
Property Processing

6.15.01 PURPOSE

The purpose of this order is to establish Departmental policy and procedures regarding the processing of Property which includes property for identification, evidence and non-evidence, narcotics, flammable substances, destructive devices, and use of proper property Hold and Disposal procedures using EvidenceOnQ.

6.15.02 DEFINITIONS

A. Classification of Property

1. **Property for Identification** - Property for Identification is divided into two categories: Evidence and Non-Evidence.
 - a. **Evidence (EVD)** - Property that is related or possibly related to a crime (see DGO 6.02, Physical Evidence).
 - b. **Non-Evidence** - Property not apparently related to a crime. Non evidence property is further divided into three categories:
 - i. **Found Property (FND)** - Any property of value other than real property or a fixture there on, which is abandoned, lost, or left unattended. Found Property is not Property for Safekeeping. **Found Property SHALL NOT be used for booking evidence and or property related or possibly related to a crime.**
 - ii. **Property for Safekeeping (PFS)** - Property that is not related to a crime (Non-Evidence) and if left in its current location, could pose a potential danger or threat. These are items that have a known/identifiable legal owner. Examples are, but not limited to, items of value, weapons in the residence of a domestic violence dispute, weapons of a person served with a court order which requires the person to relinquish any weapons, or weapons in the residence of an individual being booked under Welfare & Institutions Code § 5150 **Property for Safekeeping SHALL NOT be used for booking Found Property.**
 - iii. **Personal Property (PP)** - Personal Property is the property of arrested persons which, due to size or quantity, or other reasons, the Sheriff's Department is unable to store. See DM-12 Booking and Detention Manual.

2. **Narcotics** - Something that has been declared by federal or state law to be illegal to use, possess, sell, transport, or offer for sale. It is often an illicit substance that causes addiction, habituation, or a marked change in consciousness.
3. **Flammable Substances**
 - a. Flammable liquid is defined, for this order, as a liquid or liquid solution capable of being ignited.
 - b. Firebombs are defined, for this order, as a flammable liquid stored in a container used to ignite a fire. (E.g., Molotov Cocktail: definition 16460(a)(5) PC).
4. **Destructive Devices** - Refers to items commonly known as bombs or IEDs (Improvised Explosive Devices). Includes but is not limited to those items or devices described in 16460 P.C., such as military ordnance, incendiary devices, CO2 or chemical bombs, ammunition over 0.60 caliber or any tracer ammunition. For purposes of this order only, destructive device also refers to commercial and improvised explosives (Dynamite, C4, TATP, etc.) (DGO 8.08, Bomb Threats, Clandestine Laboratories, Destructive Devices, Explosions, and Fireworks)
5. **Evidence and Property Assignments**

PART 1 is evidence or property pertaining to an incident that has been assigned to a specific unit or member of the SFPD (San Francisco Police Department) for follow up.

PART 2 is evidence or property pertaining to an incident that has not been assigned to a specific member of the SFPD for follow up.

PART 3 is evidence or property pertaining to an incident that has been initiated by an outside agency that has previously stored evidence and property at PCD (Property Control Division). PCD will communicate directly with these agencies regarding the HOLD or DISPOSE of evidence and property.

PART 4 is evidence or property pertaining to an incident that has been initiated by an outside agency that has not previously stored evidence and property at PCD. PCD will communicate directly with these agencies regarding the HOLD or DISPOSE of evidence and property.

6.15.03 POLICY

- A. Responsibilities** - The member seizing or taking custody of evidence and/or property, including station keepers, members of investigative or specialized units, are responsible for the item(s) until relinquished or properly booked as Property for Identification and received by a PCD Member at the district station or at the PCD.
 1. Members assigned to investigative and specialized units shall, if seizing and taking custody of any evidence and/or property, securely store the item(s) in a designated

secure location within the investigative or specialized unit prior to the end of their shift.

2. Members shall secure the item(s) at one of the identified authorized locations (1) PCD, (2) District Station evidence/property locker, (3) Investigative or Specialized Unit designated secure location.
3. Item(s) shall not be secured at a member's residence, under any circumstances, and members shall not secure item(s) in a vehicle for an extended amount of time. Members shall note the location where the item(s) was secured in the chronological of investigation until secured at one of the identified locations noted in number 2 above.

6.15.04 PROCEDURES

A. Property for Identification

1. **Incident Report / EvidenceOnQ Entries** - All evidence and/or property seized needs to be attached to an SFPD case/incident number. The member shall write an incident report any time when booking any evidence and/or property and indicate its sub classification. e.g., (EVD) evidence, (FND) found, (PFS) property for safekeeping or (PP) personal property. All property shall be entered into the EvidenceOnQ system.
 - a. **Property Receipt** - The member seizing or taking custody of evidence and/or property from a person (including an arrestee) shall complete a Property Receipt (SFPD 315) in duplicate.
 - i. Give the person the item was seized from the original copy.
 - ii. Upload a copy to the incident report.
 - iii. Book in the duplicate copy (carbon copy) in a Property for Identification envelope and affix a barcode generated from EvidenceOnQ.
 - iv. If the property receipt form is not issued, the reason must be stated in the incident report.
 - b. **Computer Query Checks** - If the situation merits, conduct a computer query for evidence and/or property which may have an individual's name, serial and/or identification number (*ID card, passport, credit card, bicycle, computer, etc.*) to determine if the item has been reported lost or stolen. If it is discovered that the item was reported lost or stolen the member should contact the investigative unit to determine the disposition of the item(s) or contact the individual who filed the initial incident report in an attempt to return the item, 2080.1(b) CC.

- c. **Documents, Forms, Photographs** - Members shall scan and upload copies of the completed forms, documents, or photographs into the Records Management System (RMS) using the "Upload Documents" feature.

Examples include but are not limited to photos, Domestic Violence checklists, Emergency Protective Orders (served or not), written statements, Driving Under the Influence forms, Cold Show Admonition forms, diagrams, Medical Examiner Receipts, 849 (b) Certificates of Release, Citizen Arrest Form, Property Receipts, Incident Logs, or any other documentation provided to the member that is related to the incident.

The Original document, forms, photographs, CDs, DVDs shall be placed in a Property for Identification Envelope/Bag. Affix all relevant EvidenceOnQ Barcode Label(s) from EvidenceOnQ and book as evidence into the Property Control Division.

Supervisors shall ensure that the originals have been booked and uploaded into the RMS.

- d. **Perishable Property** - Unless authorized by the Officer in Charge (OIC) of PCD, perishable items (E.g., produce, liquids, food, etc.) shall not be booked as Property for Identification. The member should photograph the items for evidentiary purposes and consult with the station/unit lieutenant for directions concerning the property disposition. Document the items and the disposition of them on the property, and narrative pages in the incident report and make notation on the booking form describing any discarded item.

Exception - Suspected marijuana edibles are not to be considered “perishable items”. For booking/packaging see section 6.15.04 J. Marijuana Edibles.

- e. **Prisoner Property** - Personal Property (PP). See DM-12 Booking and Detention Manual.
- f. **Outside Agencies** - When Outside Agencies are submitting evidence and/or property to SFPD, they will bring the item(s) to the main facility of the Property Control Division.
- i. The Outside Agency member must have authorization from their Agency to book evidence, present photo identification and professional identification at the PCD counter.
 - ii. Any evidence submitted must be attached to a current SFPD case# and be packaged in SFPD official/approved Packaging (Refer to section 6.15.04 B. Handling and Packaging).
 - iii. If the Outside Agency does not have access to SFPD packaging, they may obtain it at PCD’s main facility or any district station.

- iv. All procedures included in this general order are applicable to Outside Agencies packaging and booking their evidence and/or property.
- v. Since Outside Agencies do not have access to EvidenceOnQ, the Outside Agencies member will, upon arrival at Property Control Division, fill out an SFPD Property Transfer Receipt Form (SFPD Form 361) and wait while a Property Control Division member books the evidence into the EvidenceOnQ system. Once booked, the evidence will receive Barcode Label(s), which will be given to the outside agency member to affix to the property packaging. The outside agency member will sign an electronic transfer receipt, and a copy of the receipt will be given to the outside agency member. The Property Control Division will then take custody of the evidence and/or property item(s) and assign them to a location at PCD.

B. Handling and Packaging - When booking property, the member is responsible for the safe and proper packaging of the item(s).

