering officer for proper disposition when applicable.

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- I. Audit the PETS database and property annually and notify the discovering officer, or their immediate supervisor if officer is unavailable, for proper disposition as applicable.
- J. Enter seized firearms in the California Law Enforcement Telecommunications System (CLETS) and document disposition when applicable.
- K. Secure firearms in a designated firearms evidence locker separate from all other property.
- L. Verify that property has no pending "holds" before disposition or destruction and verify the proper forms are completed as appropriate.
- M. Release property with no evidentiary value from the evidence locker:
 - 1. Retain property for a minimum of 90 days and make attempts to identify the rightful owner via telephone or mail.
 - 2. Complete the Release of Evidence Form.
 - 3. As appropriate, transfer unclaimed property after the 90 days to the San Bernardino County Sheriff's Department (SBCSD) Crime Lab for disposition.
 - 4. Retain firearms for a minimum of 180 days after the owner has been notified by the court or law enforcement agency that the property is available for return.
 - 5. Return eligible firearms to the rightful owner in accordance with the application and approval process established through the Department of Justice (DOJ).
 - 6. Process unclaimed firearms after 180 days for disposition/destruction.
- N. Property designated for disposal or destruction from the evidence locker:
 - 1. Ensure items designated for disposition have proper authorization and are placed in the Disposition Bin in preparation for transport to the SBCSD Crime Lab when applicable.
 - 2. Evidence Technician shall complete an Interoffice Memo for all weapons, other than firearms. The memo should include justification and designation for destruction before transporting to the SBCSD Crime Lab.
 - 3. Destroy and/or dispose of property legally and appropriately as indicated by the discovering officer or officer evaluating the property for disposition.
- II. Discovering Officer:
 - A. Book the evidence and upload a photograph of the property to Caseload Explorer (CE) prior to going off-duty unless otherwise approved by a supervisor.
 - B. Evidence/Property Handling:
 - 1. Take a picture of the evidence before handling it when possible.

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2. Maintain the chain of custody for all suspected evidence. Every effort shall be made to maintain chain of custody when handling evidence and delegating responsibilities at the scene by limiting officers involved.
 3. Any changes in the chain of custody shall be documented on the back of the property tags attached to the property with the name of the person, date, and time of exchange.
 4. Obtain a Probation Officer Report (POR) number and issue a Property Receipt. Make reasonable attempts to provide the alleged owner with a copy of the receipt.
 5. Complete an Evidence Property Report (CR-3) (Located in ProbTools) and an Interoffice Memo.
 6. Complete the applicable sections of the Uniform Crime Report (CR1_CR2_CR3) (Located in ProbTools) for evidence suspected to be involved in new crimes.
 7. Refer to Material Stations for booking property, packaging requirements, and guidelines.
 8. Temporary property/evidence lockers are located at Material Stations at many regional Department offices/facility locations.
 9. Ensure the item(s) are properly packaged, labeled, placed in a temporary property/evidence locker or storage room, and all required forms are reviewed by the immediate supervisor or designee.
 10. Notify the Evidence Technician as soon as possible, but no later than three business days, via e-mail with a CC notification to the immediate supervisor that evidence is ready for transport.
 11. Complete appropriate notifications (registered owner, other Law Enforcement agency if stolen/lost, etc.).
- C. Special handling requirements for property/evidence including but not limited to:
1. Explosives, chemicals, and other hazardous materials are not to be stored in the evidence locker. Contact the appropriate law enforcement agency for proper handling and disposition.
 2. Electronic Communication Devices (e.g. cell phones, laptops, tablets, computers etc.).
 - (a) Refer to the Electronic Devices/Communications Search and Seizure Procedure.
 3. Narcotics and Other Controlled Substance (e.g. cocaine, heroin, LSD, hydrocodone (Vicodin), oxycodone (Oxycontin), codeine, marijuana, methamphetamines, stimulants etc.).
 - (a) Retain seized narcotics or controlled substances until it is properly weighed, packaged, labeled, and placed into a temporary property/evidence locker at a Material Station location.

