

Classification and Documentation

1402.1 CATEGORIES OF PROPERTY

- (a) **Evidence** - any property that comes into the custody of a Union City Police Department employee when such property may tend to prove or disprove the commission of a crime or the identity of a suspect, pursuant to an official criminal investigation.
- (b) **Found Property** - any property of no evidentiary value whatsoever, which comes into the custody of a Union City Police Department employee and whose rightful owner may, or may not be known to the finder or the Department. Due diligence must be exercised to discover the rightful owner. If the owner cannot be located, the Property and Evidence Section will dispose of the property in a time and manner prescribed by law. Items with no value are not considered found property. Found property posing a health risk should not be brought to the Department facility.
- (c) **Safekeeping** - 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 the legal right to do so. The property will be returned to the rightful owner(s) at the end of a specified period of time and subject to any applicable legal requirements imposed upon the Department, unless disposition by the Department, in a manner prescribed by law, is requested by the owner(s).

Note: Serialized property held as “Safekeeping or Found” is to be entered into the CLETS automated property or firearms systems as appropriate by the Department Records Section.

- (d) **Search Warrant** - property seized pursuant to a search warrant or other court order can only be disposed of by subsequent order issued by the Court.
- (e) **Forfeiture** - any property that has been seized by statute and is no longer available for release to the previous owner. The previous owner has lost all ownership rights in the property and the property is to be distributed per the seizing statute.

1402.2 DOCUMENTATION AND RECEIPT OF PROPERTY

(a) Documentation of Property

1. All property that is taken into custody and retained by the Union City Police Department must be documented in an automated police report prepared by the Department employee accepting that property; who, what, when, where, and how he/she came into possession and the disposition of that property shall be described in that report.
2. The report must also provide a complete description of the property collected or seized; complete and accurate information of the person who found the property, or from whom it was seized or recovered.
3. All property retained by the Union City Police Department shall be documented in an automated police report.

(b) Receipt of Property

Union City Police Department

UCPD Procedures Manual

Classification and Documentation

1. A copy of the Property receipt form should be furnished as a receipt to any person, regardless of status, any time property is taken from that person irrespective of the classification of that property.
2. The property receipt provides information for owners on how to claim their property.

(c) **Computer Inquiry and Entry**

1. All Department employees shall make the appropriate inquiries to the State Department of Justice computer system (CLETS) on all serialized or identifiable items collected or seized to determine if the property is reported stolen or otherwise entered into the statewide system prior to placing the property into storage.
2. Records and Communications should be contacted and advised to verify all stolen property hits with the originating agency prior to confiscating the item or releasing the item. After verification, Records and Communications will be responsible to send locate information into CLETS.
3. The status of the property should be reflected in the automated police report. It is the originating agency's responsibility to update the CLETS system from stolen to recovered status.
4. In accordance with Penal Code § 11108, employees shall submit descriptions of serialized property that has been reported stolen, lost, found, recovered or under observation into the CLETS automated system.
5. It is Records and Communications responsibility to make the CLETS entry per established policy.

1402.3 PROPERTY FORMS

The following forms are used in conjunction with the Property and Evidence function:

(a) **Property Receipt**

1. This form serves as a receipt for items seized and/or released to its rightful owner.
2. Exception: Whole blood and urine samples taken from a DUI or 11550 suspects do not require an automated report system entry. The licensed phlebotomist/nurse who draws the blood sample will collect and package the sample. A chain of custody will be signed by the phlebotomist/nurse and the sample turned over to the arresting officer or transporting officer. Blood will then be placed into a refrigerated locker in the Evidence Booking room. Urine will then be placed in a metal slam locker. The officer need only to reflect in the police report that the sample was obtained.
3. Routing of copies:
 - (a) Records Copy (white, #1). This copy serves as the Records copy to be included in the original case file. Place this copy with your police report and submit it to Records. If serialized property (including owner-applied

Union City Police Department

UCPD Procedures Manual

Classification and Documentation

numbers) is listed on the Property Receipt, Records personnel will enter the serialized property into the appropriate module of CLETS, initial the entry in the CLETS entry box on the form, then arrange for the white copy to be included into the original case file with the remainder of the report when received.

- (b) Property Evidence Copy (yellow) – route to the Property and Evidence section.
- (c) Property Receipt (pink) – This copy serves as the property receipt to be given to the person from whom property has been taken by an employee of the Union City Police Department. This receipt shall be given to any person, regardless of status (e.g. suspect, arrestee, victim, finder, etc.) and regardless of the type of property taken from that person (e.g. stolen property, body fluid taken for evidentiary purposes, clothing, etc.).

Every effort should be made to personally receipt the person from whom the listed property has been taken; however, in the event, it is impractical or impossible to do so, officers or Records may mail a copy of the receipt to that person.

Note: In the event that multiple persons need to be given receipts from the same Property Report, photocopies of both sides of this form should be made and given to each person.

(b) 5150/8102 W&I Seizure/Safekeeping

1. Whenever an officer confiscates a firearm or deadly weapon pursuant to Welfare and Institutions Code Section 8102, the confiscation must be noted in the narrative section of the Property Report. This serves to notify the party who has been taken to a mental health facility for psychological examination (pursuant to 5150 W&I) that the listed property was held for safekeeping. The back of the Property Report form informs the party of their legal rights and process to reclaim that property.
2. Officers shall write a statement in the ARS report recommending the disposition of any confiscated weapons, i.e. return to owner, petition for destruction, etc.