Members shall not book the evidence and/or property item(s) (E.g., suitcase, backpack, or other types of containers), without first knowing what is contained inside the item. An inventory of the items shall be completed and itemized on the property and narrative pages of the incident report. Evidence and/or property item(s) that can not be opened (E.g., safes, lock boxes, etc.) will not be accepted by Property Control Division until it has been verified that there is nothing contained inside.

Detail the contents of the item(s), being placed in the envelopes, bags, or other containers, in the incident report and in the EvidenceOnQ system. Once saved, print the barcode label for that piece of evidence and affix it to the front of the Property for Identification envelope, bag, tag, or other container. (*Exception-barcode on narcotics polyethylene bag shall be affixed to the back of the bag*). Write the Case number, Unit number and the name and star number of the officer(s) who seized the evidence in the appropriate fields on the Property for Identification Envelope, Bag, or Tag.

Fragile items shall be protected from breakage (*bubble wrap or other suitable protective packaging*). Knives, saw blades, or sharp objects shall be carefully wrapped to prevent injury and/or damage to the property packaging.

Hypodermic syringes shall be placed into syringe containers before booking them. Detailed procedures for collecting and preserving physical evidence. DGO 6.02, Physical Evidence and Crime Scenes.

1. **Envelopes** - Detail the contents of the item(s) being put in the Property for Identification Envelope in the Incident Report and in the EvidenceOnQ system. Once saved, print a barcode label for the piece of evidence and affix it to the upper front righthand corner of the Property for Identification Envelope. Write the case number, unit number and the name and star number of the officer(s) who

seized the evidence in the appropriate fields on the envelope. Close the envelope flap, write your initials, and star number on the edge of the flap (This includes property for identification envelopes and bags, firearm only envelopes, firearm evidence envelopes, firearm boxes, or other containers used to contain evidence). Seal the flap and the two other seams of the envelope, bag, or other container used with transparent tape.

- a. **Medical Examiners Evidence Envelopes: Blood Evidence** - When processing blood evidence whether from a traffic collision involving death or serious bodily injury, DUI investigations, warrants, consent, homicides, etc. The blood evidence shall be entered on the property page of the incident report and narrative, as well as in the EvidenceOnQ system. On the “**Evidence Info**” page of EvidenceOnQ, under the section “Where Submitted”, members shall choose the drop-down option “**7-Delivered to ME’s Office**”. Members DO NOT have to print the barcode for the Medical Examiners Evidence Envelopes. After completing the required information on the Medical Examiners Evidence Envelope, members shall transport it to the Blood Evidence Locker, complete the necessary information in the logbook, and place the blood evidence envelope into the locker.

If it is discovered that any of the required information from the Medical Examiners Evidence Envelope or logbook is missing or incomplete, the member who initially booked the blood evidence will be notified, by Traffic Company, to make the correction and how to do so.

2. **Bags / Containers** - If the item is too large for a Property for Identification envelope, use a Property for Identification Bag or a suitable container. Detail the contents of the item(s) placed in the SFPD Property for Identification Bag/ Container in the Incident Report and in the EvidenceOnQ system. Once saved, print a barcode label for the piece of evidence and affix it to the upper front righthand corner of the pre-printed Property for Identification Bag. Write the Case number, Unit number and the name and Star number of the officer(s) who seized the evidence in the appropriate fields onto the bag. Fold the opening of the bag to close it. Write your initials and star number on the edge of the bag opening and seal the folded opening with transparent tape.

Do not overstuff the bag, allow enough room to fold the opening of the bag over to create a flap. Secure the flap with Transparent Tape.

DO NOT USE STAPLES TO SEAL THE PROPERTY FOR IDENTIFICATION ENVELOPE, BAG OR OTHER CONTAINER.

- a. If the item(s) of evidence and/or property are too large, for an SFPD pre-printed Property for Identification Bag, members can use a suitably sized container to hold the evidence (E.g., fifty-five-gallon, 6 mil polyethylene bag, cardboard box,

etc.). The container should be sealed with transparent tape or tied off with twine or a zip tie (Not a flex cuff). To properly label and identify the container with the evidence and/or property, affix or tie an SFPD Property for Identification Tag to the container. Follow the instructions (in section 6.15.04 B. 3. Tags below), to complete the packaging.

- b. Do not book Data Discs (CD's, DVD's, etc.) with other evidence in bags. These should be booked in Property for Identification Envelopes only. They may be booked with other flat items that will not damage or scratch the CD's, DVD's.
3. **Tags** - Use an SFPD Property for Identification Tags for booked evidence and/or property items which are too large and/or bulky to be put into a bag/container and for bags or containers which do not have SFPD Property for Identification fields pre-printed on them (E.g., bicycle, suitcase, power tools). Affix the Property for Identification Tag to the bag or container with transparent tape, string, or zip tie.
- a. **Property For Identification Tag** - Shall be used if the evidence and/or property is being identified as evidence or found property. It should not be used for personal property using the personal property (Red) tag.

Bicycles - If available, list the bicycle serial number on the SFPD Property for Identification Tag, in the Incident Report and EvidenceOnQ in the provided fields. Attach the SFPD Property for Identification Tag securely to the upper area of the bicycle. Bicycles shall be included on the District Station Property Log (SFPD 230).

Rental Bicycles/Scooters - This category of Bicycle/Scooter will not be accepted by Property Control Division unless they are an integral piece of evidence relating to a traffic collision or a crime (not 496 PC investigations). If bicycles or scooters are seized as part of a 496 PC investigation, Property Control Division will only take custody of it at the request of the assigned investigator and a verifiable case assignment entry is made into Crime Data Warehouse. In all other incidents, officers should contact the bicycle/scooter companies for pick up at the Station.

Computers/Electronics - Shall be wrapped in bubble wrap, which is secured by clear tape, to prevent any damage to the item. The item shall be placed in the appropriately sized Property for Identification Envelope or Bag. If the item is too large members shall use a Property for Identification Tag that is attached to the outside of the bubble wrap with clear tape.

If the item has obvious damage upon receipt, the officer should document such on the packaging envelope, bag, or tag, and the Property Receipt. Additionally, the damage should be noted on the property page and narrative

of the incident report as well as in EvidenceOnQ in the “Additional Description” field.

- b. **Personal Property (Red) Tag** - Shall be used if the items are Personal Property with no evidentiary value. All fields on this tag must be completed and a signature of arrestee obtained on the back of the tag. The tag is attached to the property and the arrestee is given the attached copy. Property Control Division will not accept red tagged personal property if the attached copy has not been given to the arrestee.

After entering the item(s) into the Incident Report and EvidenceOnQ, affix the EvidenceOnQ barcode label to the right side of the Personal Property Tag. Log the Personal Property RED tag item on the District Station Property Log (SFPD 230).

4. **Money / Currency**

When booking currency, whether U.S. or Foreign, members shall use the white and green SFPD Money Envelope.

- a. U.S. currency shall be booked separately from foreign currency. Members shall enter the U.S. currency amount in both itemized figures and total amount in the Incident Report and in EvidenceOnQ. Once saved to EvidenceOnQ, the Barcode Label and Currency Breakdown Label shall be printed and affixed to the upper right corner of the SFPD Money Envelope. The member counting the U.S. currency shall sign the Currency Breakdown Label.

Before sealing the envelope, a supervisor must verify the amount of the US currency being booked and U.S. currency breakdown. The verifying supervisor will sign their initials and star number on the Currency Breakdown Label in the designated location. The Member counting shall also sign their initials and star number on the Currency Breakdown Label in the designated location. Both the member counting the U.S. Currency and the verifying supervisor will also sign their name and star number on the back of the SFPD Money Envelope. The flap of the SFPD Money Envelope shall be initialed by the member counting the US currency and sealed with transparent tape.

The Station Keeper shall ensure that the SFPD Money Envelope is properly completed, sealed, signed with initials and star numbers of the counting member, and verifying supervisor and noted on the District Station Property Log (SFPD 230).

- b. Foreign Currency shall be booked separately from U.S. currency in an SFPD Money Envelope. The value of the foreign currency does not need to be counted, however, the number of currency notes or coins in the specific foreign currency shall be written on the envelope. (E.g., 5 (five) Euro notes or

5 (five) Euro coins). Members shall enter the foreign currency in the Incident Report and in EvidenceOnQ. Once saved to EvidenceOnQ, the Barcode Label shall be printed and affixed to the upper right corner of the SFPD Money Envelope.

