

**SAN JOSÉ POLICE  
PROPERTY AND EVIDENCE  
CONTROL UNIT  
  
DUTY MANUAL**

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**SAN JOSE POLICE  
PROPERTY AND EVIDENCE CONTROL UNIT  
POLICY AND PROCEDURE**

**I. POLICY:**

The purpose of this manual is to establish roles, responsibilities and guidelines of the Property and Evidence Control Unit. The Property and Evidence Control Unit has the custodial responsibility of all Evidence, Found and Safekeeping property received by the department. It will be the Police Property Specialists responsibility to safeguard, handle, and store evidence in a proper and professional manner. The Department strives to maintain property in the same condition as received and to preserve the evidentiary integrity of property that is contraband to be held for presentation in court. The Evidence Control Unit is a controlled secured area.

**II. PROCEDURE:**

Unauthorized personnel are not allowed free access to the Facility. Entry into the Police Property and Evidence facility is restricted to on duty Police Property personnel only. Entrance to the storage areas must be authorized by the Property and Evidence Supervisor. Personnel other than the on duty Property personnel will be required to enter their names, purpose of entrance, and date/time of entry and exit in a log provided for this purpose. A Property Specialist must escort all other personnel into the Facility.

SAN JOSE POLICE DEPARTMENT PROPERTY AND CRIME EVIDENCE  
DIVISION'S GOALS, MISSION AND VISION

**III. GENERAL INFORMATION**

**A. GOAL:**

The primary goal of the Property and Evidence Crime Evidence Division is to provide quality customer and support services to the public and law enforcement members of this and all other departments. By statute of law, each law enforcement agency is responsible for maintaining seized, found or surrendered property. To preserve property and evidence for court presentation, return it to the rightful owner in its originally received condition, or dispose of the property as soon as legally possible.

**B. MISSION:**

Simply stated, the mission of the Police Property and Crime Evidence Division is to provide excellent services to its diverse customers, in a timely manner. Police Property and Crime Evidence employees are committed to maintaining excellence and efficiency in the delivery of services and by treating all people with understanding, dignity, and respect.

**C. VISION:**

The Police Property and Crime Evidence Division is mandated by the California State law to accept, store, dispose of and releases property or evidence in an orderly and lawful manner. It is responsible for hundreds of thousands of items of property. Some of which is evidence in criminal cases, others are held for safekeeping. It strives to handle each item of property in a professional manner and for continued promotion of the Police Property and Crime Evidence Division as a place of opportunity to work and do business.

**D. VALUES:**

Values provide a sense of respect and continuity of all members of this department and the community. Values represent ideals of life and purpose, the foundations, which guide and govern each person from within. It is necessary as members of this unit to be courteous and tactful in the performance of duties. Employees will not use coarse, violent, profane or insolent language and will conduct themselves in a manner that will

not express any prejudice regarding race, religion, politics, national origin, or similar personal characteristics. We will show excellence and pride in our work. Portray honesty and integrity in our conduct. Recognize residents as customers by demonstrating accountability to all.

## **DAILY GOALS AND PROCEDURES FOR CRIME EVIDENCE UNIT OF SAN JOSE POLICE DEPARTMENT**

- Preserve incoming property from contamination, theft, or loss.
- Maintain and update property documentation with tracking information, commonly referred to as the "chain of custody."
- Ensure that all releases and dispositions of property are legal and fully documented.
- Transport all manner of property to and from the Santa Clara Crime Lab and Court.
- Arrange and document interim releases and returns of property for court, crime lab analysis, or investigative use.
- Testify in court regarding evidence booked and stored in the property facility.
- Operate computer terminals.
- Prepare and forward property-related forms to requesting units and agencies. Serve as liaison between this agency and other law enforcement agencies.
- Maintain current knowledge of all laws relating to property management.
- Provide for the maintenance of the storage facility.
- Inventory property based on the agency policy.
- Ensure that efforts are taken to make the property room as safe as possible for employees as well as property.

