

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: MAY 28, 2019

NUMBER: 3.15 - INVESTIGATIONS

SUBJECT: NARCOTICS IMPOUNDS/RELEASE OF EVIDENCE

RELATED POLICY: N/A

ORIGINATING DIVISION: LABORATORY

NEW PROCEDURE:

PROCEDURAL CHANGE: **EXTENSIVE CHANGES**

SUPERSEDES: DP 3.15 – 09/26/2017

I. PURPOSE

This Department procedure establishes guidelines for impounding narcotics and the subsequent release of such evidence for court.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

Officers need the safest possible method of impounding narcotics that will ensure standardization, proper control, and chain of custody. Laboratory personnel are responsible for the security of impounded narcotics and related records received from throughout the Department.

IV. NARCOTIC EVIDENCE PROCEDURES

A. Background

The proper processing of narcotic evidence is critical to the investigative function of the Police Department. Following the established procedures will ensure an appropriate chain of custody, maintain the integrity of evidence collected, and safeguard Department members against charges of impropriety in handling narcotic evidence.

All narcotic impounds are stored in the narcotics vault, which is located on the fifth floor in the Police Headquarters Building. All felonies, In-Custody, large impounds, and any items that need immediate analysis must be impounded at Headquarters. Narcotics that are impounded at the Area Commands will not be immediately tested, as they are typically only picked up once a week by vault personnel.

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B. Determining What Comprises Narcotic Evidence

All narcotics, prescription drugs, and any related drug paraphernalia gathered or received during the course of Department duties shall be impounded in the EvidenceOnQ database. Members shall not convert to their own use, conceal, falsify, destroy, remove, tamper with, or withhold any property or narcotic evidence recovered in connection with an investigation or other police activity.

1. Grow lights and related evidence must be impounded in the EvidenceOnQ database and submitted to the Headquarters Property Room. The narcotics vault does not have the space for storing these items.
2. Perishable items should be discarded and not impounded. Perishable items include fruits and vegetables that are made into pipes. Whenever possible, these should be photographed and the photograph attached to the "Documents" section in EvidenceOnQ for that impound or refer to Department Procedure 3.26, Media Evidence Recovery and Impounding/Preserving Procedures. Impound only the substance being used in the perishable item (e.g., marijuana).
3. Narcotics found during a pre-shift inspection of a police vehicle that cannot be connected to an arrest shall be impounded in the EvidenceOnQ database as found property. Found property is automatically destroyed.
4. Growing pots, such as planters, should not be impounded. The plants and the planter should be photographed, planter, roots and dirt discarded, and only the plants impounded. Any photographs may be attached to the "Documents" section in the EvidenceOnQ database or refer to Department

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Procedure 3.26, Media Evidence Recovery and Impounding/Preserving Procedures.

5. Water pipes must be drained of all liquids before impounding.
6. Do not impound materials from suspected clandestine drug manufacturing or processing labs. Refer to Department Procedure 8.16, Incidents Involving Hazardous Materials, Weapons of Mass Destruction, Emergencies at General Atomics and Transportation of Nuclear Materials, for further information.
7. Gas containers should not be impounded, as transportation and storage may be dangerous.
 - a. If possession of a particular type of gas is not illegal and the bottle has no evidentiary value, the bottle should be left at the scene unless to do so would create a hazardous condition.
 - b. If possession of a particular gas is not illegal and the bottle may have evidentiary value, the bottle should be photographed and left at the scene unless to do so would create a hazardous condition. The photographs should be impounded.
 - c. If a hazardous condition would be created by leaving a pressurized gas bottle at the scene of an incident, the procedures outlined in Department Procedures 8.16, Incidents Involving Hazardous Materials, Weapons of Mass Destruction, Emergencies at General Atomics and Transportation of Nuclear materials, should be followed. An example of a hazardous condition would be leaving nitrous oxide at an incident where it might be used as an inhalant.
 - d. If in doubt as to whether to leave pressurized gas bottles at the scene or have it handled as a hazardous material, contact the Watch Commander for guidance.
 - e. Any container of unknown pressurized gas should be handled as a hazardous material.
8. Toluene, glue, and spray cans must be impounded in the EvidenceOnQ database and kept in separate bags. Each item should have its own barcode label.

C. Dividing Impounds

When impounding narcotics, there are circumstances when narcotics should be impounded separately and there are times when property may be impounded with the narcotics.