- c. **DO NOT** enter any data into the “**Legacy Value**” field in EvidenceOnQ.
 - d. **Counterfeit Currency** - Any currency identified as counterfeit should be booked in an SFPD Property for Identification Envelope, **NOT** an SFPD Money Envelope.
5. **Processing Homeless Property “Bag & Tag”**
In the normal course of their duties, members routinely encounter property that may need to be removed or collected from a public space. Members **should not** determine the status of the property. Members should contact DPW to respond to the scene who will assess and determine the status of the property (i.e. unattended, abandoned, or presents an immediate health or safety risk). DPW will then process the property and document their actions in accordance with DPW Procedure 16.05.08 (Removal and Temporary Storage of personal Items Collected from Public Property), as amended from time to time.

Property of an Arrested Person / Evidence of a Crime

Officers seizing personal property that is evidence of a crime, other than illegal lodging, from an individual who is arrested shall refer to DGO 6.02 (Physical Evidence and Crime Scene Preservation) and issue the individual a property receipt (SFPD 315). Officers seizing personal property that is evidence of an illegal lodging violation should note in the incident report that the evidence were captured on BWC.

If officers arrest an individual in possession of an excessive amount of personal property, the officers shall contact DPW for assessment and processing consistent with current Department policy and procedure.

Members are reminded not to take possession of and/or transport personal property for bag and tag purposes to any SFPD district station or facility. All DPW requests should be handled in the field.

6. **Disposition of Bicycle – Scooters that are Owned by Bicycle and Scooter Rental/Share Companies**

The City and County of San Francisco has seen a rapid increase of bicycle/scooter "Share" companies.

The Property Control Division (PCD) has come across these street rental bicycles/scooter while doing the daily evidence and property pickups from District

Stations. In some cases, officers at the stations have booked these share bicycles/scooters as found property, property for safekeeping or personal property. PCD will not accept bicycles or scooters booked as personal property, found property or property for safe keeping.

The only rental bicycles/scooters that PCD will accept are those that are integral pieces of evidence relating to a crime (other than 496 PC investigations) or a traffic collision.

In the event one of these bicycles or scooters are seized as part of a 496 PC investigation, PCD will only take custody at the request of the sergeant/inspector assigned to the investigation and a verifiable case assignment entry is made into CDW.

The initial member taking control of the bicycle/scooter shall contact the appropriate rental/share company for pick up. These bicycles/scooters are clearly marked with a company name and contact information.

7. Firearms / Firearms Evidence

*NOTE: If a firearm is being held at the district station for CSI to pick up, refer to SECTION 6.15.04 B. 7. d. **CSI Collection of Firearms for Processing** below.*

Firearm related incident(s) in which CSI is not responding to the scene or district station to process the firearm.

- a. **Firearm Only Envelope (tan with red writing)** - Firearms and ammunition shall be booked separate from all other property. When CSI is not responding to the scene or district station to process the firearm, members shall **unload** the firearm and booked it in a “Firearm Only” envelope or Long Gun Box along with the (removed) magazine. Unfired cartridge(s) or fired casing(s) that were removed from the firearm (typically a revolver) shall be placed within a separate (smaller) envelope and then placed within the Firearm Only Envelope or Long Gun Box with the associated firearm.

All information on the Firearm Only Envelope or Long Gun Box being used shall be filled out by the member, as well as the information required in EvidenceOnQ. The member shall print out a barcode label and a “Firearms Label” for the item and affix the labels to the Firearms Only Envelope or Long Gun Box. The member booking the firearm shall close the flap of the envelope or box and write their initials and star number on the flap. Seal all the seams of the envelope or opening ends of the box with clear tape. Affix all relevant EvidenceOnQ Barcode Labels to the envelope or box.

The Station Keeper and the officer booking the firearm, shall each sign their name and star number on the Firearm Only Envelope or Long Gun Box and the EvidenceOnQ Firearm Label, certifying that the weapon is unloaded.

NOTE: Flare guns, 30mm, and 40mm weapons are to be considered firearms as per the California Department of Justice (D.O.J.) and shall be booked in the Firearm Only Envelope or Long Gun Box. For additional information about weapons the D.O.J. classifies as firearms, refer to D.O.J. Gun Data Codes Manual. If a member is unsure if a weapon falls into the classification of a firearm the member should consult with the SFPD Range Staff or Crime Lab during business hours. If after business hours book the item in a Firearm Only Envelope.

If an officer is unfamiliar with a firearm and needs assistance in unloading it, the officer may transport the Firearm to a District Station, secure it and request a member of the:

- i. Firearms Unit (a Unit within the Crime Lab) to respond by calling (415)671-3200, Monday – Friday, 0800-1600 hours, or through the Department Operations Center (DOC) during weekends and non-business hours.
- ii. SFPD Range Staff at (415)587-2274, Monday – Friday, 0600-1600, or through DOC during weekends and non-business hours.

The Firearms Unit or the SFPD Range will provide information about how to best secure the Firearm until they are able to respond and assist.

- b. **Firearm Evidence Envelope (white with black and red writing)** - Firearm Evidence Envelopes **shall not** be used for firearms but be used for booking evidentiary items. For example: fired bullets, fired bullet fragments, suspected fired bullets and their fragments, fired cartridge casings/fired shot shells, shotgun shells, unfired cartridges and/or magazines found separately from firearm(s).

If multiple calibers of ammunition are being put into the same Firearm Evidence Envelope, they shall be separated by the calibers and placed into smaller envelopes. The caliber of the ammunition shall be written on the front of the smaller envelope. The smaller envelopes shall be placed within the Firearm Evidence Envelope.

The officer shall fill out as much of the information that is available on the Firearms Evidence Envelope, as well as all required information in EvidenceOnQ. When entering this ammunition into EvidenceOnQ, each separate caliber shall also be booked individually and have separate barcode

labels and item numbers. Affix all relevant EvidenceOnQ Barcode Label(s) to the Firearm Evidence Envelope.

NOTE: Flare guns, 30mm, and 40mm cartridges/casings are to be considered firearm evidence as per the D.O.J. and shall be booked in the Firearm Evidence Envelope. For additional information about weapons the D.O.J. classifies as firearm cartridges/casings, refer to D.O.J. Gun Data Codes Manual.

- c. **Bulk / Packaged Ammunition** - Bulk/Packaged Ammunition shall be packaged in bag, or a container sturdy enough to support the ammunition weight without danger of tearing the bag or container. Utilize a Firearms Evidence Envelope to show all available information of the evidence item and affix the completed envelope to the bag or container using clear tape. Affix all relevant EvidenceOnQ Barcode Label(s) to the Firearm Evidence Envelope on the upper right corner.
- d. **CSI Collection of Firearms for Processing**

- i. CSI Responding to a Scene - If a firearm meets CSI collection criteria, members shall not be manipulated or unloaded the firearm prior to examination and processing by CSI. Semi-automatic firearms shall not be manipulated to determine if a cartridge is in the chamber, and revolvers shall not have the cylinder opened or moved prior to CSI examination.

All information on the Firearm Only Envelope, Firearm Evidence Envelope or Long Gun Box being used shall be filled out by the member, as well as the information required in EvidenceOnQ.

The member shall print out a barcode label and a “Firearms Label” for the item and affix the labels to the Firearms Only Envelope, Firearm Evidence Envelope or Long Gun Box.

- ii. CSI Responding to the Station - If CSI does not respond to the primary crime scene, a recovered firearm shall be transported to a district station for subsequent CSI collection. The firearm shall be handled using fresh latex gloves and placed in a clean, unsealed Firearm Only Envelope or Long Gun Box. Members shall note in the narrative section of the incident report that they used a fresh pair of latex gloves each time the firearm was handled.

All information on the Firearm Only Envelope, Firearms Evidence Envelope, or Long Gun shall be filled out by the officer, as well as the information required in EvidenceOnQ.

The member shall print out a barcode label and a “Firearms Label” for the item and affix the labels to the Firearms Only Envelope, Firearm Evidence Envelope or Long Gun Box. The transporting member shall then secure the firearm in the District Station CSI Evidence Locker and notify the station keeper.

Firearms placed in the District Station CSI Evidence Locker DO NOT have to be entered on the District Station Property Log (SFPD 230).

- iii. Physical Evidence and Crime Scene - For policies and procedures related to crime scenes and physical evidence refer to Department General Order 6.02 Physical Evidence and Crime Scenes.

8. Return of Seized Firearms, Ammunition and Ammunition Feeding Device

When a member of the public requests the return of a booked firearm, feeding device or ammunition, members shall refer the person to the Investigator assigned to the case. When the case has not been assigned to an Investigator, members shall contact the OIC of the Unit, who will assign an Investigator to whom the request can then be referred.