Property should be *uniformly entered into storage*. An established method for preparing, labeling, and recording property exists in, and is explained in this property manual. This information is also taught through on-duty training. Responsibility for carrying out these tasks is assigned to the Property Specialist, who is primarily given the duties of intake when booking the evidence in to the storage system.

## **BOOKING**

### **IV. POLICY:**

All property- Evidence, Safekeeping and Found, will be initially booked in RMS [REDACTED] at Central Supply on a 24-hr basis. All property will be handled and stored in a manner that will not damage or contaminate the evidentiary value of the property.

Property facility chain of custody or evidence continuity begins when the property specialist at Central Supply receives the property from the officer, or the locker it has been temporarily stored in at the booking room in Central Supply. Once it has been verified, possession becomes the responsibility of the Evidence Control Unit. All movement of the evidence must be recorded and documented in RMS [REDACTED] when property leaves from and returns to the Police Property Facility.

### **V. PROCEDURE:**

All property booked in at Central Supply will be entered into an Excel log by Central Supply personnel. This log includes date, time, booking officer, property specialist accepting property, description and number of items.

When accepting property from an officer at Central Supply or the Police Property and Evidence Facility, the Property Report must include information listed below:

- Case number- Verify the case number is the same on the evidence report and the evidence tag attached to the item.
- Description of property being booked- Property should be described and listed as specific as possible in order to determine ownership.
- Serial numbers- Unique serial numbers should be listed on the Property Report when the item is booked into Property. Items that have verifiable serial numbers should be booked with their own tag.

All items of evidence will inventoried by the Booking Officer and verified by the Property Specialist receiving the property.

#### **A. BOOKING PROCEDURES**

[REDACTED]

[REDACTED] The other takes the mail to be distributed at PAB.

### 1. WHILE AT CENTRAL SUPPLY:

- Pick up the printed excel log- this is kept in a bin on the shelf, to the right of the Supervisor's Office. Also kept here are any number of items that need to be brought back to the Property Facility.
- [REDACTED] This requires another person to witness the number of envelopes being removed - either the second Property Facility staff member or a Central Supply staff member. The envelopes will be heat sealed into a larger plastic pouch or bag and the (2) witnesses will initial the seal verifying the date and quantity of items inside the heat sealed bag are correct.
- [REDACTED] However, all firearms will still be in Central Supply. Always do a check to make sure all property booked the day before has been collected.

### 2. AT THE PROPERTY FACILITY:

Property Specialists will process all the property that comes over to the Property Facility, Monday through Friday. There is a schedule posted that indicates who is assigned booking duties on what days. The designated booking person for the week is responsible for processing (5) days of incoming booking. There will be a back up person also scheduled to assist with making sure this task is completed by the end of everyday.

### 3. PROCESSING MONEY:

- When processing money during the booking procedure, do not open the sealed money envelopes. Verify the math on the Property Report and make sure it corresponds to what the officer has written on the verification sticker outside of the Kapak.
- After verifying all the money amounts, scan the money into the appropriate [REDACTED] Location in RMS [REDACTED] and make note of any money amounts greater than \$1,000.00.
- Take the money envelopes and the transporting envelope to the table outside the [REDACTED] Enter the information required on the safe log. A second person will verify the money against the [REDACTED] Log and verify the total number of envelopes against the transporting envelope.
- Physically locate the money into the [REDACTED] All money booked in on a case needs to have its own barcode, regardless of the amount.

- After all the money has been located in the [REDACTED] any cases with amounts greater than \$1,000.00 need to be V-Mailed to the Covert Response Unit's representative handling Asset Forfeitures.

#### PROCESSING SAFEKEEPING MARIJUANA:

- Safekeeping Marijuana is processed simultaneously with Money being located in the [REDACTED]
- Do not open the sealed Kapak. Verify that the weight falls in line with the current legal amount okay to possess by an individual, and that the owner of the Marijuana meets the criteria to possess such substance.
- Scan the Marijuana into it's appropriate [REDACTED] Location in RMS [REDACTED]
- Generate a letter to notify the Owner that he/she may pick up their Marijuana at the Property Facility.
- Physically locate the Safekeeping Marijuana into the [REDACTED] following the same procedures for the money envelopes.
- Place letters for all Safekeeping Marijuana into envelopes and place into the outgoing mail slot.