(c) 18250 PC Custody of Firearms from a Domestic Violence Case

1. Whenever a member of the Union City Police Department confiscates a firearm or deadly weapon pursuant to 18250 PC, the confiscation must be noted in the narrative section of the Property report. This serves to notify the party who has been arrested that the listed property was held for safekeeping. The back of the Property Report informs the party of their legal rights and process to reclaim that property.

(d) Currency Envelope

1. The manila envelope printed “Currency Envelope” serves as the sole method for booking cash money into the Property Room. Cash is defined as coin and/or currency. Checks, credit cards or other negotiable items are not to be used with the money envelope. The Property and Evidence Section **will not accept** money that has not been packaged appropriately and in accordance with the following procedures:

Union City Police Department

UCPD Procedures Manual

Classification and Documentation

- (a) Money is to be itemized by denomination, listing subtotals, and total amounts.
 - (b) All money logged into the property section requires two Officers or employees to verify the count. All currency envelopes **MUST CONTAIN TWO** signatures verifying the amount listed and endorsed. The entering officer and the verifying officer shall sign their names and their badge numbers to the front of the envelope, seal the envelope with tamper-proof security tape, and both must initial the security tape prior to placing the envelope in the evidence locker labeled "currency and drugs only".
 - (c) Extremely large amounts of coin and/or currency might be seized which, because of the container or quantity of money, make it impractical to package in the currency envelope. In these rare cases, it is acceptable to list the container with the money as is. However, a money count and completion of the currency envelope must still be done. The currency envelope should be tape to the container and the officer submitting the money shall secure the container as necessary with evidence tape to prevent tampering.
 - (d) A currency envelope may be used for suspected counterfeit bills; however, it will not be listed as having any cash value. Make a notation on the outside of the money envelope reflecting that the contents contain **suspected counterfeit bills**.
 - (e) The currency envelope may be used for foreign currency, but it shall be noted on the envelope that it contains **foreign currency**.
- (e) Property Label or Tag
- 1. This form serves as the control label/tag for all items booked into and retained in the Property Room. This form shall indicate if the item is evidence, found property, or held for safekeeping. This form shall minimally contain the following information: Date, case number, officer's name, item description, and item number.
 - 2. Each evidence package shall have its own evidence tag or label securely affixed to it or pre-printed on it.
- (f) Laboratory Service Request
- 1. This form is used to request the processing of evidence by the Alameda County Sheriff's Office laboratory or by another outside laboratory. The requester will complete the form in its entirety and submit it with their report to the Investigation's Supervisor. The Property & Evidence Technician will facilitate the processing and return the form to the requester with the disposition.
- (g) Latent Print Cards (2 sizes: 3"x5", 5 1/2"x8 1/2")
- 1. These cards are to be used to store the transfer of latent prints lifted and submitted as evidence. Officers should complete the front of the card in its entirety and book the card as evidence into the Property Room in an evidence envelope.

Union City Police Department

UCPD Procedures Manual

Classification and Documentation

(h) Property Disposition Memorandum

1. This form is used by the Property and Evidence Section to render a final disposition of property held in the Property Room. It is sent to the Investigation's Supervisor for review. The Investigation's Supervisor is responsible for ensuring that the property disposition memorandum is completed for release or final disposition of evidence.

(i) Property Requisition Form

1. This form is to be completed by an employee who wishes to convert property held in the Property Section to official department use.

(j) District Attorney Evidence Release Memorandum

1. This form is sent to the District Attorney to request the status of evidence in a case and to receive the DA's authorization to dispose of that evidence upon adjudication of the case, only District Attorney's review.

(k) Evidence Not Returned Memorandum

1. When property has been checked out from the Property Section and not returned by its due date, this form is generated and sent to the employee who checked out the property. The form shall be completed and returned to the Property Section no later than the due date, along with the checked out property or an explanation as to why the property cannot be returned.

(l) Return to Owner/Finder Letter

1. This letter, which is in the Automated Reporting System, is used by the Property and Evidence Section to provide notice to a property owner or property finder that property is available for release.

(m) Property Room Visitor Log

1. Per Department policy, all visitors who enter the Property Room, for any reason, shall be logged. A visitor is any person who is not an employee assigned to the Property Room. This form is kept on a clipboard next to the Property Room entrance door. All visitors shall print and sign their name, their reason for entering the Property room, the time they entered the Property Room and the time they left. The escorting Property Room employee shall initial the property log.

(n) Affidavit for Order of Destruction

1. Official name, "Affidavit for Order of Destruction or Disposition of Contraband, Property, Controlled Substances and Paraphernalia." This document is created by a Property & Evidence Technician when property – typically controlled substances and drug paraphernalia – is to be destroyed or otherwise disposed of according to law. The document is presented to a Superior Court Judge for signature and is required to be on file prior to destruction or disposal of the listed property.

(o) Affidavit for Order of Assignment

Union City Police Department

UCPD Procedures Manual

Classification and Documentation

1. Official name, "Affidavit for Order of Assignment of Property to the Union City Police Department". This document is used to obtain judicial approval to divert certain kinds of property intended for destruction, into department use. Examples of such property would be firearms for use by the Range Master and certain kinds of controlled substances for K-9 training. The document is presented to a Superior Court Judge for signature and is required to be on file prior to diversion of the listed property.
- (p) Affidavit for Order to Return Seized Property
1. Official name, "Affidavit for Order for Return or Other Disposition of Property or Evidence Seized Pursuant to a Search Warrant." This document is used to obtain judicial approval to return property seized pursuant to a search warrant. Since the property was seized by Order of the Court, only the Court can release it. The document is presented to a Superior Court Judge for signature and is required to be on file prior to the release of the listed property.

1402.4 REVISIONS

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