REMINDER: THE ASSIGNED INVESTIGATOR IS RESPONSIBLE FOR THE PROPER RETURN OF SEIZED FIREARMS, AMMUNITION, OR AMMUNITION FEEDING DEVICES. IT IS THE ASSIGNED INVESTIGATOR'S RESPONSIBILITY TO UNDERSTAND THE BASIC LEGAL REQUIREMENTS AND FOLLOW THE SFPD PROTOCOL, PROVIDED BELOW.

Legal Requirements for SFPD Release to Owners

Any person seeking return of a firearm, feeding device or ammunition in law enforcement custody must successfully complete the Law Enforcement Release (LER) application process with the D.O.J., as provided in Penal Code section 33850 et seq. The D.O.J.'s LAW ENFORCEMENT RELEASE APPLICATION (BOF 119) can be accessed and submitted electronically.

Law enforcement agencies are prohibited from releasing seized firearms, feeding devices or ammunition to any individual unless the individual has a valid D.O.J. LER letter with a determination of eligibility to possess the firearm, ammunition feeding device or ammunition. In addition, if the seized property is a firearm, the law enforcement agency must verify that the firearm has not been listed in AFS as stolen, and that the firearm has been recorded in AFS in the name of the individual seeking release. (Pen. Code § 33855.)

SFPD Protocol - NO AMMUNITION SHALL BE RELEASED ON THE SAME DAY AS FIREARM(S).

The assigned Investigator shall adhere to the following protocol when determining whether to release a firearm, feeding device or ammunition.

- a. Evaluate whether the firearm, feeding device or ammunition is of ongoing investigative or evidentiary value to the case.
- b. Ascertain whether the individual requesting release has submitted a LER application along with the appropriate fees to California Department of Justice, as required under Penal Code 33850 et seq.
- c. Verify that the individual possesses an original, current D.O.J. LER letter:
 - i. Showing the D.O.J. has determined the individual is eligible to possess the firearm, feeding device or ammunition.
 - ii. Listing the firearm(s) at issue by make, model and serial number; and
 - iii. Indicating whether the firearm is recorded in the Automated Firearms System (AFS) in the name of the individual.

Note: the D.O.J. LER letter expires 30 days after its listed date. To be current, the letter must not be more than 30 days old. Valid D.O.J. LER letters bear a gold D.O.J. seal.

- d. Ascertain whether the individual is precluded/prohibited from possessing firearms, feeding devices or ammunition. To do this, review CLETS for disabling convictions, restraining orders, supervision conditions, etc. Confirm that the individual has not incurred any new preclusions since issuance of the D.O.J. letter to the present. Investigators must repeat this confirmation anew on the day of release.
- e. Confirm that the firearm at issue has NOT been listed in AFS as stolen.
- f. Confirm that the firearm has been recorded in AFS in the name of the individual seeking release. If the firearm has not been recorded in AFS the individual's name, the individual may address this by submitting a Firearm Ownership Report (BOF 4542A) to the D.O.J.
- g. Once these threshold case evaluations and legal steps are completed, contact the Property Control Firearm Unit and co-ordinate an appointment with an officer. Because ammunition and firearms are not released together on the same day, some releases require two separate appointments. The assigned Investigator must accompany the individual to all release appointments at PCD.
- h. On the date of the release appointment, complete steps c-e in this section again with emphasis on confirming through CLETS that the applicant has not incurred any preclusions since the date of the D.O.J. LER letter. If the assigned Investigator is unavailable for the release appointment, the Lieutenant of the

investigating unit shall designate another Investigator to cover steps c-i. If the scheduled appointment is missed and rescheduled, the assigned Investigator starts again at step g on the date of the new release appointment.

- i. At the scheduled appointment, meet the PCD Officer and the individual seeking release of the firearm, feeding device or ammunition, at PCD. In PCD, the Investigator requests release of the firearm in EvidenceOnQ and remains present for the physical release of the firearm. *Note: for the release of any ammunition, the Investigator will return to PCD on a different day, make a separate release request in EvidenceOnQ for the ammunition, and again remain present for the physical release.* PCD will issue a Property Release Receipt for the firearm(s), feeding device, and ammunition if requested.
- j. The member requesting the release should retain a copy of the CLETS printouts, D.O.J. LER letter and the Property Release Receipt in the case file.

Investigators may contact the Legal Division at (415) 553-1147 with questions regarding the law.

9. Labels / Stickers

- a. Bio-Hazard label(s) shall be affixed on any Property for Identification Envelope, Bag, Tag or packaging containing an item that has biological evidence or is contaminated (e.g., bloody clothing, DNA swabs, sexual assault evidence). If the evidence and/or property is a large item and is a BIO-HAZARD, the item shall be packaged/wrapped so that no person(s) is exposed.
- b. Found Property label(s) shall be affixed on any Property for Identification Envelope, Bag, Tag or packaging booked as Found Property. **Found Property labels SHALL NOT be used for booking evidence related to or possibly related to a crime.**
- c. Property for Safekeeping label(s) shall be affixed on any Property for Identification Envelope, Bag, Tag of property that if left in its current location could pose a potential danger or threat (Examples are, but not limited to, items of value, weapons seized from a home of a domestic dispute, weapons of a person served with a court order which requires them to relinquish any weapons, or individual being booked 5150 W&I). **Property for Safekeeping labels SHALL NOT be used for booking Found Property.**

Fentanyl Label(s) - If the presence of fentanyl is known or suspected the florescent colored "Caution Possible Fentanyl" sticker shall be affixed on the zip lock baggie(s) to identify which baggie contains the suspected Fentanyl

and on the front outside lower left side of the 12" x 18" Analyzed Evidence polyethylene bag.

- C. District Station Property Log / Inventory** - Station Keepers shall maintain the District Station Property Log in duplicate (SFPD 230) and list any evidence and/or property booked at a district station on the log. This form is used to identify the chain of custody for the booked evidence and property. The station keeper shall maintain the property inventory and sign their initials and star number to the "Off. Receiving Property" section of the District Station Property Log when receiving property that is booked. Each line of the Log shall only contain a single package/item (even if the package/item has multiple barcode labels).

Any property that is booked directly at PCD does not need to appear on District Station Property Log.

- D. District Station Property/Evidence Lockers** - Station Keepers at district stations are responsible for maintaining the chain of custody of the property booked in the district station property/evidence lockers. As well as ensuring that the property/evidence lockers are secure/locked when not actively being used. The station keepers at district station shall maintain control of the key used to secure the property/evidence lockers during their tour of duty.

- E. Right of Refusal** - Property Control Division has established a "Right of Refusal" policy for improperly booked or improperly packaged items whether the items are picked up from a district station or brought to Property Control Division. Refusals at district stations will be noted on the District Station Property Control Log and the station keeper will be notified of the reason for the refusal. A Property Control officer will pick up the item the next day after the evidence and/or property has been properly booked or properly packaged. The station keeper shall be responsible for ensuring that evidence and property is booked or packaged appropriately and entered on the latest District Station Property Log.

If an item is determined by Property Control Division members to be unsuitable or hazardous for safe storage at any Property Control Division facility it will be the responsibility of the member or investigative unit booking the item(s) to contact the appropriate vendor to address any identified issues related to the item(s) before Property Control Division will accept or take possession of the item(s).

Members may receive an automated email(s) related to evidence received at Property Control Division that was improperly booked, improperly packaged, or require DATA correction within EvidenceOnQ. Members should not ignore these emails and should promptly follow up on them by contacting Property Control Division for instructions on how to correct the issue.

- F. Motor Vehicles** - See DGO 9.06, Vehicle Tows

G. Returning Property to The Owner from The District Stations

1. A member may return property to its lawful owner if.
 - a. It is not contraband and cannot be connected to a crime (E.g., found property) with permission from the member's Lieutenant and prior to the Incident Report being signed off by the OIC.

If this occurs members shall, when documenting the property in EvidenceOnQ, choose the '**1 - Released in the Field**' option on the "**Where Submitted**" dropdown menu. The release of the found property shall be noted in the incident report.

- b. Certain evidence connected to a crime may be returned if, keeping it causes a substantial inconvenience to the owner (E.g., driver licenses, passports, ID cards, money, keys, cell phone).

Prior to the property being returned to the owner, the Officer shall always consult with the investigator/unit assigned to the case for approval as well as the members' Lieutenant. The decision to release property must be based on the facts in the case, and that releasing the property will not jeopardize the prosecution, and there is a real and urgent need of the owner.

