

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 84.1

PROPERTY AND EVIDENCE CONTROL: ADMINISTRATION AND OPERATIONS

ISSUED APRIL 20~~13~~⁰⁶

84.1.1 Control of Property and Evidence

The following rules regarding the handling of all property will be strictly adhered to. Permission to deviate from any rule or regulation stated herein must be granted by the Chief of Police.

The Community Service Officer assigned to the position of Property Officer will be responsible for all property coming into the custody of the Police Department through the Property Room.

The Property Officer shall maintain a complete record of all property seized by, or forfeited to, the Department. These records shall include a description of the property, identification numbers (where applicable), the case number and the name of the person or entity from whom the property was received. These records shall be maintained for both real and personal property.

The seizure and civil forfeiture of assets shall be managed and carried out by the Asset Seizure Officer assigned to the Detective Bureau. This officer will cooperate with the Property Officer in tracking all property seized/sold by this agency.

Types of Property:

Found Property:

Any property taken into custody by this Department that is not connected to a reported crime and is apparently lost or abandoned.

Recovered:

Any property reported stolen by this or any other Department.

Evidence:

Property necessary for prosecution in a reported crime. Recovered property may also have evidentiary value in which case it will be treated as evidence.

Property Held for Safekeeping:

Property turned over to this Department temporarily and for safekeeping by the owner or person in lawful control of such property.

Property / Evidence Management Responsibility

Responsibilities of the Santa Clara Police Department's Property/Evidence Control function are divided among the Services Division Captain, Community Services Lieutenant and the Property Officer.

The Services Division Captain is responsible for management of the entire unit: recommends policy changes to the Chief of Police.

The Community Services Lieutenant is responsible for the direct supervision of the Property Officer, and ensures that the Property Officer follows the written directives for the property management system.

The Property Officer is responsible for the control and management of all property and evidence accepted by or stored in the property/evidence room; will secure items of property or evidence requiring added protection in the property room safe; is responsible for the final disposition of safekeeping, found, recovered and evidentiary property, responsible for maintaining an accurate record-keeping system for all property and evidence accepted by or stored in the property/evidence room; responsible for the prompt, authorized disposal of property (destruction or return to owner) within six months after legal requirements have been met.

The Property / Evidence Unit's facilities include the property/evidence rooms, property/evidence holding areas (including garage space in the warehouse), evidence refrigerator and freezers, and the flammable evidence storage locker.

Property Custodian

The Property Officer is the custodian responsible for the management and control of found, recovered and evidentiary property and is accountable for the control of all property accepted by or stored in the property room, property holding areas and the flammable evidence storage locker.

Submitting of Property

All evidence or property to be submitted to the Property/Evidence Room should be logged and submitted as soon as practical once an officer has come into possession of the item(s). In no event will an employee fail to book into evidence any item before the end of his or her shift.

In the case of found property, the officer shall attempt to locate the owner of the item(s) before placing it into evidence. Additionally, the officer should attach a copy of the report to the item, listing what steps were taken to locate the owner. This will facilitate the locating of the owner by the Property Officer.

Documenting Property/Evidence Submitted

Any time property or evidence is submitted into evidence, written documentation detailing the circumstances surrounding the acquisition of the property will be done. This documentation can

be in the form of an offense report, or in the case of specific traffic violations (i.e.: 14610 CVC), complete notes on the back of the officer's copy of the citation will be adequate. Each item will be described fully in the documentation.

Packaging

Normally, each item booked will be individually packaged and submitted. Plastic and paper bags are available in the Evidence Processing area for this purpose. Other special-use containers (for hypodermic syringe, knives, firearms, biohazard items, etc.) are stored in the Evidence Processing area.

Loose items must be placed into an appropriate bag or box before being submitted.

Labeling

Computer generated property tags shall be attached to each item submitted into Evidence, unless the system is incapable of producing the tags. In that case, the case number should be written on the package itself.

