5-04/180.20 - Release of Property/Evidence to Owner

Property not held originally as evidence or no longer needed as evidence shall be released to the legal owner provided doing so does not violate the law or Department policy.

Both investigating officer and lieutenant or designee approval in PRELIMS is required to release property to the owner when the item is a firearm, keepsake/collectible, narcotics (including marijuana), or currency and/or if the item was seized for DNA identity. Approval to release property/evidence to an owner is obtained in PRELIMS when the investigating officer and lieutenant or designee, when appropriate, change the items' status to READY TO RELEASE TO OWNER in PRELIMS. Property shall be physically released by the watch commander or the property custodian. Investigating officers having case responsibility for the seized property may be designated to physically release the property to the owner.

> **NOTE:** For additional information regarding the releasing of a firearm, refer to section 5-04/180.30, Release of Property/Evidence to Owner – Firearms.

Authorization to Release Property or Evidence form listing all items authorized for release to owner shall be generated in PRELIMS and given or mailed to the owner after required approvals obtained.

> **NOTE:** PRELIMS has phased out the previous manner in which property/evidence was booked; however, there may be instances where an *Authority for Release of Property* form (SH-AD-121) will be required.

The property may be released to the owner at the station by the Evidence Property custodian or the investigating officer, or it may be hand delivered to the owner at the discretion of the investigating officer. The owner shall present satisfactory evidence of identification prior to the release of the property. Upon verification of identification, the items shall then be transferred to a final disposition location of "Disposed from LASD" in PRELIMS, and two copies of the transfer receipt shall be printed. To complete the transfer, the owner shall sign for the property in PRELIMS via an electronic signature pad or, if a signature pad is not available, sign each copy of the transfer receipt form printed from PRELIMS. One copy is given to the owner, and the second copy shall be scanned to the case in PRELIMS and placed in the unit URN file, if appropriate.

Property seized as the result of a search warrant shall be released only when the *Authorization to Release Property or Evidence* form or *Receipt for Property* (SH-CR-19e) is accompanied by a copy of the court order (see Penal Code Section 1536). The court order shall be scanned to the case in PRELIMS.