If this occurs members shall when booking the property in EvidenceOnQ, choose the '**1 - Released in the Field**' option on the "**Where Submitted**" drop down menu. The release of the evidence shall be noted in the incident report.

2. If the Incident Report has already been signed by the OIC and the evidence and/or property is officially booked, a request to release the evidence and/or property must be submitted through EvidenceOnQ, by the investigator/unit assigned to the case. If a request to release the evidence and/or property has been submitted, the person the property is to be released to, should contact Property Control Division, in advance, to make arrangements to collect the item(s). Time is needed to allow Property Control Division to retrieve the item(s) from its stored location. The person the item(s) are to be released to will be required to present photo identification prior to the item(s) being released. The item(s) must be picked up from PCD within 90 days of the request being submitted. If not the item(s) will be automatically moved to 'Authorized for Disposal'.

H. Signing Out / Checking Out Property from The Property Control Division

Members or Outside Agencies requesting to inspect or sign out evidence and/or property from Property Control Division (*E.g., for court appearances/trials or*

investigative purposes) must do so for official business, have the authority to do so, and present photo identification at the time of request.

There may be incidents where an outside agency will need to contact the investigating unit or assigned investigator for approval to inspect or sign out evidence and/or property.

The evidence and /or property will be available for the transaction at the Property Control Division main facility. Members can see the location status of requested evidence and/or property in the EvidenceOnQ system.

The majority of the requests for evidence and/or property fall into one of three categories 1) Inspection, 2) Check Out, 3) Released – Identified as follows:

1. **Inspection** - A Request for Inspection made by a member or outside agency when they wish to inspect the evidence and/or property at the Property Control Division located at 850 Bryant Street. The evidence and/or property is not allowed to leave the Property Control Division inspection area where it is examined. The evidence and/or property is returned to PCD staff immediately upon conclusion of the inspection. The member or outside agency is responsible for the proper re-sealing and initialing of the evidence packaging. There is a table and a computer workstation set up for officers to examine evidence, take photographs and make copies of data discs, if needed.
2. **Check Out** - A Request to Check Out evidence and/or property item(s) is made by a member or outside agency when they will be taking the evidence from Property Control Division and not returning it immediately. Property Control Division personnel will issue a receipt showing the signature and time stamp of the transaction which the member or outside agency may keep in the case file.

If the item(s) is not returned after fourteen (14) days, the member or outside agency will receive an email asking for verification that they still have the evidence and for the reason it is being retained by the member or outside agency.

If the member or the outside agency, who checked out the evidence and/or property, is unable to return to Property Control Division the same day, they shall upon their next workday, return the receipt and/or evidence and/or property to Property Control Division. If the receipt and/or evidence and/or property is not returned after thirty days, a notifying email will be generated by EvidenceOnQ and be sent to the member or outside agency reminding them of this duty. The member or outside agency will have to provide verification that they still have the evidence and provide a reason why it is being retained.

Retention of Evidence - If a member is to ‘Check Out’ item(s) from PCD, they will be instructed to sign the electronic signature pad at PCD when taking custody of the

item(s). They will be provided a printed copy of the 'Evidence Transfer Receipt' which includes their electronic signature.

If the member is required to bring evidence and/or property to court for the court proceeding and the court admits the item(s) into evidence or retains the item(s), the member shall be responsible for ensuring that the court clerk completes all of the following steps:

- a. Note the Courtroom Number and date the item was retained by the court on the bottom section of the Property/Evidence Transfer Receipt.
- b. Sign and print their name on the bottom section of the Property/Evidence Transfer Receipt.
- c. Write their initials on the upper portion of the Property/Evidence Transfer Receipt to the right of each item that is retained by the court.

The member will return the completed 'Evidence Transfer Receipt' and any evidence and/or property, not retained by the court, to PCD the same day the item(s) were checked out.

This will help maintain the chain of custody, identify the location of the evidence and/or property and identify who from the courts has taken responsibility for it.

If the court clerk is unable to complete the steps noted in b. above, the member should go to the Criminal Clerk's Office at 850 Bryant Street, Room 101 and ask to speak with a member of the management team or email 101management@sftc.org.

A PCD member shall upload a copy of the receipt, with the noted information, into EvidenceOnQ, and indicate that the property was "retained in court".

If the member is unable to return evidence and/or property or the completed 'Evidence Transfer Receipt' the same day, they shall return to PCD on their next workday. If a member has not returned the signed 'Evidence Transfer Receipt' or the evidence and/or property to PCD within 14 days, EvidenceOnQ will send an automated email, to the member who checked out the item, instructing them to update the disposition of the item with PCD.

Evidence and/or property returned to PCD, whether it was for 'Inspection', or 'Check Out' shall be returned in the original "Property for identification" packaging. If the original packaging was opened, the member shall be responsible for signing their initials and noting the date on the opening and sealing it with clear tape.

- I. Release** - A Request to Release is made when an officer wishes to remit evidence and/or property permanently to either the owner of the evidence or another agency. Since "Release" is a "Final" disposition of evidence and/or property, it is used when

the item will not be returning to Property Control Division as something to be stored there.

Requests from SFPD Members - Members shall make a request(s) for Inspection, Check Out or Release through the EvidenceOnQ system. When a member takes possession of evidence and/or property, they assume responsibility for the care, physical custody, and return of the property to the Property Control Division.

Requests from Outside Agencies - Outside agency shall complete the complete one of the following SFPD forms for all requests and submit the form to Property Control Division. Property Control Division will process the request and make all necessary notations in EvidenceOnQ. As well as upload any document(s) related to the request, including the completed SFPD forms. The outside agency assumes responsibility for the care, physical custody, and return of the property to the Property Control Division.

There may be instances where an outside agency will need to have approval from the assigned investigator or unit to gain access to any property. In these cases, it will be the responsibility of the assigned investigator or unit to submit the request through EvidenceOnQ and identify who they have approved to access the evidence and/or property. The assigned investigator or a member of the unit assigned the investigation may also be required to be present during the time in which outside agency accesses the evidence and/or property.

1. Property Control Division Request Form (SFPD 250) for counter inspections.
2. San Francisco Police Department Property Transfer Receipt Form (SFPD 361) when bring evidence and/or property to Property Control Division that needs to be booked.
3. San Francisco Police Department Property Release From (SFPD 158) for evidence and/or property that is to be retained in a case file or released to the owner.

Releasing US Currency - When an investigating unit or assigned investigator releases US currency of \$1000.00 or more the investigating unit or assigned investigator shall make arrangements to be present at Property Control Division to facilitate the release and verification of the amount of US currency released.

J. Narcotics: Packaging, Chain of Custody, Signing Out or Returning Narcotic Evidence to Property Control Division

For information related to narcotics field testing (TruNarc) refer to the current department notice.

Packaging Types

1. All narcotics evidence, except for marijuana, shall be safely packaged in a clear, heat sealed 12"x18" polyethylene bag with an SFPD Analyzed Evidence sticker affixed to the front outside of the polyethylene bag.
2. Dry marijuana shall be packaged in a paper Analyzed Evidence envelope, bag, or a suitable box with the Analyzed Evidence enveloped taped to the outside. Large amounts or wet Marijuana shall be packaged in a burlap bag with a string or zip tie to secure it.

Members shall not place paraphernalia or extraneous items into the Analyzed Evidence bags or envelopes. Extraneous items include but are not limited to clothing, wallets, purses, metal tins or boxes, glass containers, mason jars, cardboard boxes or containers, pill bottles, pipes, needles, scales, in one testing forms, etc. The original container only must be booked in a separate Property for Identification envelope.

All packaging must have the EvidenceOnQ Barcode Label affixed to the outside. Barcodes shall be affixed to the back of the polyethylene bag or the Analyzed Evidence Envelope. Barcodes SHALL NOT be placed on the front side of the polyethylene bag or envelope. Members shall not put more than eight (8) items inside the polyethylene bag and shall not affix more than eight (8) EvidenceOnQ barcodes to the back of polyethylene bag.

If, when initially booking narcotics, the number of items placed inside the polyethylene bag prevents or obstructs the ability to visually inspect the contents, separate the items into separate polyethylene bags. If more than one envelope/bag is needed, number each envelope/bag and the total item number (E.g., 1 of 2, etc.).

Members shall comply with current department policies, related to notifications to the Narcotics Division.

Marijuana - shall be booked in paper narcotic Analyzed Evidence envelope(s). Complete the Analyzed Evidence envelope information. The marijuana shall be weighed before being placed into the Analyzed Evidence packaging and the weight of it shall be documented in the incident report.