When appropriate, officers should place identifying marks on evidence items. However, these marks shall be small, and placed in an inconspicuous place on the item.

Special Considerations

Money

All money submitted to the property room will be sealed in a money envelope, properly marked and tagged separately. The tag must identify the amount of money, and bear the signature of the submitting employee and verifying employee (if applicable).

Money not properly packaged and tagged will not be accepted into the custody of the property room.

The Property Officer will not open the sealed package to verify the contents or amount, only noting that it has been properly packaged and tagged.

Money submitted to the property room, once logged in, will be stored inside the safe in the property/evidence room. In circumstances where the specific money is evidence (such as bait bills, or money specifically stolen), it shall be maintained in Evidence. Other seized cash may be deposited into an account maintained by Finance.

Precious Metals or Gemstones

Precious metals or gemstones, once logged in, will be stored inside the safe in the property room.

Dangerous Drugs (including, but not limited to, narcotics, hallucinogens and narcotic implements)

All dangerous drugs (except marijuana) submitted to the property room either as found, confiscated, or evidence, will first be placed into a heat-seal bag, and sealed with the electronic sealer.

Marijuana will be packaged in a paper bag, taped closed, and initialed across the seal. Marijuana plants will have the leaves/buds removed from the stems and placed in a paper bag, and sealed as listed above. The stems are to be thrown away.

This package will then be placed in a Santa Clara County 'Controlled Substance Envelope' (#4852). The submitting officer will follow all instructions on the envelope. Once this bag is sealed, a piece of tape will be affixed across the flap of the envelope, and the submitting officer's initials placed across the seal.

Drug packages that are larger than the envelope will be thoroughly packed and sealed, and the drug envelope will be affixed to the outside of the package.

Prior to placing into an evidence locker, the submitting officer will weigh the package, and list the weight on the evidence tag.

Pills and capsules shall be counted in addition to being weighed. Both the weight and count will be noted on the evidence tag.

The Property Officer will not open the sealed bag to verify the contents, but he/she will weigh and note weight of the package when logged into the property room.

Once properly logged into the property room, dangerous drugs will be stored inside the designated storage area in the property room for drugs.

Firearms

All firearms submitted to the property room will be made safe by unloading and will have a separate property tag. If not unloaded by the submitting officer, a police supervisor will be notified to unload the weapon. -All firearms will be packaged and sealed in the appropriate cardboard box following standard evidence procedures. Cardboard boxes are available for a variety of weapon sizes. The Santa Clara Police Department Firearm Entry Form will be used for all firearms booked into Property and Evidence and for any weapon reported lost or stolen.

Ammunition will be placed in a separate container, and logged separately.

All firearms will be checked for stolen by the original submitting officer, and subsequently entered into the CLETS system pursuant to DOJ guidelines.

If NCIC access is down, and an initial check is not possible prior to placing the weapon into evidence, the Property Officer will have the weapon checked for stolen through NCIC at a later time.

If a firearm being booked into Property and Evidence was used in a crime, thought to have been used in a crime, or illegally possessed, it must be entered into CLETS as a crime gun. All firearms booked as Found or Evidence will also be entered as a crime gun. Guns entered as safekeeping will not be entered as a crime gun.

The Santa Clara Police Department Firearms Entry form meets the requirement of written documentation to support CLETS entry and removal as required by the CA Department of Justice.

Perishable Items

A refrigerator is located in the property booking room to keep perishable items such as urine specimens and blood samples preserved. Additionally, items needing to be frozen (including rape investigation kits) can be secured in the freezer portion of this refrigerator.

All items secured in the refrigerator need to be processed in the normal manner, with completed evidence tag attached (other than blood and urine samples taken in DUI cases).

Perishable food items will not be placed into refrigerated storage unless absolutely necessary. Otherwise, take a picture of the item, and throw the food away.

The Property Officer controls the freezer (located in the property storage room) used for long-term storage of perishable evidence. There is also a second refrigerator available for long-term storage.

