

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 83.3

COLLECTION AND PRESERVATION OF EVIDENCE: EVIDENCE HANDLING

ISSUED APRIL 2006

83.3.1 Documentation of Evidence Transfers

General Guidelines:

Property released from the evidence room to the owner will be made only by the Property Clerk or in his/her absence the back up Property Clerk(s). Property authorization must be obtained from the assigned investigator prior to any release.

Removing Evidence/Property

Any officer wishing to remove items from the property room will request a list of all property associated with the case from the computer. The officer will then contact the property clerk and will indicate on the list which pieces of property are needed. All items released will be scanned in the property computer and assigned to the requesting officer.

Regardless of why a piece of evidence or property is removed from the property room, i.e., court use or laboratory analysis, the computerized and/or written record of transfer will include the following:

- Item or property removed;
- Date and time of transfer;
- Receiving person's name and functional responsibility;
- Reason for the transfer;
- Name and location of the laboratory;
- Synopsis of the event, i.e., type of crime;
- Examinations desired, and
- Date of transfer to outside laboratory.

Under no circumstances will officers store items removed from evidence in their personal desks, vehicles, case files, homes, lockers or other areas which will violate the chain of custody. If it is necessary to remove an item from the property room for investigative needs, the item will be returned as soon as possible. In the case of documentary evidence, photocopies of the items may be used for investigative purposes.

Transfer to Court

An officer wishing to remove items from the property room will request a list of all property associated with the case from the computer. The officer will then contact the Property Clerk and will indicate on the list which pieces of property are needed. This should be done 24 hours before the time the officer needs the property.

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The officer will tell the Property Clerk which court the property will be going to. The Property Clerk will input this information into the computer. All items removed will be electronically logged out to the requesting officer/investigator.

When items are returned to Evidence, there are two ways this may be accomplished:

Physically return the item(s) to the Property Clerk, who will update the status of the items in the computer, or

If the Property Clerk is not available, place the item(s) in an evidence bin and lock the door. Leave a note in the Property Clerk's mailbox if the item will be retained by the court.

83.3.2 Submission of Evidence for Laboratory Analysis

The Property Clerk or assigned case investigator is responsible for preparing items to be conveyed to the County Crime Lab. They will be properly packaged/marked depending on the type of evidence.

The Property Clerk will log each item out (via the computer) as going to the Crime Lab. Controlled Substance Examination envelopes and/or Major Case Examination Request forms will be fully filled out by the investigating officer/investigator, and will accompany the item to the crime lab. These forms contain information blocks that describe the type of evidence being transported, requesting agency, type of crime, case number, etc., and document both the type of examination required and the chain of custody for the item(s) being submitted. The multi-part form also serves as a receipt for the item left at the laboratory.

A Community Services Officer (or officer assigned to conduct follow-up investigation) will properly sign out for and transport the item(s) to the crime lab, ensuring that the lab technician receiving the item(s) signs for it/them, thereby maintaining the chain of custody.

When contacted by the Lab that the item(s) are ready for return to the Police Department, a CSO or the investigating officer will retrieve them from the Lab, and return them to the Property Clerk.

When the items are returned to the evidence room, the Property Clerk will update the status in the computer.

When the Crime Lab returns results of analysis conducted by them, they will provide the findings in writing. These results will be made part of the original case file for the incident.