#### 4. WHEN BOOKING:

- When appropriate, all evidence booked on a case should be located together (with the exception of money \$10 and over, guns, ammo, jewelry, flammables, alcohol and sometimes long items). Following this practice makes it easier to retrieve Property for checkout and purge.
- If there are multiple types of property, ie: Evidence, Safekeeping, Found booked on a case, each type of property needs to have it's own Property Report.
- If you suspect property has been booked in on the wrong type of report, read the GO, if available, and make any necessary changes. An example of this would be a Safekeeping bicycle booked as Evidence.
- If there is both Safekeeping and Evidence booked on a single Property Report and you cannot determine whether the property is one or the other, change the report to reflect all the property as Evidence. If someone inquires about its release, then the Investigator will be responsible for this action.
- When Fireworks are booked at Central Supply, they are never to be transported to the Property Facility. Make sure the appropriate Evidence Continuity and Storage Control has been entered and E-Mail the Bomb Squad Sergeant that said Fireworks need to be picked up from the FLAM locker located out side of Central Supply.

## 5. BARCODING:

- CD's, DVD's (interviews and/or pictures) should be packaged and barcoded separately, as these items often get checked out to investigations.
- Cell phones should also be packaged individually since they are often checked out for Search Warrants.
- Non-serialized items may be grouped by type (all clothes or all narcotic paraphernalia) and owner and given one barcode.
- Unique serialized items should be given their own barcode, with the exception of multiple outdated cell phones booked as Found or Safekeeping.
- Indicia, Credit and Debit Cards, Membership Cards, etc. can be given one Tag if they all belong to the same owner.
- All homicide evidence will be barcoded individually

## 6. NOTIFICATIONS / ATTACHMENTS:

- Email a copy of the Property Report for all Found property with an unknown owner of items with a value of \$50 or greater to the Property Supervisor. The Property Supervisor will email the report to San Jose Mercury News so it is posted. Include the Narrative with the Property Report email.
- Make sure there is a picture of any knife booked to a juvenile, attached to the GO. The picture should include the knife next to a ruler, showing the blade length.

## NOTIFYING INVESTIGATOR AND/OR BOOKING OFFICER:

Often times we receive evidence that needs to be further processed by the booking officer or the investigating officer.

- If evidence is booked as being held for DNA- e-mail the investigating officer and let them know about the evidence and that we have only finite space for holding evidence in this manner. Their options are to pick the evidence up for transport to the Santa Clara County Crime Lab or to let us know that the evidence can be stored at room temperature.

## 7. FIREARMS FOR IBIS:

- The Police Property Facility automatically sends eligible firearms, casings and expended rounds to the Santa Clara County Crime Lab for IBIS processing. Currently only Evidence and Found firearms are eligible.



- Semi-auto pistols
  - Pump action and semi-auto shotguns
  - Any firearm that has been modified (ex. barrel shortened)
  - All assault weapons
  - All semi-auto rifles
  - All casings
  - All firearms and casings with a request for DNA/Prints processing
- When a firearm is determined to be eligible to be sent to IBIS, the booking PPS will process it like any other firearm. However, instead of locating it to a final location [REDACTED], it will be scanned to the IBIS Box [REDACTED]

#### 8. NIGHT BOOKING:

When practical, Property that was checked out may be returned to Central Supply by Officers. An evidence continuity will be entered into RMS [REDACTED] by PPS and Property will be verified [REDACTED]

#### 9. COMPLETION OF BOOKING:

- After all cases have been processed and located in the Property Facility, the locations of the Property need to be entered into the Virtual Log from the working log used during the booking process.
- All cases that do not have a GO, need to be noted and then researched to verify why there is no GO. After research is completed, corrections and updates should be made both in RMS [REDACTED] and on the Property.
- The working log can then be added to the Log binder located in the booking room.