Removal from Evidence

When an officer needs to remove property from evidence (such as for court, further investigation, transportation to the Crime Lab, etc.), advance notice should be given to the Property Officer (24 hours when possible). This will allow for the Property Officer to retrieve the property from storage, and have it ready when the officer needs to pick it up.

When the officer is finished with the items removed from evidence, he/she shall return them to the Property Officer. If the Property Officer is not available, the officer shall secure the item(s) in an empty evidence locker.

Under no circumstances will officers store items removed from evidence in their personal desks, vehicles, homes, lockers or other areas which will violate the chain of custody.

Personal use of any item submitted into evidence is expressly prohibited.

84.1.2 Storage of Property and Evidence

All items submitted into the Santa Clara Police Department property/evidence system will be stored in secured areas. Only individuals listed in [General Order 84.1.4](#) are allowed access into the storage areas.

Increased Security Measures

Property items that require added protection shall be stored in safe, separate, locked, secure areas within the property storage area. These items include:

- Money
- Precious metals
- Jewelry
- Gemstones
- Weapons

- Narcotics
- Dangerous drugs

84.1.3 Booking of Property and Evidence

All property will be entered into the automated reporting system or AFS. After entering property into the system you should follow the steps posted on the wall in the processing area.

Once an item has been properly labeled and entered into the computer system, the officer shall place the item into an evidence locker. Small items may be placed through the 'mail slot' next to the door into evidence storage. Larger items should be placed into an open bin. When all items associated with the case are labeled and placed into an evidence bin, the officer shall close the bin, and secure it by twisting the handle and pushing the button.

If the item(s) being booked will not fit into the available lockers, the officer shall arrange for the call-out of one of the employees authorized to book evidence after hours. Supervisory approval shall be obtained before calling back an employee to book evidence.

84.1.4 Entry into Evidence Storage Areas

Access to the property room shall be limited to the Chief of Police, the Services Division Captain, the CSO assigned as the Property Officer, and the CSO's assigned as the backup Property Officer.

During the inspection of the property storage areas, the Santa Clara Police Department employee(s) conducting the inspection must be accompanied by the Property Officer, or the Services Division Captain.

84.1.5 Tracking of Property and Evidence

The Property Officer shall maintain a record keeping system that reflects the status of all property held by the Department to include:

- The current location of the property.
- The date and time the property was received and released or otherwise disposed of.
- The chain of custody for each item.
- The date and results of all inspections, inventories, or audits.

84.1.6 Inspections and Audits

Inspections

At least once each quarter, the Services Division Captain (or designee) will conduct an inspection of the property room to ensure compliance to all property control procedures. The inspection shall ensure that:

- Provisions of agency directives on property control procedures are being followed,
- The property storage areas are maintained in a clean and orderly fashion,
- Property is being protected from damage or deterioration,
- Property accountability procedures are being maintained,
- Property having no further evidentiary value is being disposed of according to established procedures.

Inspection Log

A log containing the dates and times of all inspections shall be maintained in the property room.

Annual Inventory/Change of Assignment Inventory

The Chief of Police shall designate a supervisor not connected routinely or directly with the property control process to conduct an annual inventory of property and property management records.

An inventory will occur whenever the Property Officer responsible for the property is transferred or replaced by another employee, or the function is reassigned from that position. This inventory will be conducted by the newly designated property custodian and a designee of the Chief of Police to ensure that records are correct and properly annotated.

Unannounced Inspections

In addition to, and in support of, other regularly scheduled inspections, unannounced inspections of the property storage areas will be conducted at least twice a year as directed by the Chief of Police. The purpose of these inspections is to ensure that proper accountability and security procedures are being followed.

84.1.7 Final Disposition of Property and Evidence

Penal Code sections 1417 through 1417.7 govern the disposition of exhibits in criminal cases. Section 1417 requires the Officer of the court to retain all exhibits which have been introduced or filed in any criminal proceeding until final determination of the action or proceeding. However, no order shall be made for the destruction of an exhibit prior to the final determination of the action or proceeding. Section 1417.1 provides the necessary dates for when a criminal action or proceeding becomes final.

