009 - EVIDENCE HANDLING PROCEDURES

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

DETECTIVE DIVISION

SPECIAL VICTIMS BUREAU

Bureau Order No:	**0009**
Subject:	**EVIDENCE HANDLING PROCEDURES**

Effective Date	Jan. 2023	**Last Date Reviewed**	Jan. 2023	**Last Date Revised**	Jan. 2023

PURPOSE:

To provide a uniform policy on the storage and disposition of evidence coming into the care and custody of the Special Victims Bureau.

POLICY:

All employees shall become familiar with and adhere to the guidelines set forth in the Department's Manual of Policy and Procedures on the handling of property and evidence (MPP 5-04/000.00 and 5â€‘04/130.25). All detectives shall also become familiar with and adhere to the guidelines set forth in the operation and use of **PRELIMS.**

PROCEDURE:

I. Evidence seized by bureau personnel can be booked at either a station or Central Property only.

A. The detective can photocopy the original evidence and maintain the copy with his/her case file.

B. Reference shall be made of the evidence in the supplemental report as to its location, including specific information regarding:

C. Every attempt shall be made to have the court take custody of the evidence or to make a disposition.

D. Evidence deemed personal property and not needed for court shall be released to the owner expeditiously.

E. Evidence of value, which is no longer needed for court, shall be returned to the owner and not disposed

of, unless the owner no longer wants the property.

F. Will Call

Personnel who need evidence for an upcoming court appearance and the item(s) are located within Central Property and Evidence (CPE) can have them placed on (Will Call) by submitting the request via the PRELIMS system and request that the item be placed in (Will Call).

Upon CPE receiving this request they will place the item in Will Call for five working days and then return it to its original location.

G. Firearms or cash will not be placed in an open (Will Call) bin, but will be placed aside and retrieved when the detective arrives at CPE.

II. Serology, fiber, or other items (sheets, clothing, etc.) of evidence are processed through the station property custodian.

A. Evidence to be examined by serology examiners shall be properly packaged and sealed.

B. Contact the Crime Lab to advise them of the existence of the evidence and your needs regarding the evidence.

C. NOTE: Once evidence is sent to the Crime Lab, it may be stored ONLY. It may not be analyzed until you specifically request it to be analyzed. It will be the detective's responsibility to ensure that the analysis of the evidence is requested.

D. Obtain and refer to the "Crime Lab Receipt #" when contacting the Crime Lab and documenting the evidence in the supplemental report.

E. Biological evidence, which has been examined by the Crime Lab, is retained by them. Biological containers or packaging such as bio-hazard envelops, will be returned to the investigating officer for final disposition. These containers have been bleached or cleaned. They shall be taken to Central Property or a station, where they will be held or disposed of by Central Property or the station. (**NOTE**: Crime Lab policy precludes them from destroying containers.)

F. Any case where there is at least one item of evidence that is capable of being tested for DNA, shall be noted in the case close cover sheet and logged in a spreadsheet by the SVB Supervising Secretary.

III. Evidence Storage

A. All evidence must be properly labeled.

1. Use pre-formatted, adhesive backed labels, SH-CR 35.

2. If a label is not adequate, it can be attached to a property tag that has been affixed to the item to be stored.

B. Record the property description in the PRELIMS system.

1. Entry items shall be fully described as to quantity, size, color, brand, serial number or other identifiable characteristics.

2. PRELIM entries shall be approved by the station watch sergeant or a patrol watch commander.

3. Property storage codes should be entered in the PRELIMS system.

4. Watch commanders shall ensure that the "Storage Change or Classification" column of the ledger is used to indicate the classification of money and valuables stored in the safe by INT (Held Intact as Evidence), INT/C (Collectibles), DT (Deposit) or P (Personal Property) (MPP 5-04/030.10).

5. All monies and valuables shall be entered in PRELIMS and stored in the safe. Monies and valuables stored in the safe shall be placed in a labeled manila envelope with the date, money amount or property description, the URN number written on the outside and the watch commander's signature shall be placed across the flap prior to sealing with clear tape (MPP 5-04/030.10).

6. Envelopes containing money and valuables in the safe shall be stored in URN file, numerical order, which allows for a 90-120 day transfer to the central property custodian (MPP 5-04/030.10).

7. "Hold intact" monies, collectors' items and valuables shall be disposed or transferred to Central Property within 90-120 days, or sooner, after coming into the possession of the unit

(MPP 5-04/040.05 and 5â€‘04/080.30).

8. Transfer evidence specifically designated for SVB investigations from station investigator to SVB investigator and ensure the change of assignment in PRELIMS.

C. Within 72 hours of being assigned a case where patrol has seized evidence, take any of the following steps to ensure that the evidence has been recorded or transferred to the Special Victims Bureau:

1. Update PRELIMS personally.

2. Advise the station property custodian to see that all evidence related to your case has been transferred to the responsibility of the Special Victims Bureau.

3. Record either of the above notifications in the Case Journal.

D. Team Sergeant Responsibility

1. Ensure that all evidence seized by your personnel is properly documented on a supplemental report, including the location.

2. Periodically brief your personnel about complying with the Manual of Policy and Procedure on handling evidence.

IV. Disposition of Evidence

A. Evidence shall be disposed of as quickly as feasible when it is no longer required in conjunction with a court case, a legal retention requirement or an active investigation. Those items no longer needed shall be immediately returned to the owner or classified to a "dispose" category as appropriate or required by law. The investigator is responsible for the final disposition of all evidence related to the case. The following options apply:

1. Return to owner, "property release" (SH-CR-19).

2. Held for trial, indicate final location of evidence on supplemental report, i.e., URN file or Central Property.

3. Taken out of the station or Central Property for court or other hearing, interim removal order (SH-CR-583) placed in file.

B. Evidence sent to Central Property will be reviewed every six months and the investigator will receive a message in the PRELIMS system.

C. The Crime Lab shall be notified regarding the final status of the case and storage or disposal needs of the evidence.

D. When considering a final disposition of the evidence, keep in mind possible criminal filing at a later date, retrials, appeals and the statute of limitation on unknown suspect cases or where the suspect can be identified at a later date.

E. Items taken by authority of a search warrant must have an order directing disposition from the court who issued it before evidence can be returned or destroyed.

F. Items destroyed must be illegal to possess or have NO monetary value. Destruction orders shall be approved by a lieutenant.

G. If you want evidence to be destroyed on those cases where a trial occurs, request the trial judge to issue an order to destroy the evidence, even if the item(s) is not entered into evidence during trial, i.e., photos, etc.

V. Vehicles Impounded/Stored for Evidence

A. When you or patrol have impounded or stored a vehicle as evidence in a case, notify Property Control at Central Property as soon as possible. Under no circumstances is a vehicle to be left at a tow yard for more than 15 days.

B. The Sheriff's Department pays towing and daily storage fees on all impounded vehicles at privately owned yards. Notify Central Property to remove the vehicle within the 15-day time period. They will direct that you send them a JDIC request message containing the following information:

1. Vehicle Description:

a. Make

b. Model

c. Year

d. Color

e. License

2. Location of Vehicle:

a. Address

b. City

c. Telephone number of location

3. Reason for Removal for Long-Term Storage:

a. To preserve evidence (nature of it-location)

b. Time limitation

4. Authorization:

a. The field lieutenant shall authorize long-term storage

b. List his name in the JDIC message

4. Your name and business telephone number.

Reviewed and approved by:

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Richard Ruiz, Captain

Special Victims Bureau