## **B. BOOKING OF SPECIFIC PROPERTY**

### **1. FIREARMS:**

**SAFETY FIRST.** All firearms will be checked and rendered safe at all times. Loaded firearms will not be accepted into property custody. Range personnel will be contacted by booking officer, if necessary, to clear weapon. Note full description on Property Report and the back of the firearm property tag.

- Make
- Model
- Serial number (as a rule is found on the frame/receiver)
- Caliber
- Type
- Action
- Barrel Length
- Overall Length (only required on rifles and shotguns)

### **2. MONEY:**

- Money will be counted, verified and logged on a property report by the booking officer and property specialist.
- Each denomination will be listed.
- Keep totals separate by owner.
- Money (over \$10.00) will be packaged in a neat fashion in a clear, sealable Kapak envelope.
- The case number will be neatly written on the upper right hand corner of the money envelope. A denomination sticker will be filled out by the officer and money verified by PPS. Any money totaling over \$1000 will be counted with the Money Counter and a receipt tape generated. The receipt will be sealed in the kapak with the money All booked money \$10.00 and over will be located in a secured area at Central Supply. This area is accessible only by a Police Property Specialist from the Property Facility
- Money amounts totaling less than \$10.00 will be packaged separately but kept with the bulk of the property or if there is no other booked property, will be placed in a 6X9 manila envelope.
- Once at the Property Facility, all money will be verified against the Property Report. Two Police Property Specialists will verify the amounts listed on the money envelope, enter the required information onto the [REDACTED] Log and place the money into the [REDACTED]

### 3. JEWELRY:

- All valuable jewelry will be listed as separate items on the Property Report..
- Valuable jewelry will be located and stored in the [REDACTED]
- If jewelry appears to be gold, it will be described as “yellow metal” or Y/M.
- If jewelry appears to be silver, it will be described as “white metal” or W/M.
- Stones will be described by color.
- Jewelry items that have been identified as being of the costume type do not require high security storage.
- If quality of jewelry is in question, handle it as valuable.

### 4. BICYCLES:

All bikes will be booked into RMS [REDACTED] on a Property Report. List all information available:

- Make
- Model
- Type
- Speed
- Size
- Color
- Gender
- Serial number

If a Found bike is brought to the Property Facility by a citizen, PPS will call Dispatch to get a case number. That case number will be used to create a Property Report. The following information will be needed for the GO:

- Finder’s name, address and telephone number.
- Location and time bike was found.
- Whether or not the Finder would like to claim bike, if rightful owner is not found. After the bike has been processed and located, the case number should be given to the appropriate PPS II to create the GO.

## C. DNA EVIDENCE

### 1. HANDLING AND STORING DNA EVIDENCE

Often we receive evidence that needs to be held for DNA testing. Per California DOJ requirements, procedures are to be adhered to as follows:

All evidence being held for DNA testing should be packaged in either a manila envelope or a paper bag. For consistency, package all small items that easily fit, in a 6X9 envelope.

All DNA and/or blood swabs will be permanently stored in the property freezer. There are dedicated retention boxes for these items stored in 6X9 envelopes. Locate the item in the box, ensuring all items remain in case number order. Update location in RMS [REDACTED] under Storage Control.

Larger items that cannot fit in a 6X9 envelope, need to be packaged in paper and placed into an appropriate box, or directly on a shelf in the Freezer. Exactly where you locate the item will depend on size, shape and available space in the Freezer. Update location in RMS [REDACTED] under Storage Control.

- Carefully verify all evidence with the exception of evidence sealed and signed by the booking officer.
- Wet and/or bloody evidence needs to be dried before being placed in the freezer. When at all possible, leave evidence in the original packaging as it dries. Always keep original packaging with the items.
- All SART kits, with the exception of Anonymous and Non Investigative Report SART kits, are automatically taken to the Crime Lab by Central Supply personnel. When returned to the Property Facility, they are stored in the manner dictated by the Crime Lab. A sticker placed on the SART kit by the Crime Lab indicates whether it needs to be frozen or kept at room temperature. Anonymous, VAWA, and NIR SART kits are transported directly to the Property Warehouse from Central Supply.