Final disposition of recovered and evidentiary property is the responsibility of the investigating detective and will be accomplished within six months after legal requirements have been satisfied.

Disposal will be accomplished in the following manner:

Evidentiary Property

Guilty Findings

- Felony

If the offender pled “guilty” and was found “guilty,” disposal is permitted sixty (60) days after the finding.

If the offender pled “not guilty” and was found “guilty,” disposal will be determined by the District Attorney’s Office and/or an order of the Court. Impoundment may be necessary in the event the verdict is appealed.

- Misdemeanor

Disposal shall be as soon as possible after the sixty (60) day appeal time has lapsed.

Not Guilty Findings

In felony or misdemeanor findings, the disposal of property or evidence will be accomplished according to the order of the presiding judge.

If “no probable cause” is found, and the evidence or property is not contraband, it shall be returned to the owner (PC Section 1540). If the owner is not known, the disposal will be accomplished in the same manner as unclaimed property.

Ongoing Investigations/No Arrest(s) Made

- Felonies and misdemeanors

The Property Officer shall store the property for six (6) months and then consult with the investigating detective to determine the continued status of the case. Every six months thereafter, the Property Officer will recontact the investigating officer and ascertain the need for continued storage.

Special Circumstances

In instances when the evidentiary property is very bulky, dangerous to store, prone to easy deterioration, needs special preservatives, or is of essential use to the owner (if the owner is not the arrestee), the District Attorney’s Office must be contacted for advice and guidance.

If property is returned to the owner or is destroyed, photographs of the property may be taken at the discretion of the Property Officer and the investigating detective. The disposition of the property will be recorded on the property report and in the property records system.

Manner of Destruction

The Property Officer will attest to the destruction of property or evidence by recording the date and place of destruction. The manner of destruction will be as follows:

Firearms and other dangerous weapons shall be disposed of in accordance with the court ordered disposition. Section 12032 of the Penal Code states that any firearm filed as an exhibit in a criminal action shall, after a period of at least 180 days, be sold, or destroyed, as provided for in section 12028. Destruction will be the manner of disposition in firearms cases.

All other property shall be destroyed by burning, crushing or shredding.

Recovered or Found Property (Non-Contraband)

Recovered or found property (non-contraband) is property in the custody of the Department's Property Officer that can be legally possessed by a U.S. citizen or naturalized citizen.

Disposal of this type of property will be accomplished in the following manner:

Provisions of Part 2, Title 10, Chapter 13 (commencing with Section 1417) of the California Penal Code will be met.

Property believed to be abandoned, lost, stolen or otherwise illegally possessed shall be returned to the rightful owner upon reasonable and satisfactory proof of ownership.

If the rightful owner cannot be identified within six (6) months for recovered property and three (3) months for found property, the Department shall effect the sale of the property for cash by means of a public auction. Notice of the auction will be published at least once in a local newspaper ten (10) days prior to the auction.

The owner or other person(s) entitled to possession of such property may claim the property and take possession of the property any time before the public auction upon providing reasonable and satisfactory proof of ownership or right to possession.

Recovered or Found Property (Contraband)

Disposal of recovered or found contraband property shall be in accordance with [General Order 84.1.7](#) of this manual.

Property Seized Pursuant to Search Warrant

The treatment and disposition of property seized pursuant to a search warrant is governed by Penal code sections 1535 through 1540, as well as judicial precedent addressing areas not specifically covered by statute.

Property seized under a search warrant may *never* be released without a court order. The Detective releasing such property on a disposition form should clearly note that the proper court

has authorized the release of evidence and property, and if not so noted, the Property Officer will not release the items until such authorization is obtained.

