

**MARIN COUNTY SHERIFF'S DEPARTMENT
INVESTIGATIONS DIVISION POLICY AND PROCEDURES MANUAL**

**CHAPTER 3 – PROPERTY
INV 03-03
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**DATE
April 29, 1988
REV: 2/15/02**

**METHOD OF DISPOSAL FOR PROPERTY/EVIDENCE RELEASED ON A PERMANENT BASIS
- DESTRUCTION BY THE PROPERTY SECTION -**

POLICY

It is the policy of Marin County Sheriff's Office to dispose of property and/or evidence that is under the control of the Sheriff's Office in accordance with applicable laws, and disposal procedures.

PROCEDURE

Destruction by the Evidence/Property Section:

- The Property Section will dispose of property that has remained unclaimed by the owner or finder, property where ownership could not be established, and contraband.
- When physically clearing a report, the Property Clerk will first check to verify that all release criteria have been met; i.e., property is no longer needed as evidence; or, owner or finder has not responded to Notice to Claim Property Form within 45 days; or, District Attorney has released the evidence; or, case has been tried, suspect(s) convicted and appeal period of 90 days has elapsed without receipt from District Attorney that appeal has been granted; or, District Attorney has not filed criminal charges and has no intention of filing criminal charges; or, property was entered into Evidence/Property Room for destruction purposes only; or, arrestee has died; or, there is no warrant for the suspect because he/she has fled prior to trial; or, court has ordered the property destroyed; or, owner or finder has authorized sheriff to dispose of property; or, all efforts to contact owner or finder have failed and at least 45 days have passed since last effort to make contact by this Department - in essence, all criteria have been met to properly and legally dispose of the property prior to its destruction or disposal by this department.
- The Property/Evidence Clerk will then physically sort the property and assign it either to be disposed of or destroyed.
- The property type determines the method of disposal or destruction. The types of disposal or destruction are:
 1. Auction: items of value are retained for auction.
 2. Charity: useable bicycles are given to appropriate charitable organizations, such as Sunny Hills and St. Vincent's School for Boys, San Rafael.
 3. Firearms: destroyed by grinding or smelting.
 4. Narcotics, Drugs, Hallucinogens and Marijuana: destroyed by incineration.
 5. Money: money is deposited into the Marin County General Fund.

6. Destruction List: knives, BB guns, and other offensive weapons (excluding firearms) are taken to the dumps and destroyed by heavy equipment special processing witnessed by the Property Custodian and the Evidence/Property clerk.
7. Destruction List: fireworks and other explosive materials are released to the Sheriff's Explosive Ordinance Officer for destruction.
8. Destruction List: driver's licenses, license plates, ownership certificates and registration tags are sent to the State Department of Motor Vehicles by registered mail (return receipt requested.) (C.V.C. Section 4460).
9. Destruction List: passports are mailed by registered mail (return receipt requested) to the United States Postal Service, Passport Division.
10. Destruction List: papers, boxes and paper bags, not of a confidential or harmful nature, are thrown into the garbage bin.
11. Destruction List: human remains are turned over to the Coroner's Office.
12. Destruction List: clothing, cloth products and paper products soiled with human wastes and/or body fluids will be incinerated.
13. Destruction List: hypodermic syringes and needles will be incinerated.
14. Destruction List: broken, unusable property, not contaminated by harmful or infectious matter will be destroyed at the County Dumps. The Property Custodian and Property Clerk will remain in attendance until the entire load has been crushed and destroyed beyond use by heavy equipment special processing.

An accurate record must be maintained by the Property Section of the disposition of each item of property. This is done by the following methods:

- Property Record Sheet

All property disposed of or destroyed must be indicated accordingly under the Disposition of Property Section of this sheet, signed and dated by the authorizing officer, releasing person and receiving person.

- Firearms' Disposition Record

All firearms disposed of or destroyed will be accounted for in accordance with Investigations Policy INV-03-01 (Disposal of Firearms).

- Narcotics, Drugs and Controlled Substances' Destruction and Disposal Record

All Narcotics, drugs and controlled substances destroyed or disposed of by legal process of law; that is, Court Order must be listed on a Marin County Sheriff's Department Controlled Substances for Destruction Record Form (copy attached) listing the named defendant, agency case number, and description of contents. This record will remain in the Property/Evidence Room vault with annual renewals.

- Money Disposition Record

Unclaimed money turned over to the General Fund must be accounted for by posting it to a record of money to General Fund form (see attached) indicating finder or owner, case number, amount, the date deposited with General Fund and by whom.

- Auction Record

Property unclaimed or determined to have met the criteria by the Department for auction; i.e., unclaimed, useful and of value, no longer needed for court purposes, identifiable (MCSO case number engraved, if necessary,) not requested for police or governmental purposes, legally auction able, released by District Attorney or Court, will be itemized on Property.Com manifest form and released to Property.Com for auction per contractual agreement between Marin County Sheriff's Office and Property.Com dated 1/29/2002. The Property/Evidence section will maintain a copy of the manifest.

RELATED STANDARDS

INV-03-01 Disposal of Firearms
INV-03-02

AFFECTED DIVISIONS

Investigations
Patrol

DATE OF REVISIONS

4/29/88 (Administrative Procedure Order 88-D)
2/15/02 (supersedes Administrative Procedure Order 88-D)

By Order of:



DANIEL PAYNE, CAPTAIN
BUREAU OF FIELD SERVICES