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- (b) Include the suspect's face sheet from CE when requesting to submit narcotics and controlled substances to the SBCSD Crime Lab for testing, along with all other required forms as indicated at the Material Station.
- 4. Drug Paraphernalia (e.g. pipes, water pipes, roach clips, miniature spoons, chillums (cone-shaped marijuana/hash pipes), bongs, cigarette papers, and cocaine freebase kits etc.).
 - (a) Place items in a brown paper bag or wrap with butcher paper and tape for large items.
 - (b) Retain and book items at the Material Station when necessary or destroy/dispose in an appropriate manner.
 - (c) Notate in CE that items have been "Destroyed at station by seizing officer."
- 5. Syringe/Needles:
 - (a) Reference the Bloodborne Pathogens Exposure Control Plan for safe handling and disposition of syringe/needles as defined by Health & Safety Code §11364.
 - (b) Contact the Evidence Technician for guidance if syringe is "loaded" with an unknown substance/liquid and is suspected to have evidentiary value.
 - (c) Discard in a biohazard container unless circumstances dictate the items be retained.
 - (d) Place sharps in a designated field sharps container or approved container provided at the Material Station.
- 6. Firearms:
 - (a) Render firearms safe when possible.
 - (b) Contact the jurisdictional law enforcement agency to collect the firearm being confiscated if available.
 - (c) Contact the supervisor or Range Master for guidance when unable to unload the firearm.
 - (d) Notify the Evidence Technician of seized firearms within 24 hours, properly package the firearms which include toe tagging each firearm, and complete the following forms as applicable:
 - i. Receipt and Notice of Rights for Confiscated Firearms Form (Located at the Material Station).
 - ii. General Request Form (Located in ProbTools) for scientific analysis.
 - iii. Crime Gun Supplemental Information (Located in ProbTools).
- 7. Taser/Conducted Electrical Device (CED):

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- (a) Render confiscated Taser/CED safe by ensuring it is off and removing the battery/cartridge.
- 8. Currency and Other Valuables:
 - (a) Handle money separately when seized at different locations.
 - (b) Photograph seized currency at the scene in its original packaging before being counted.
 - (c) Count currency with no less than two officers at the scene and secure in an envelope. A count shall occur at the office when unable to do so at the scene.
 - (d) If the amount of currency seized will not fit into a money envelope, it will be placed into a larger envelope or bag, which must be sealed with a properly labeled envelope affixed to the outside.
 - (e) Refer to the Asset Forfeiture procedure for seized currency equal to or greater than \$2,000, property items valued equal to or greater than \$5,000, and \$25,000 for vehicles.
 - (f) Follow Material Station instructions for seized currency less than \$2,000.
 - (g) Contact the Asset Forfeiture Investigator (AFI) for processing seized currency.
 - (h) Store seized currency into a temporary property/evidence locker at the Material Station in the event the AFI is unavailable.
- D. Complete the Disclaimer of Ownership of Currency or Property (Located in ProbTools) for suspected owners of discovered property who deny ownership.
- E. Property too large for the evidence lockers should be transported to the Evidence Technician. If unable to transport large items to the Evidence Technician, store the property in a secure area that is restricted from unauthorized entry at a department facility or room until the property can be transported at the next available opportunity.
- F. Disposition of Evidence:
 - 1. Review the Evidence List received from the Evidence Technician and inform immediate supervisor regarding status of evidence.
 - 2. Update the status of property on the Evidence List by providing a reason for disposition and indicate "Maintain Evidence" or "Authorized to destroy".
 - 3. Notify the Evidence technician when:
 - (a) Matter has been adjudicated.
 - (b) Probation terms expire.
 - (c) Sentencing is complete.

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4. Notify the Evidence Technician regarding evidence that qualifies for disposition.
 5. Complete the Complaint Disposition Report Property Release Form (CR4) (Located in ProbTools) and send a copy to the Evidence Technician.
- G. Update immediate supervisor regarding the status of evidence prior to a transfer or separation from the department.
- III. Supervisor:
- A. Conduct the following with officers that are transferred, retired, or separating:
 1. Request a query of evidence from the Evidence Technician for the separating officer.
 2. Ensure the assigned officer updates the status of the evidence prior to separation or transfer.
 - B. Review evidence forms, approve, and sign as appropriate, including signing off the CR3 form.