84.1.8 Procedures for Found Property

When found property is turned over to our Department, the following procedure should be used:

- Ask the person finding the property if they desire to claim title to it if the property is not contraband and the owner cannot be located within 90 days.
- If the finder desires title to the property, have them fill out a "Receipt for Property" (SCPD 035). Advise the finder that they must contact the Property Unit after 60 days, but prior to the 90th day. See "Receipt for Property" (SCPD 035).
- Complete a crime report with a notation in the body that a "Receipt for Property" (SCPD 035) form has been completed. Copies to be distributed as listed on the bottom of the Property Receipt.
- Submit the "Receipt for Property" (SCPD 035) along with the property, to the Property Officer. Make the notation "Finder Request Made" or similar wording on the property tag to alert the Property Officer that a claim has been made.
- Records should indicate on storage records that an affidavit has been completed.

Investigator responsible for the disposition of specific found property:

Fill out a "Property Disposition" form and submit it to the Property Officer.

If a "Found Property Affidavit" is on file, no "Property Disposition" form will be needed from the follow-up investigator.

For property to be returned to the owner, verify with the Property Officer that the property is available.

After the Property Officer has confirmed that the property to be returned is available, notify the owner or responsible that the property can be released. Have them contact the Property Officer to set up a convenient time to have the property returned.

After completing the "Property Disposition" form and the notification of release (SCPD 036) to the owner of returnable property, it shall be the responsibility of the Property Officer to dispose of the property according to established procedures.

Property Officer

- Shall be responsible for the disposition of all found property and will make the appropriate follow-up contacts to see that the property is returned to the appropriate person.
- When property, including bicycles, valued at \$250.00 or more, is held for 90 days, the Officer will:

- “Receipt for Property” (SCPD 035) indicates finder must contact the Property Unit.
- Place a two-line ad in the Lost and Found section of the San Jose Mercury News for one day.
- After seven days from the date of publication, the finder shall pay officer or collector's office for the ad.
- If legal owner claims property he shall pay for ad before the property is returned.
- Return property to finder or legal owner. If the City is not reimbursed for the ad, the property is to be held for auction.
- No advertisement is required for property under \$250.00 value.

Payments

- Payment for the ad shall be deposited at City Collector's Office with receipt crediting the appropriate account.
- If the found property is or includes money in excess of \$250.00 the ad may be paid for from the money found.
- The ad receipt shall become part of the found property.
- All money not claimed by the legal owner or returned to finder shall be deposited with the City Collector's Office and credited to the proper account.
- If the reported value of the found property is less than \$250.00 and no owner appears and proves his ownership of the property within 90 days, the title shall rest in the person who found or saved the property.

Civil Code Section 2080.3 states that employees of any public agency, while in the course of their employment, who find or save property, may not claim the property as a finder. Property found under these circumstances must be sold at public auction, and employees are prohibited from bidding on any item so seized. Also see City Manager Directive 95.

Receiving Stolen or Embezzled Money Or Property

When stolen or embezzled money or property is seized, either by search warrant or on-view conditions, the below listed procedures shall be followed:

- Complete a "Receipt for Property" (SCPD 035) form for money or property in quadruplicate.
- Have the defendant, or the person from whom the money or property was received, sign the "Receipt for Property". If the person refuses to sign the receipt, write "Refused" in the signature section of the "Receipt for Property" form.
- If there is more than one defendant or person from whom the money or property is received, complete a "Receipt for Property" form for each defendant/person.

Distribution of Copies

Second copy to defendant/person from whom the property was received.

- If an arrested person refused to sign the "Receipt for Property" form, write "Refused" in the signature section and place this copy in the "Personal Property" envelope.
- Third copy to Property Room attached to the property (If there are multiple items of property, attach to any one item of the property, exception: recovered vehicles).

- The original and fourth copies to be turned in along with all other connecting reports (except for recovered vehicles).
- When a vehicle is received, the original, third, and fourth copies of the "Receipt for Property" form shall be turned in along with all other connecting reports.