At times, officers book in evidence for DNA unnecessarily. If you suspect that is the case with items you have received that need to be placed in the freezer, contact the investigator and ask him/her if the items need to be frozen or if they can be stored at room temperature.

All DNA evidence will be stored in the freezer until the investigator either checks the item(s) out to submit to the Santa Clara County Crime Lab or lets us know via e-mail that the evidence is no longer needed as a DNA hold and we may store the evidence at room temperature. A copy of the e-mail will be attached to the property report.

All evidence that is to be held for DNA will be stored in the freezer with the following exceptions:

- Whole blood samples (in glass vials) will be permanently stored in the refrigerator in case number order.
- Metals, plastics and rubber (ex. guns, knives, tools) can become compromised by condensation and will be stored at room temperature.
- Shoes can compromise any evidence they may be packaged with when stored in the freezer.
- Evidence being held for DNA and fingerprints. This evidence can become compromised by condensation and should be stored at room temperature. Fingerprinting needs to be done before any DNA samples are taken.

## **VI. HANDLING**

All evidence is to be handled in a cautionary manner. Certain categories of property must be processed in a special manner so as to ensure that the evidentiary value is not jeopardized.

### **1. CASH HANDLING PROCEDURES**

In order to achieve an effective system of internal controls and accountability, the following sections will be strictly adhered to:

- I- There is a two Property Specialist safe entry rule that is to be followed at all times.
- II- Money will be secured in a stationary safe and isolated in an alarmed vault with access limited only to those authorized.
- III- Designated Property Specialists will have access to the safe and primary cash handling duties  
[REDACTED]
- V- The [REDACTED] log will include the date, time, two signatures, case number, and action code for reason of entry.
- VI- A designated Police Property Specialist will conduct random inspections to check function and accuracy of the [REDACTED] and cash handling procedures.
- VII- Any variation of policies and procedures must be approved in writing by the Police Property Supervisor

If, for any reason, a money envelope has to be opened by Property Personnel, the following procedures are to be followed:

- Two Police Property Specialists will be present at all times.
- The money envelope will be cut open at the bottom of the envelope along the factory seal.
- If the money is being removed-the money being removed will be counted and verified.
- The remaining money will be counted and verified for accuracy.
- The strip removed to open envelope will be inserted into the bag along with the remaining money.
- The envelope will be resealed along the bottom and initialed by both Property Specialists and dated.

## 2. FISCAL AUDITS

The Department's Fiscal Division will conduct periodic unannounced audits of the safe inventory at least annually. The scope of the audit will include comparisons of sealed envelopes with incoming evidence logs, safe entry logs, revenue vouchers and any other documents that are deemed necessary to ensure that all procedures have been followed. Results of the audit will be reported to the Department Head.

## 3. ALCOHOLIC BEVERAGES:

- All alcoholic beverages will be stored at the Property Facility. They will be handled and stored in a safe and secure manner.

## 4. NARCOTICS CONTRABAND:

- Narcotic paraphernalia only is booked into property. Any property that may pose a hazardous risk to property specialist will be secured and packaged appropriately. All syringes must be rendered safe and stored in a sharps syringe container.
- If narcotics are found during the course of booking, the booking or investigating officer must be contacted and arrange to book the narcotics into Central Supply.
- Safekeeping Marijuana is the only Narcotic item received and stored at the Property Facility. It will be booked at Central Supply according to their guidelines.

## 5. AMMUNITION:

All ammunition, including spent rounds and shell casings will be stored in the designated ammo location. It will not be stored in any other area of the Property Facility

## 6. HAZARDOUS MATERIAL:

- All hazardous items of evidence or property received in the Property Facility will be booked in a RED HAZMAT bag. The hazmat bag will remain closed. Booking personnel should not open to verify items. Note Property Report that items were not verified due to hazmat packaging.

## 7. FLAMMABLE MATERIALS:

- Gasoline, paint thinner, alcohol, butane, torches, gas cylinders and small gas engines will be stored in the flammable locker designated for this type of material.
- Known flammable substances will be booked and stored in the flammable locker.
- Unknown substances that have the potential to be dangerous will not be accepted. The Bomb Unit will be contacted to handle and store these types of substances.