1. Narcotics that must be impounded with their own barcode number:
 - a. Found Property (narcotics not related to an arrest) are items found by police personnel or citizens who turn them in. Found Property has no evidentiary value and is immediately processed for disposal. Items found in patrol cars at the beginning or end of shift that cannot be connected to an arrest should be impounded as found property. The description "Found Property" should be noted in the "Category" field in the EvidenceOnQ database. Evidence should not be impounded with "found" narcotics (example: evidence found on the ground next to the suspect should be impounded separately from the narcotics found on the suspect). The found property should be impounded on one barcode number and the substance associated with the suspect should be on another.
 - b. PCP, toluene, glue, and spray cans must be impounded in the EvidenceOnQ database. These items must be put into the re-sealable plastic bags provided on the Headquarters impound table to prevent contamination of other impounds. These items should be impounded with their own barcode numbers separately from any other items related to the case.
2. Narcotic impounds that may be impounded with property:
 - a. If narcotics are rolled into a dollar bill (any denomination) and used as a tooter, snorter, etc., or the money has any visible narcotic residue, it must be impounded in the EvidenceOnQ database. When the impound is up for disposal, any money with narcotic substance or narcotic residue will be destroyed per vault policy.
 - b. Wallets, pagers, fanny packs, etc., in which the narcotics were hidden in small compartments and contain narcotic residue may be impounded in the EvidenceOnQ database.

- c. Suitcases and backpacks with large amounts of narcotics or narcotic residue may be impounded in the EvidenceOnQ database. If the item can be put into a box or large bag, the outer container must be sealed. If the item is too large to be placed into a bag or box (i.e., suitcase filled with “bricks”), the officers are instructed to seal the item as securely as possible. It may be repackaged or resealed in the vault.

D. Where to Impound

1. Narcotics to be impounded at Headquarters will be taken to the impound area located on P-1 in the Property Room foyer. Items impounded at Headquarters are picked up every morning, Monday through Friday. Impounds that must be impounded at Headquarters in the EvidenceOnQ database are:

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- a. All felony In-Custody cases, large impounds and any items that need immediate analysis, must be impounded at Headquarters. Narcotics impounded at Headquarters are picked up and analyzed on a daily basis.

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- b. Narcotics classified as Misdemeanor (i.e., possession of misdemeanor narcotics, cited and released) may be impounded at any area station only if the individual was cited and released. The area station impounds are typically picked up once a week by Vault personnel, which causes a delay in the analysis.

- c. Any narcotic impound that will not fit into an area station mailbox. This includes large “bricks” of marijuana, extra long water pipes or large paper bags. Do not put these items into the area station Property Room bulk storage area.

- d. Any impound that contains suspected PCP, glue or toluene.

- e. Any large wet marijuana plants.

Once impounded, the narcotics must be put into the blue narcotic mailbox, or if too large, in the blue bulk storage bins.

2. Area Station Impounds

- a. The narcotic impound area is located at each area station property room impound area. Area station impounds are picked up once a week and are automatically destroyed after two years if they are not analyzed (i.e. paraphernalia, marijuana, syringes, etc.).

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- b. Any evidence in misdemeanor, juvenile, or found property cases may be impounded at the arresting officer's area station, unless it is an in-custody arrest and the subject is booked into jail, or if the items will need immediate analysis. The Area Station impounds are typically picked up once a week by Vault personnel.
- c. Narcotic impounds at area stations must be put into the blue narcotics mailbox. Items too large for the mailbox must be brought to Headquarters and put in the blue storage bins (Exception: Central Division and Northwestern Division each has two bulk storage bins).

E. Impounding After Hours

When impounding items after the Headquarters Property Room has closed, officers may enter the Property Room by using their access cards. Officers who do not have access cards (e.g., Harbor PD officers, Community College Police officers) may check out an access pass from the Watch Commander's Office. Impounds too large to be placed in the narcotic bulk storage bins should not be put in the Property Room bulk storage area. Officers are directed to contact the Watch Commander to notify the vault on-call person for assistance.

F. Packaging

Suitable containers should be used for transporting and impounding narcotic evidence. It should be collected and impounded carefully to preserve its evidentiary value. All sharp objects shall be securely covered to avoid accidental injuries. Note any precautions on the package to avoid injuries (e.g., "Caution-syringes", "Broken glass pipes"). The smallest container possible should be used to save storage space. Paper bags, manila envelopes (no smaller than 7"x10") and boxes are appropriate for most items. Plastic bags should not be used for wet marijuana plants.

