

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: SEE BELOW

DATE: June 19, 2023

APPROVED

Memo #2023-017

SUBJECT: DUTY MANUAL REVISIONS: RETENTION OF NARCOTICS PIPES AND SIMILAR PARAPHERNALIA

BACKGROUND

On March 29, 2023, the Santa Clara County Office of the District Attorney revised its policy regarding the retention of narcotics pipes and similar paraphernalia. With some exceptions, the District Attorney's office no longer recommends that officers book drug paraphernalia as evidence in misdemeanor cases, making it necessary to align Department policy with the policy of the District Attorney's office.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

L 5500 PROPERTY REQUIRING SPECIAL PROCESSING:

Revised 06-19-23

~~A goal of t~~The Department is *responsible for* the safeguarding and proper disposal of all property coming into its custody. The Department strives to maintain property in the same condition as received, and when appropriate, to preserve the evidentiary integrity of property that is contraband or *that is being* held for presentation in court *or for destruction*. Every reasonable effort is made to return property to its rightful owner, *when applicable*.

L 5507 NARCOTICS PARAPHERNALIA:

Revised 06-19-23

Items which have been used in the taking or preparation of narcotics (*e.g., narcotics pipe*) are ~~PARAPHERNALIA~~ *paraphernalia* and ~~should be booked as non-narcotic evidence.~~

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If paraphernalia is collected and any of the following elements are present, the paraphernalia shall be booked as evidence and held for presentation in court:

- *Any felony*
- *Any driving under the influence charge*
- *Incident involves an overdose*

Narcotic envelopes will not be used for booking paraphernalia.

In most cases, when paraphernalia is collected and none of the above elements are present, the paraphernalia should be photographed and then submitted to Central Supply for destruction without being booked as evidence. Central Supply staff will provide direction on current procedures for submitting property for destruction. However, officers may still book paraphernalia as evidence in any misdemeanor case when they deem it appropriate to do so [REDACTED]

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police

AM:PH:DK