## 8. EXPLOSIVES:

- Explosives, live grenades, smoke bombs or gas grenades or any items of this type will not be accepted into property custody but will be turned over to the Bomb Unit immediately. Bomb Unit personnel are on call at all times.

## 9. WET PROPERTY:

- Property that is wet at the time of booking will be tagged with a Property tag that has been marked "wet".
- All wet property/evidence will be placed in a paper bag. This bag will be labeled as "wet". "Wet" labeled items can be described as such from wet from moisture or blood. Use caution whenever handling this type of property. When receiving this wet property, the property specialist will hang dry the listed "wet" property in the evidence drying room (hepa filtered) before storing. Property Specialist will use protective gloves and masks if needed, when handling "wet" property.

#### 10. BIOLOGICAL/DNA EVIDENCE:

- Evidence that is biological in nature requires special handling to ensure minimal decomposition during collection, storage and testing.
- Vaginal, oral and anal swabs will be placed in a refrigerator or freezer until they can be transported to the Santa Clara County Crime Lab. Keep all chain of custody records up to date and accurate.
- Medical reports will be turned over to the Sexual Assault Investigation Unit at the time of booking.
- Sexual Assault clothing with biological evidence will be stored in paper bags. Evidence received in paper bags will be stored intact, after verification. Minimize handling to preserve evidentiary integrity. Biological/Sexual Assault evidence will NOT be stored in plastic bags.

#### 11. FINGERPRINT EVIDENCE:

- Booked property being held for fingerprinting will be processed with care. Use gloves if property has to be handled for verification. Listed property must have a “print” tag attached to alert property staff. Property Report should also note the need to have the item printed. Items being held for fingerprinting will be stored in paper bags.
- Fingerprinting will be done by a community service, booking or investigating officer.
- If an officer requests that a firearm be processed for fingerprints, that firearm will automatically be sent to the Crime Lab along with the next scheduled IBIS batch.

#### 12. PERISHABLE ITEMS:

- Because it is unlawful for any person to hold or display any potentially hazardous refrigerated food at any temperature above 45 degrees Fahrenheit, the Property Facility, with its lack of the necessary cold storage ability, will not store any perishable items. (113871 HS / 113885 HS / 113996 HS)
- Perishable or consumable items may be received and photographed for documentation by officer; items will be destroyed immediately.



### 13. FOUND AND SAFEKEEPING PROPERTY

*Ref CA Penal Code Section 1411/1413*

*Ref CA Civil Code 2080 et Seq.*

*Ref San Jose Municipal Code Sections 4.16.110 through 4.16.130*

*Ref San Jose Police Department Duty Manual Section L5700*

### 14. FOUND PROPERTY:

Property that has been found and turned in will be researched by the officer/property specialist to determine ownership. If ownership can be determined, a notification letter (Form 202-18) will be drafted by the property specialist and sent out. Owner will be allowed 90 days to retrieve property. After 90 days, if property has not been claimed, the property staff is authorized to dispose of property according to mandated ordinances. If property remains unclaimed at the end of the holding period, Property Specialist will determine which items can be offered to the finder. Property report will be given to the designated Property Specialist for authorization to release to finder. Send property notification letter allowing 90 days for finder to respond. If property remains unclaimed Property Specialist may dispose of property in accordance to regulations and laws.

### 15. SAFEKEEPING PROPERTY:

Safekeeping property is personal, non-criminal property that has no evidentiary value to an investigation and can be given back to an owner immediately with the exception of firearms. The owner's name MUST appear on the Property Report. A letter will be sent to the owner of the property detailing the process to claim property. Safekeeping property will be held for a maximum of 90 days with proper notification through the mail. Safekeeping property will be held for a maximum of 90 days without notification. Property personnel will make final disposition on all items booked for safekeeping (with the exception of firearms) at the end of the holding period. Clearance for release, auction or destruction can be authorized by the designated Property Specialist.