1. Each item must be marked with its own barcode number. Multiple items under the same incident number should be packaged in the same container. If there are multiple suspects, the corresponding items must be clearly marked with each suspect's name. Barcode labels for each item will be placed on the outermost container.
2. Evidence that is to be held for prints should be marked **HOLD FOR PRINTS** in the "**Evidence Holds**" field in the EvidenceOnQ database. These items must be clearly marked in the database and on the package to preserve their evidentiary value.

- a. The purpose for marking an impound “Hold For Prints” is to alert personnel handling and analyzing the items to take special care so as not to destroy or contaminate potential evidence.
 - b. Merely marking “Hold For Prints” does not ensure the narcotics will be printed. The Crime Laboratory staff will inspect items for prints only after the receipt of a Lab Service Request (Latent Print Development Work Request form PD877-LA) from the assigned investigator.
3. Any wet marijuana plants must be put into paper bags or boxes, never plastic bags. The plant material will decay and/or mold, possibly causing health issues. (Exception: If there are an exceptionally large number of plants, remove and discard the roots and place in trash bags, but do not close.) If this should happen on a weekend, the Watch Commander will notify the vault on-call person to assist.
4. Used syringes (any syringes not in original packaging) are extremely hazardous to the officers and Laboratory personnel that handle them. Officers should handle these syringes as little as possible.
- a. Only syringes full of liquid are to be impounded. Syringes are typically not analyzed by the Lab. Place syringes in protective plastic tubes. In the “Additional Description” field in EvidenceOnQ, indicate that the syringe is “LOADED”. Vault personnel will then process for analysis.
 - b. All empty syringes, or those containing small amounts of liquid, collected from individuals charged with a misdemeanor, will be discarded into the biohazard sharps container located on the impound tables at each command. Do not create a barcode label for these items. If the used syringe(s) is related to an arrest, the syringe(s), if possible, should be photographed by the officer prior to disposal in the biohazard sharps container.
5. PCP, glue, spray cans, and toluene must be placed in re-sealable plastic bags kept on the headquarters narcotic impound table. These items should not be placed with any other items related to the case. Impound these items in the following ways:
- a. Place the PCP, glue, spray can, or toluene in a plastic bag. Then place the plastic bag into a manila evidence envelope or bag and seal the package.
 - b. Place the sealed envelope into a second plastic bag.

- c. Laboratory personnel will repack the impound with kapack bags.
6. Unknown liquids, such as GHB, should be put into a screw top plastic container, if possible. During business hours, these plastic containers can be obtained from the narcotics vault. If after hours, officers are instructed to secure the container as safely as possible and indicate the contents in the "Additional Description" field in the EvidenceOnQ database. Laboratory personnel will repackage as needed.
7. Please double bag any suspected Fentanyl impounds. Please mark the impound with "Fentanyl" for safety reasons.

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V. COMPLETING EVIDENCEONQ DATA ENTRY IMPOUNDS

- A. Any desktop computer with an intranet connection can be used to access the EvidenceOnQ program. Additionally, a ruggedized laptop or tablet connected to the intranet via a LAN cable can be used to access the program. Locate the "Online Property Room" icon and launch the program. If you cannot find the icon for the system, open up Internet Explorer and enter "pdhqprop" in the address bar and hit enter. EvidenceOnQ utilizes the same login as your LAN account.
- B. Click on the "New Evidence" tab to open the data entry form. Impounding officers shall complete all fields for which they have the correct data, not just the minimum fields. Check all applicable holds and cautions. After ensuring all data is correct, click the "Save Item" button. Additional items may then be impounded by clicking the "Add Item to Incident" button.
- C. Barcodes may be printed out individually (at the time the data is entered/saved) or in groups by clicking on the "Worklist" tab and selecting those items that need printed labels, then print the barcode label(s). Care should be taken to select the correct label format for the type of evidence being impounded. Labels shall be affixed to item packaging so that the barcode will not be damaged when opening the packaging at a later date. For large items, the label may be affixed to a wire tag attached to the item. Barcode labels do not replace evidence seals and will not be used to seal packaging. Generally, multiple copies of the same label will not be printed or used. If barcode labels will not print (printer failure or no supplies), it is permissible to print the label on a standard sheet of paper and attach that sheet to the item; vault personnel will generate the label at a later date.
- D. If EvidenceOnQ is down, the impound can be completed by using the Property System Data Worksheet. These worksheets can be found in the impound areas at Headquarters and area stations.

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- E. Analysis will not be performed on impounds without the Suspect's Name, Category, Item Type, and Drug Type fields in EvidenceOnQ completed.