Investigations Division Responsibility / Complaint Filed

When a Deputy District Attorney is contacted for a complaint the Detective should ascertain from him/her if the money or property can be released to the victim/owner.

If the money or property can be released, contact the victim/owner by telephone or letter and advise him/her that the property is subject to release.

Advise victim/owner to contact the Property Officer within 10 days between 8 AM and 4 PM, Monday through Friday, either at the front desk at the Santa Clara Police Department or by telephone at 615-4721 to arrange for the release of the property.

Make the proper notation on the Property Disposition sheet that steps "a" and "b" have been completed, and forward the Property Disposition sheet to the Property Officer immediately.

When a complaint is obtained, attach the fourth copy of the "Receipt for Property" form to the complaint and file it with the appropriate court.

No Complaint Filed Or Case Adjudicated In Court

Contact the victim/owner by telephone or letter and advise him/her that the property is subject to release.

Advise victim/owner to contact Property Officer within 10 days, between 8 AM and 4 PM, Monday through Friday, either at the front desk of the Santa Clara Police Department or by telephone at 615-4721 to arrange for the release of the property.

Make the proper notation on the Property Disposition sheet that steps "a" and "b" have been completed, and forward the Property Disposition sheet to the Property Officer immediately.

Property Officer Responsibility

When property is received, log it in the computer and store it in the Property Room.

Undisputed Property

- "Property Disposition" form received by Detective.
- "Receipt for Property" form in file.
- Photograph property, taking additional photographs of any unique characteristics and/or serial numbers.

- Have victim/owner complete "Declaration of Ownership" if not in file.
- Have victim/owner provide "Proof of Ownership" (sales receipts, bill of sale, product registration, unusual characteristics).
- Have victim/owner sign "Property Release" form (confirm identity of victim/owner from driver's license, etc.), release property and forward all property documents and photographs to the Records Section in an 8½" x 11" manila envelope.

Disputed Property

Have the party disputing the ownership of the property in question complete a "Disputed Property" form (SCPD 037).

Obtain a "Property Disposition" form from the Detective assigned the case.

Photograph property, taking additional photographs of any unique characteristics and/or serial numbers.

Have victim/owner complete "Declaration of Ownership" if not in file.

Have victim/owner provide proof of ownership (sales receipts, bill of sale, product registration, unusual characteristics).

Send the following forms to disputant, to the address given on the "Disputed Property" form:

- Copy of the "Declaration of Ownership" filed by the victim/owner.
- Copy of the Proof of Ownership (if available).
- Completed "Notice of Hearing" form with a completed "Declaration of Service by Mail" attached (give at least 12 days notice).
- Retain copy of "Declaration of Service by Mail" in file.

Property Hearing (Conduct of hearing by Property Officer)

Make a determination as to whom the property should be released and release the property (upon showing of proper identification);

OR

Advise the disputing parties to contact the appropriate court for adjudication and release the property pursuant to the court order.

NOTE: If the person from whom the property was received has previously refused to sign either a "disputed property" form or an "undisputed property" form, and these unsigned forms are in file, it shall be presumed that the ownership of the property is undisputed.

The Use Of Stored Property As An Investigative Aid

When a Santa Clara Police Officer needs property as a tool for conducting a criminal investigation, the property may be borrowed, if available, from the Property Room under the following guidelines:

- All property must come from closed cases.
- The property owner is not known.
- The property will not be sold, traded or given away.
- The property will be returned to the Property Room as soon as it is no longer needed.

Requesting Property

- Give Property Officer time to search for and prepare items desired.
- Requested property will be directed to the officer's Division Commander by using department form SCPD 047.
- State in general terms the type of property required (example: stereo, guns, cameras, etc.) and number needed.
- Write a brief description on why the property is needed including dates wanted, and when it will be returned.
- Take request to Division Commander for approval and signature.
- If approved, sign the request and forward it to the Service Division Commander.

Services Division Commander

- Review the request and approve or disapprove.
- If approved, sign the request and forward request to the Property Officer.