1. If Marijuana is Loose - Place any loose marijuana inside a zip lock bag or small paper envelope, then place it inside the narcotic Analyzed Evidence envelope(s), close the envelope flap. The booking officer shall write their initials and star number on the back flap, and tape entirely across the back side envelope flap, sealing it closed. There should be no gaps between the flap and the envelope.

Document in the EvidenceOnQ system. Once saved, print the barcode label for that piece of evidence and affix it to the back of the Analyzed Evidence envelope.

2. If Marijuana is packaged - If the marijuana is already packaged in plastic upon seizing, the member should leave the contents in its original plastic packaging, place it inside the narcotic Analyzed Evidence envelope(s), close the envelope flap. The booking officer shall write their initials and star number on the back flap, and tape entirely across the back side envelope flap, sealing it closed. There should be no gaps between the flap and the envelope.

Document in the EvidenceOnQ system. Once saved, print the barcode label for that piece of evidence and affix it to the back of the Analyzed Evidence envelope.

3. If the marijuana quantity is too large for packaging in envelopes, find a suitable container (E.g., cardboard box or burlap bag) and securely attach the Analyzed Evidence envelope to it. Members shall also obtain a small sample of this marijuana which will be utilized for testing. This test sample shall be placed into a separate Analyze Evidence paper envelope. Members shall follow all procedures for booking this sample, including affixing a separate EvidenceOnQ barcode. This sample shall also be listed separately on the property page and narrative of the incident report. Document in the EvidenceOnQ system. Once saved, print the barcode label for that piece of evidence and affix it to the cardboard box or suitable container, next to the Analyzed Evidence envelope.

Bulk or 'Wet' Marijuana should be booked in burlap sacks only. Members shall write the incident number on the outside of burlap sack. Close the burlap sack with zip-ties. Using a paper tag with a tie string, affix the string to the zip-tie. Document in EvidenceOnQ system and then affix the EvidenceOnQ Barcode Label to the tag.

Suspected Narcotics (Not Marijuana)

1. Suspected Narcotics (not Marijuana) shall be booked in a 12"x18" Analyzed Evidence polyethylene bag. Do not cut the polyethylene bag. An SFPD Analyzed Evidence sticker only, not photocopy, shall be filled out completely before placing it upright, on the exterior side, centered 1" from the bottom, of the polyethylene bag.
2. Members are reminded to follow all investigative policies, procedures, and analysis prior to packaging (e.g., TruNarc Analyzer, photographing, weighing, documentation etc.)

- Members should continue to use 3" x 5" or larger 5" x 7" zip-loc bags to package items of evidence. The exterior of the baggies should be labeled with the case number, booking officer initials, and star number, as well as numbered sequentially to match the information written on the exterior of the Analyzed Evidence adhesive sticker. The information should be written on the baggies prior to placing the items inside

Exception to the use of 3"x5" or 5"x7" zip lock baggie(s). If the suspected narcotics evidence is too large, to fit into the 3"x5" or 5"x7" sized zip lock baggies, members may use the polyethylene bag, cut to size. The case number, booking officer's initials and star number shall be documented on the cut to size bag. The opening(s) shall be heat sealed. This cut to size bag, shall be safely packaged in a clear, heat sealed 12"x18" polyethylene bag with an SFPD Analyzed Evidence sticker affixed to the outside of the polyethylene bag.

If the narcotic is already securely wrapped in plastic (e.g., bindles, brick) upon seizing, leave the contents in its original plastic wrapping, but remove it from the original container. Then put the plastic wrapped narcotics into zip lock baggie(s). label with the case number, booking officer initials, and star number, as well as numbered sequentially to match the information written on the exterior of the Analyzed Evidence adhesive sticker on the 12"x18" polyethylene bag. Book the container in a separate Property for Identification envelope.

4. **IN THE EVENT THE SUSPECTED NARCOTICS SEIZED IS FENTANYL OR BELIEVED TO BE FENTANYL, OFFICERS SHALL LEAVE THE NARCOTICS IN THE CONTAINER IT WAS SEIZED IN.**

Loose Powders - Due to safety risks associated with seized narcotics, including fentanyl, book all loose powders in their original containers that the loose powder was found in. DO NOT transfer loose powder into zip lock baggie(s). If the presence of fentanyl is known or suspected, place the narcotic evidence and container in was found in, into a zip lock baggie with the case number and booking officer's initials and star number on the zip lock baggie. The florescent colored "Caution Possible Fentanyl" sticker shall be affixed on the zip lock baggie(s) to identify which baggie contains the suspected fentanyl. Seal the zip lock baggie(s) into the 12"x18" Analyzed Evidence polyethylene bag. The florescent colored "Caution Possible Fentanyl" sticker shall be affixed on the on the front outside lower left side of the 12" x 18" Analyzed Evidence polyethylene bag.

- Sealing the 12"x18" Polyethylene Bag: Upon placing the narcotics evidence into the Analyzed Evidence polyethylene bag, the bag shall be sealed with the Hand Operated Bag Sealer. The bag shall be sealed approximately 1' from the top of the

bag opening. Cover the seal with tape and write the sealing officer's initials on the taped seal. Do not cut or downsize the bag.

6. **Oversized Packaging:** If the suspected narcotics are too large for packaging in the 12"x 18" Analyzed Evidence polyethylene bag, members shall use a fifty-five-gallon 6 mil polyethylene and securely attach the Analyzed Evidence sticker. These bags are too large to be heat sealed, and members shall ensure all potential points of entry to the containers are sealed with appropriate packaging-type tape and **NOT** staples. Close with zip-ties and paper tag, ensuring EvidenceOnQ Barcode Label is affixed to the bag.

Exceptions

1. Liquids shall be booked in its original container. Seal the container with tape then put the container in a cut to size polyethylene bag (*Note: this is the only time the polyethylene bag should be cut*), heat seal the bag, and write the case number, officer's initials, and star number on the cut to size polyethylene bag. The contained sealed liquid package should then be put into a full-size 12"x18" Analyzed Evidence polyethylene bag. Seal the polyethylene bag with the Hand Operated Bag Sealer approximately 1' from the top of the bag opening. Cover the seal with tape and write the sealing officer's initials on the taped seal.

If container is too large to fit into the 12"x18" Analyzed Evidence polyethylene bag contact Narcotics Division or PCD for direction. If after hours call DOC.

DO NOT remove the liquid from its original container or pour the liquid into a polyethylene bag.

2. **Hazards**
 - a. Biohazard narcotics (E.g., body cavity seizures, bloody, saliva, etc.) must be clearly labeled "Bio-Hazard" note which type of biohazard is present (E.G., feces, fecal matter, urine, saliva, etc.) on the exterior of the narcotics packaging.
 - b. Syringes shall be packaged in a rigid, Department supplied, shatterproof "sharps" container and must be clearly labeled "Bio-Hazard". Once evidence has been deposited into the tube, members shall place the plastic cap over the open end of the tube. Members shall wrap clear tape around the perimeter of the seam, so the plastic cap and the tube are joined together and securely sealed.
3. Over the Counter (non-controlled medications) shall not be booked as Narcotics.

Chain of Custody - Members shall hand carry the properly booked narcotics evidence to the PCD Narcotics Drop box located at the main PCD Facility. For bulk narcotics, the officer shall contact Property Control Division to appraise them of the imminent delivery. If PCD is closed, contact DOC to arrange for the narcotics package to be secured. Indicate in the Incident Report the disposition of the suspected narcotics. If PCD is closed, contact DOC to arrange for the narcotics package to be secured. Indicate in the incident report the disposition of the suspected narcotics.

Improperly Booked Narcotics evidence received by PCD will not be accepted. The booking officer who improperly booked the narcotics and their OIC will be notified. The booking officer shall respond to PCD in a timely manner, correctly book the narcotics, and complete a supplemental report regarding the modification to the original booked narcotic packaging.

If an item received by Property Control Division was improperly booked or packaged, the member who wrote the incident report will receive an email indicating that there is an “Item Pending Officer Follow Up” at PCD. The member should contact Property Control Division for further information on how to correctly book the item in question.

Signing out Narcotic Evidence - If a member needs to check out Narcotic evidence from PCD the member shall submit the request to do so through EvidenceOnQ and follow the procedures of section 6.15.04 H. Signing Out / Checking Out Property From The Property Control Division.

Returning Narcotic Evidence - Narcotic evidence must be returned to PCD. If the officer is in possession of narcotic evidence for court, and the case is concluded, continued, or recessed beyond the day the item was checked out, immediately return the narcotics evidence to PCD. If PCD is closed, return the narcotic evidence by placing it back into the Narcotic Drop box. If the package(s) is too large, contact DOC.