VI. WEIGHING NARCOTICS

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All marijuana that is over the legal limit of 28.5 grams shall be weighed and impounded as Evidence. The gross weight in grams/or pounds shall be placed in the "Drug Quantity/Weight" section of the EvidenceOnQ database. Each area command has been supplied with a gram scale for weighing marijuana.

- A. The weighing should be done in plastic baggies so that all the weighing is as uniform as possible. DO NOT weigh pipes or other paraphernalia with the marijuana.
- B. All adult felony marijuana cases are to be impounded at Police Headquarters in the prescribed manner.
- C. Officers should only write a Property Release form for Prisoner Bulk Property marijuana if it is under 28.5 grams. Legal marijuana impounded as bulk/personal property (See DP 3.02) must still be weighed and noted in the EvidenceOnQ database. This will prevent discrepancies when the marijuana is picked up at a later date by the owner.
- D. Marijuana edibles and concentrates seized during the course of an illegal marijuana dispensary investigation are not required to be weighed except at the request of the city attorney.
- E. Felony narcotics (methamphetamine, cocaine, heroin, etc.) should not be weighed by officers. Upon analysis, the narcotics analyst will weigh the substances and will report the net weights.

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VII. COCAINE PIPE TEST KITS

Arresting officers will be required to complete a presumptive test for narcotic residue on a cocaine pipe prior to impounding the contraband. The testing will be completed when a cocaine pipe is the only item(s) being impounded. The tests will be conducted in the narcotic impound area of each command. The test and instructions are located on each impound table.

- A. Dispose of the kit in the container provided on the table. DO NOT impound the used test kits with the impound.
- B. DO NOT use the test kits on cocaine. These kits are for the pipes only.

- C. Document in the “Remarks” field in the EvidenceOnQ database whether the test was positive or negative.

VIII. SEALING EVIDENCE

All impounds MUST be sealed. The outermost container must be sealed. Officers will use the customized evidence seals provided on each impound table. After the items are impounded and barcode labels created, the narcotics must be put in a suitable package and sealed. Seals should be done as follows:

- A. The evidence seal should be affixed in such a way as to prevent access without breaking the seal (i.e., seal affixed across the flap of the envelope, across the bag lengthwise).
- B. Seals must have officer's name, ID number, and the date.
- C. For bulky or odd shaped items, officers must make an attempt to seal the impound. This would include large water pipes, triple beam scales, etc. These items may be re-packaged by the vault staff.
- D. For suitcases, officers should affix an evidence seal across the zipper and/or put a wire tag with seal to prevent access to the impound. For items such as backpacks, these can be put in large paper bags provided on the table.
- E. Unsealed Narcotic Impounds

Vault personnel will seal any unsealed narcotics impound. The information on the seals will include their initials, ID, number and date. The seal will also indicate the impound was sealed by the Laboratory. The impound will then be processed as needed.

IX. DISCREPANCY NOTICES

The Narcotics Vault will notify the impounding officer and his or her supervisor when there are instances of improper seals, failure to weigh marijuana, failure to return impounds from court within the time limit, and any other irregularities. The officer may be required to go to the Narcotics Vault to correct a discrepancy.

X. VOIDING PROPERTY TAGS

- A. When it is necessary to completely delete an entry, the following procedure shall be followed:

1. From the “Worklist” tab in EvidenceOnQ, check the selection box of the item(s) which you desire to change.
 2. Select “Request” from the menu bar.
 3. In the “Deliver To” field of the pop-up window, select “12 Data Change.”
 4. Select the current date in the “Date” window.
 5. Enter the reason that the entry must be deleted (e.g., item was not impounded, duplicate entry).
 6. Click on the “Request” button.
- B. An Officer’s active requests are tracked on the “MyWebview” screen in EvidenceOnQ.

XI. IMPOUNDS AT AREA COMMANDS

The narcotic impound area is located at each area station property room impound area. Each area station has seals and supplies for impounding narcotics. Each substation has a “Narcotics Only” mailbox. If items are too large to fit in the narcotic mailbox, they must be impounded at the Headquarters impound area. Only Narcotic Vault personnel are authorized to pick up the narcotics at an area station. Property Room personnel do not have access to the narcotics mailbox. Only narcotic impounds are to be deposited in the narcotics mailbox. The Narcotics Vault staff only go to the area stations once a week and the pickup days may be altered or changed due to staffing, holidays, and car availability. It is imperative that all felony In-Custody large impounds and any items that need immediate analysis be brought to Headquarters. Impounds from the area stations that are not analyzed (i.e. paraphernalia, marijuana, syringes, etc.) are held for two years and then destroyed.