Property Officer

- Upon receipt of the request, with both signatures, the Property Officer will provide the property if it is available.
- The property will only come from closed cases with no way of identifying the true owner.
- Record on requesting form a complete description of each item removed from the Property Room.
- Sign the form in the proper place including date and time property was released.
- Have receiving officer sign the form in the proper place including date and time.
- The form will be filed with Property Officer's records.

Returning Property

When no longer needed, all property signed out will be returned to the Property Officer.

The Property Officer will examine property and make a notation regarding any damage.

When satisfied all property has been returned, the form will be signed in the proper place. Include date and time.

The completed form will be filed with the Property Officer's records.

84.1.9 Weapons Confiscated In 5150 W&I Detentions

It shall be the policy of the Santa Clara Police Department to oppose the return of weapons to persons taken into custody pursuant to the provisions of section 5150 W&I. Exceptions to this policy can be made with the approval of an Investigations Division Lieutenant or Captain.

PROCEDURE: "Receipt for Property" (SCPD 035)

The following procedure will apply whenever a person is detained or taken into protective custody under the provisions of Section 5150 W&I and weapons are seized from the detained person:

The person detained shall be served with a copy of the advisement form entitled "CALIFORNIA WELFARE AND INSTITUTIONS CODE 8102 - NOTICE" (SCPD Form 169) and issued a "Receipt for Property" (SCPD 035) at the time the weapon(s) are seized. In addition, two copies of the form shall be delivered to the mental health facility to which the detained person is taken, one for the records of such mental health facility and the other to be given to the detained person upon his/her release from the mental health facility. The officer who is processing the detained person shall do this.

Weapons shall be booked into the Santa Clara Police Department property room in compliance with the property handling procedure as outlined in this chapter. The officer booking the confiscated weapons shall check the serial number on firearms and make reasonable inquiries to determine if the firearm is stolen or if the possession of the firearm by the person detained or others involved in the matter constitutes a violation of law, i.e. 29800 PC. The officer shall document the results of such inquiries in his/her police report. The officer seizing the weapon(s) shall also detail in his/her report all details outlining the reason for the seizure of the weapon(s).

The mental health facility to which the person had been delivered shall advise the Santa Clara Police Department when the person who had been detained is released from the facility, including the date and time of the release of the person, in compliance with 8102 W&I.

The Santa Clara Police Department Detective to whom the case has been assigned shall notify the City Attorney's office immediately upon learning of the release of the person, request that the City Attorney's procedure be followed to assure that the Superior Court will issue an order for the disposition of the weapon(s) and provide copies of all police reports on the matter to the City Attorney. The City Attorney will then prepare and file a petition with the Superior Court for an order to dispose of the weapon(s), notify the person from whom the weapon(s) were seized that such petition has been filed, seek a default order for the destruction of the weapon(s) when the person has not requested a hearing within the statutory time and serve a Subpoena Duces Tecum to the mental health facility for their records on the person should the person request a hearing.

If the person requests a hearing and mental health records indicate that the person had been admitted to a mental health facility, the person will be subject to the provisions of Section 8103

W&I. In such cases the City Attorney will notify the District Attorney's office and that agency will take responsibility for the disposition of the matter. In cases in which the person was not admitted to a mental health facility, the person will continue to be subject to the provisions of 8102 W&I and the City Attorney's office will take responsibility for the disposition of the matter.

The City Attorney will notify the Detective who has been assigned to investigate the matter of the decision of the court and the disposition of the weapon.

All officers of the Santa Clara Police Department who are involved in such cases will cooperate with the City Attorney and/or with the District Attorney to assure that the weapon(s) are properly disposed of. This shall include conferences before and after the filing of a petition with the Superior Court for the disposition of weapon(s) and courtroom testimony, if necessary.

After a disposition of the weapon(s) has been received, the Detective assigned to the case shall provide the Property Officer with a Property Disposition Report and a copy of the court order so that the weapon(s) can be disposed of in compliance with the court order.