MEMBERS SHOULD NEVER OPEN A POLYETHYLENE BAG CONTAINING NARCOTICS EVIDENCE FOR COURT PROCEEDINGS.

The courts and district attorney’s office have been informed of the safety risks associated with seized narcotics, including **fentanyl**, and should not instruct a member to open any polyethylene bag for any court proceedings.

Retention of Narcotic Evidence - If narcotic evidence is to be “Checked Out”, the member will be issued a copy of the Property/Evidence Transfer Receipt that they electronically signed.

If the narcotic evidence is admitted into evidence or held in court, the member shall follow the steps outlined above in above section 6.15.04 H. 2. Retention of Evidence.

Requests for Testing Narcotics - Members requesting narcotics to be tested, shall submit requests to the Narcotics Division, who will then forward the request to the San Francisco District Attorney's Office.

Specialized Units, such as Narcotics, Community Violence Reduction Team (CVRT), Crime Gun Investigation Center (CGIC) and Homicide can submit requests to the Property Control Division Narcotics Member.

The narcotic test results will be forwarded to Crime Information Services Unit (CSIU) who will upload the results into Laserfiche. Members can access the information using the assigned case number.

Copies of the results will be forwarded to the San Francisco District Attorney's Office, attached to the narcotics packaging, and uploaded by a Property Control Member into EvidenceOnQ.

Prop 115 - The San Francisco District Attorney's Office may request members to conduct a "Prop 115" interview of the chemist who tested/analyzed the narcotics. If requested to do so, members should go to the designated video interview area to contact the interview of the chemist via Skype. During the interview members shall fill out the two sided "San Francisco Police Department Crime Lab Controlled Substances Proposition 115 Interview Form" (SFPD Form 618) including signing the back page and noting the date and time of the interview. The original is to be attached to the narcotics packaging, a copy will need to be given to the San Francisco District Attorney, and the member can retain a copy.

Releasing Legal Amounts of Marijuana - NEEDS TO BE VETTED THROUGH LEGAL DIVISION. If a member makes a custodial arrest of an adult (aged 21 or older) in possession of legal amounts of suspected marijuana and there is no legal interest in the suspected marijuana and no legal basis to retain it (E.g., it is not contraband or evidence). The member should find alternatives to seizing/booking the marijuana. The PCD does not have a means of storing the suspected marijuana that will prevent it from becoming contaminated with the Aspergillus mold or other biological and/or chemical complexes and systems.

If a member chooses to book a legal amount of marijuana (*28.5 grams (1 oz.) of marijuana or 8 grams of concentrated marijuana*) as "Personal Property" the member shall ensure that it falls within the guidelines of Adult Use

Marijuana Act (AUMA) Proposition 64. The member shall follow all of the following procedures:

- a. Provide the person with a property receipt as noted in section 6.15.04 A. 1.
 - a. Property Receipt.
- b. The member shall weigh the suspected marijuana to ensure it falls within the legal amount to possess.
- c. When booking legal amounts of suspected marijuana as personal property members shall follow all current policies and procedures related to booking narcotics including creating and attaching an Evidence of Q barcode label and weighing the narcotics. The weight shall be noted in EvidenceOnQ, the property page and in the narrative of the incident report.

Marijuana Edibles - When booking/seizing suspected marijuana edibles, members should first determine if it is a legal amount to possess in order for it to be booked as personal property.

If it is determined not to be a legal amount to possess the member should consult with a supervisor regarding the appropriate arrest/charging actions to be taken.

Whether the suspected marijuana edibles are to be booked as evidence or personal property, they are not to be considered “perishable items”. When booking/seizing the suspected marijuana edibles they should not be removed from the original packaging. Place the suspected marijuana edible into a 3”x5” or larger 5”x7” zip lock baggie. Write the case number and booking officer’s initial and star number on the baggie before sealing in the 12”x18” polyethylene bag with Analyzed Evidence Sticker. Affix the EvidenceOnQ barcode to the back of the polyethylene bag. Upon placing the narcotics evidence into the Analyzed Evidence polyethylene bag, the bag shall be sealed with the Hand Operated Bag Sealer. The bag shall be sealed approximately 1' from the top of the bag opening. Cover the seal with tape and write the sealing officer's initials on the taped seal. Do not cut or downsize the bag.

To release the legal amount of marijuana from Property Control Division- The member requesting the marijuana be released shall inform the person that the marijuana may not be safe to use and may have become contaminated while in storage with the Aspergillus mold or other biological and/or chemical complexes and systems. Provide them with a Marijuana Holds Harmless form (SFPD Form XXX) and have them sign it. They will need to provide this form to the PCD with a valid picture identification. The member shall submit a request in EvidenceOnQ to “Release” the legal amount of suspected marijuana. The name of the person the item is being released to

shall also be included in the request, so PCD can be assured they give the item to the correct person. If the owner of the property does not claim the property within 15 days, the property will be converted to “Dispose” automatically.

K. Flammable Substances (Arson Task Force)

1. The San Francisco Fire Department Bureau of Fire Investigation (Arson Task Force) is responsible for the packaging and analysis of volatile or flammable liquid substances, including firebombs that contain no other hazardous non-liquid components.

Contact the San Francisco Fire Department Arson Task Force at (415) 920-2933. If unable to contact San Francisco Fire Department Arson Task Force directly, contact the on-call San Francisco Police Department Arson Task Force Inspector via DOC.

2. The San Francisco Fire Department Bureau of Fire Investigation (Arson Task Force) will take samples of the evidence at the scene and perform analysis. They shall then package the evidence in test tubes and a sealed metal can. This will render the item safe. The Arson Task Force member will place red tape on the can and write the case numbers and their initials on the can.

The member responsible for completing the incident report will take possession of the can and place it into a Property for Identification Bag, complete relevant areas on the front of the pre-printed bag. Document the property on the property page of the incident report and narrative, as well as in the EvidenceOnQ system. Print a barcode label for the piece of evidence and affix it to the front of the Property for Identification Bag. The reporting officer shall note in the narrative the name and star number of the SFFD member or Arson Task Force member called to the scene for the packaging and analysis of the evidence.

3. All other non-liquid flammable substances and/or non-liquid substances or items that can be categorized as a “Destructive Device” as specified under Penal Code 16460 and section 6.15.04 L. Destructive Devices (EOD).
4. For Damaged pressurized containers containing volatile liquids and/or chemicals (E.g., propane tanks, butane canisters) consult with EOD.

L. Destructive Devices (EOD)

1. EOD personnel shall collect or oversee the collection of all destructive device evidence. Hazardous evidence shall be collected and preserved by EOD personnel. (Refer to DGO 8.08 regarding comprehensive policies and procedures pertaining to incidents involving destructive devices.)

2. If EOD personnel deem the evidence to be non-hazardous, it can be collected and booked into evidence by station personnel and maintained at PCD. Package the item in a Property for Identification envelope or bag. Provide a description of the item avoiding descriptors such as bomb or explosive. Write non-hazardous on the face of the packaging using a red marker prior to booking. Write the Case number, Unit number and the name and Star number of the officer(s) who seized the evidence in the appropriate fields onto the bag.
 - a. Firebombs - that contain no other hazardous non-liquid components are the responsibility of the Arson Task Force (see section K. above).
 - b. Fireworks - For transportation, booking and storage of Consumer and Commercial grade fireworks refer to DGO 8.08, Fireworks
 - c. Energetic/Explosive Material - No energetic or explosive materials, (smokeless powder, black powder, flash powder, etc.) shall be transported to, or stored in any police facility. Contact the EOD Unit through the DOC for removal (see DGO 8.08 Handling and Storage)
 - d. Marine Flares - There are several types of marine flare both military and commercial. Contact the EOD Unit through the DOC for advice prior to transporting or booking at any police facility.

3. Packaging - When directed by EOD personnel that a non-hazardous item is to be booked, package the item in a Property for Identification envelope or bag. Provide a description of the item avoiding descriptors such as bomb or explosive. Write non-hazardous on the face of the packaging using a red marker prior to booking. Document the property on the property page of the incident report and narrative, as well as in the EvidenceOnQ system. Print a barcode label for the piece of evidence and affix it front of the Property for Identification Bag. The reporting officer shall note in the narrative the name and star number of the SFFD EOD member called to the scene.
 - a. Any item(s) that are to be stored at PCD that have been identified as being hazardous shall be property labels identifying what type of substance and any physical or health hazards.
 - i. Physical Hazards include – Explosive, compressed gas, combustible liquids, flammable, unstable, water reactive, oxidizers,
 - ii. Health Hazards include – Cause cancer, poisonous (toxic), cause hard to skin, internal organs, nervous system, corrosive, allergic reaction.