XII. RELEASE OF EVIDENCE TO COURT

All narcotic evidence is stored on the fifth floor of Police Headquarters. Narcotics Vault and Laboratory personnel are not authorized to deliver any evidence to an officer in court. The impounding officer is responsible for picking up evidence for court. In order for an officer to obtain narcotic evidence for court, they must provide Vault personnel with the following information:

- A. The barcode number. All narcotic evidence is filed by this number.
- B. A Police Department identification card will be requested when the officer is unknown to vault personnel.

- C. Narcotics Vault personnel will provide the officer with an Evidence Court Disposition form (PD-598) for use when any narcotic evidence is retained in court.
1. This form must be received in the Narcotics Vault within seven calendar days of the date the evidence was signed out. If this form is not received within seven days, an email will be sent to the officer and the officer's supervisor notifying them of the discrepancy.
 2. THE EVIDENCE COURT DISPOSITION FORM (PD-598) MUST BE SIGNED BY THE COURT CLERK AND STAMPED WITH THE SEAL OF THE COURT, ACKNOWLEDGING RECEIPT OF THE NARCOTIC EVIDENCE. (Exception: South Bay - Signature of District Attorney is acceptable).
 3. If all evidence is retained by the court, the officer must return the form, indicating that all the evidence was retained, to the Narcotics Vault.
 4. If the court retains partial evidence, those items must be specifically listed on the disposition form, and the form and partial impound returned to the Narcotics Vault within seven days. Upon return to the Narcotics Vault, the partial impound will be inventoried and resealed by the returning officer and vault clerk. If a discrepancy is noted, the Laboratory Quality Assurance Manager is notified, as well as the officer's command.
 5. If the impound is opened in court, officers are asked to select a location that will not break the original seal when opening the impound. The original seal provides necessary information pertaining to the chain of custody.
 6. If the original seal is broken, if possible, place the new seal so it will not cover pertinent information on the old seals.
 7. All new seals must have the officer's name, ID, and date.
- D. Officers returning from court after 1600 hours must deposit the narcotics not retained by the court in the narcotic mailbox or bulk storage bins that are located in the Property Room foyer at Police Headquarters. All evidence opened in court and returned after hours must be resealed before placing into the narcotic mailbox. Vault personnel will open and inventory any impound that has been opened in court. Any discrepancies will be reported to the Laboratory Quality Assurance Manager, officer, and officer's command.

XIII. DISPOSAL

The investigator is responsible for determining the necessity for retention of impounded property. If retention is no longer required, the investigator should authorize that it is “Okay to Dispo” using the request monitor in EvidenceOnQ. If you need assistance with File On Q requests please contact the Narcotics Vault for assistance. For items impounded on narcotics tags, the investigator will sign off on the Final Disposition section on the back of the blue copy of the narcotics tag. The blue copies will then be sent to the Narcotics Vault at MS725.

XIV. RELEASE OF NARCOTIC IMPOUNDS

A Request must be completed in FileOnQ authorizing the release of any impounded items and the name of whom it is to be released.

Narcotics may be released back **to the owner only with a court order signed by the judge and a Request or Property Release form (PD-184) signed by a detective or sergeant.** Only items listed on the Request/release and court order will be released. A court order is not required for the release of medical marijuana or legal non-medical marijuana impounded as prisoner bulk/personal property. Under Proposition 64 an individual who is 21 years or older can legally possess 28.5 grams or less of marijuana. Only issue a Property Releases in these cases.

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Anytime a Department member relinquishes physical custody of narcotics or items that have been impounded a Property Release form (PD-184) must be completed.

- A. The release may be for some or all impounded items. On partial releases, the items released must be specifically listed on the form.
- B. A separate Property Release form (PD-184) is required for each individual barcode number.

The only exception would be if the narcotics were relinquished to the court. See section XII., C., 1-7., for details.

XV. VIEWING AND PHOTOGRAPHING OF NARCOTICS

Defense attorneys, District Attorneys, etc., may request to view or take photos of the narcotic evidence. Defense attorneys must be accompanied by the detective/investigator assigned to the case or the prosecuting attorney. This may be done at the Narcotics Vault only if accompanied by the detective/investigator assigned to the case. If a suspect is present, the viewing will be done at the vault counter. Attorneys and investigators will be accompanied by Vault personnel at all times.