HCS Pictograms and Hazards

Health Hazard  • Carcinogen • Mutagenicity • Reproductive Toxicity • Respiratory Sensitizer • Target Organ Toxicity • Aspiration Toxicity	Flame  • Flammables • Pyrophorics • Self-Heating • Emits Flammable Gas • Self-Reactives • Organic Peroxides	Exclamation Mark  • Irritant (skin and eye) • Skin Sensitizer • Acute Toxicity (harmful) • Narcotic Effects • Respiratory Tract Irritant • Hazardous to Ozone Layer (Non-Mandatory)
Gas Cylinder  • Gases Under Pressure	Corrosion  • Skin Corrosion/ Burns • Eye Damage • Corrosive to Metals	Exploding Bomb  • Explosives • Self-Reactives • Organic Peroxides
Flame Over Circle  • Oxidizers	Environment (Non-Mandatory)  • Aquatic Toxicity	Skull and Crossbones  • Acute Toxicity (fatal or toxic)

M. Disposition of Evidence and Property – Hold or Dispose

PCD utilizes an evidence and property management called EvidenceOnQ which allows PCD to track evidence and property from the initial date barcodes are created and provides an automated chain of custody for items retained at PCD. While PCD is responsible for securely housing evidence and property, the members of investigative units are responsible for the disposition of the item(s) held there. Which includes but is not limited to the following. Determining whether an item(s) is to be:

- Held
- Disposed of
- Returned to the legal owner or finder.

It is vital to the operation of PCD that any evidence and/or property that is not needed for an investigation/criminal prosecution be cleared from PCD to allow for the storage of item(s) that are legitimately needing to be held.

This section will identify the responsibilities of Commanding Officers, OICs, Supervisors and Assigned Members of Investigative Units in relation to evidence and property at PCD.

Definitions

- Assigned Member – A member identified by the OIC (or designee) of an Investigative Unit, as being assigned to conduct a follow up investigation of an incident documented in an initial or supplement incident report.

- HOLD – Is a request sent by the assigned member through EvidenceOnQ to PCD that indicates evidence and/or property associated to an incident is to remain in the possession of PCD.
- DISPOSE – Is a request sent by the assigned member through EvidenceOnQ to PCD that indicates evidence and/or property associated to an incident is to be:
 - Returned to the legal owner, or
 - Discarded/Disposed of

1. Assigned Member Responsibilities - It shall be the responsibility of investigative units and/or assigned members to decide upon the disposition of all evidence and property associated with incidents, within 12 months of the evidence and/or property being booked. This applies to evidence and/or property whether an incident was assigned to a member for a follow-up investigation or not.

Anytime, after an incident has been cleared, adjudicated, dismissed, etc. an assigned member or investigative unit can choose to DISPOSE of the evidence and/or property related to the incident.

2. Assigned members shall complete a thorough review of the incident to determine the status of it before assigning a HOLD or DISPOSE, in EvidenceOnQ, for evidence and property associated with the incident.

Members SHALL NOT place a HOLD on any evidence and/or property without having a legitimate justification to do so.

The disposition of the evidence and/or property shall be noted in the chronological of investigation and include:

- Date and time the disposition was made on the evidence and/or property.
 - The disposition of the evidence and/or property (HOLD or DISPOSE).
 - The legitimate justifiable reason for the evidence disposition.
3. HOLD Review - The assigned member will receive an automated email from EvidenceOnQ related to item(s) that have been placed on HOLD to determine if the HOLD is still necessary. The member shall again complete a thorough review of the case to determine the updated status of the evidence and/or property. This hold review shall also be noted in the chronological of investigation as stated above.
 4. DISPOSAL - If assigned member chooses to dispose of any evidence and/or property related to the case they will have two options:
 - a. Return to legal owner.
 - b. Destroy/dispose.

Whichever the assigned member chooses, a request needs to be submitted through EvidenceOnQ. If the member chooses to return the item to its legal owner, it is the assigned member's responsibility for contacting the owner, create an 'Investigator/Owner Letter' in EvidenceOnQ and send the letter in the mail.

5. Supervisor/OIC/Commanding Officer Responsibilities - The OIC of an investigative unit (or designee) shall be responsible for identifying, in Crime Data Warehouse (CDW), or the current records management system and EvidenceOnQ, which member is assigned to conduct a follow up investigation into the cases assigned to the unit. As well as ensuring members follow any directives within this General Order and related Department Bulletins/Notices.

Supervisors, OIC, and Commanding Officer will receive automated email from EvidenceOnQ when a member has not assigned a disposition to evidence and/or property related to a case they have been assigned within the designated time frame. The Supervisor, OIC, and Commanding Officer will be responsible for ensuring that the assigned member completes the required tasks related to the disposition of evidence and/or property.

The supervisor, OIC of the investigative unit shall, on a monthly basis, review the Investigative Unit Folder specific to their unit, located on the SFPD Active Directory Desktop. Inside that folder look for a 'Dispositions' Folder. The 'Dispositions' folder is automatically populated by EvidenceOnQ, at the first of the month, with cases that have not been assigned to a member for follow up and that have evidence and/or property stored at PCD. The OIC shall, in batch grouping of ten, assign the cases to a member of the unit to conduct a thorough review of the incident and update the disposition of the evidence and/or property (Hold or Dispose). The assigned members shall complete a thorough review of the incident to determine the status of it before assigning a HOLD or DISPOSE, in EvidenceOnQ, for evidence and property associated with the incident. Members SHALL NOT place a HOLD on any evidence and/or property without having a legitimate justification to do so.

6. **EXCEPTIONS to HOLDS or DISPOSE** - It shall be the responsibility of the assigned member(s) investigating homicides/death incidents or sexual assault incidents to review any and all evidence and/or property related to the incident to ensure that a HOLD has been placed on appropriate evidence and/or property.

Members conducting homicide/death or sexual assault (DNA or DNA Extracts) investigations will be exempt from determining a HOLD or DISPOSE of evidence and/or property related to homicide/death or sexual

assault (DNA or DNA Extracts) investigations, provided the following has been completed by the assigned member/unit:

- a. A “Request” shall be submitted through “MyWebView” in EvidenceOnQ to identify the incident as homicide. (e.g., the initial report was an aggravated assault that turned into homicide, DNA or DNA Extracts).
 - b. An initial HOLD has been placed on the evidence and/or property by the assigned member prior to the 12th month mark of the evidence and/or property being booked.
7. Compliance Audits - The Department with the help of PCD will conduct quarterly compliance audit of units and members to ensure they are following the requirements of the HOLD or DISPOSE policies, including whether a HOLD placed on evidence and/or property was for legitimate justifiable purposes. Should a unit and/or member be found outside the guidelines set forth by the Department, they will be identified in a memorandum and that is sent through the chain of command to the Internal Affairs Division for investigation and subject to disciplinary action.

N. Inquiries Related to the Release of Evidence and/or Property

If a member of the department is contacted by a member of the public regarding the release of evidence and/or property, the member shall refer the individual to the assigned member and/or appropriate investigative unit conducting the follow up investigation. The assigned member, unit, or OIC shall provide a respond to the inquiry within thirty (30) days of receiving the inquiry.

Members assigned to the San Francisco Police Department Airport Bureau shall follow San Mateo County requirements for processing property and evidence.

REFERENCES

DGO 8.07 Hazardous Material Incidents
DGO 8.08 Bomb Threats, Clandestine Laboratories, Destructive Devices, Explosions, and Fireworks
DGO 6.02 Physical Evidence and Crime Scenes
DM-12 Booking and Detention Manual
EvidenceOnQ Information Page - <http://sfpd-net/EvidenceOnQ.htm>
DPW Bag & Tag Procedures - <https://sfpublicworks.org/services/bag-and-tag-policy>
Protocol for Processing Property Consistent with DPW's Bag & Tag Policy
Fentanyl Safety Recommendations for First Responders Policy
TruNarc Analyzer-Narcotics Field Testing Policy
Disposition of Evidence and Property HOLD or DISPOSE Policy
Proposition 115 Form Policy
SFPD Form 361 Property Transfer Receipt
SFPD Form 158 SFPD Property Release
SFPD Form 250 PCD Request Form
SFPD Form 618 Prop 115 Form