- ➔ Evidence cleared for Return to Owner is subject to the same procedures as Safekeeping property beginning at the moment of clearance.

## AUDIT

The Police Property Facility is subject to an annual audit executed by the Bureau of Administration Captain/Program Manager. The purpose of this audit is to ensure the accuracy of the Unit's property and evidence procedures. The audit includes, but is not limited to:

- The ability to demonstrate the evidence storage process from booking to destruction
- The ability to locate and retrieve property in a timely manner
- A visual inspection exhibiting a neat, organized and well managed work space

## **VII. PACKAGING GUIDELINES**

The San Jose Police Property Facility's custodial responsibility involves storage, safekeeping and management of property booked by San Jose police officers. The booking procedure involves the processing, verification and packaging for long term storage of evidence, safekeeping and found property. Packaging procedures were developed to set a standard for the property unit. These standards are in place in order to enhance the security, preservation, handling and storage of property.

### **1. GENERAL PACKAGING GUIDELINES**

- Minimize the handling of evidence, often visual verification is sufficient.
- When securing bags, use just enough staples to ensure the property tag is affixed on the bag and that the bag is securely closed. Make sure all loose staples are removed and bags appear neat.
- If a bag is torn, either place it inside another bag or repackage property into a new bag, if appropriate.
- If property tag is attached to property with wire, make sure the wire is securely wound around itself and the property. If not, replace the wire.
- When using plastic bags for packaging, neatly trim any excess above the wire tie.
- Non-serialized items may be grouped by type (all clothes or all narcotic paraphernalia) and suspect and given one barcode.
- Unique serialized items should be given their own barcode, with the exception of multiple cell phones/pagers.
- Use gloves when handling property. Change gloves often to avoid contamination/co-mingling - especially before coming in contact with anything that may be tested for DNA.
- Use a mask when appropriate.
- Any additional information, corrections, descriptions, discrepancies or incidents concerning the property should be noted on the Property Report and forwarded to the investigating officer.

## 2. SPECIFIC PACKAGING PROCEDURES

HOMICIDE EVIDENCE is packaged, sealed and booked in RMS [REDACTED] and on a tech log by the Crime Scene Unit. The tech log remains with Crime Scene Investigators. Property personnel do not open sealed evidence booked by CSU officers. If there appears to be a discrepancy, contact the booking CSU officer at X4169.

- Each individually packaged items on a Homicide or Officer Involved Shooting Case is to be issued its own barcode.
- All property is to be located/scanned into a retention box and placed on the homicide shelves [REDACTED]. All larger items are to be boxed (if possible) and located in the bulk homicide storage locations.
- Verify the item numbers against the booking log.

BIOLOGICAL/SEXUAL ASSAULT EVIDENCE is to be packaged in paper bags. Do not remove evidence from bags. If multiple items are packaged together, use gloves to minimally move items for necessary verification. Visually verify evidence whenever possible. Keep suspect and victim evidence separate - use different large paper evidence bags to package each individual's evidence. Do not use a plastic bag for the outer packaging.

MONEY is sealed in a clear Kapak envelope and initialed by Central Supply staff and the booking officer. Do not open. Verify total on the Property Report in RMS [REDACTED] against the total on money envelope.

FIREARMS will be rendered secure, packaged and located appropriately in the [REDACTED]. All information listed on the property tag (serial number, make, model, caliber, type and action) must be verified with any corrections in red ink. Note/document any/all corrections and forward them to the OSSD Firearms Handle. Firearms being held for prints are to be packaged in a paper bag/envelope or in a box, with the property tag secured to the outside.

AMMO is to be packaged separately and located in the ammo storage area [REDACTED].

NARCOTIC PARAPHERNALIA EVIDENCE often has residue and gloves should be worn to preserve evidence and minimize exposure to property personnel. Syringes are to be packaged in sharps needle containers. Glass pipes should be packaged to minimize risk of breaking during storage.

KNIVES should be taped closed and/or rendered safe.

WET PROPERTY is to be thoroughly dried before locating. In the drying room, cut a length of butcher paper and place in any available area. Write the case number, the date and your initials on the butcher paper in a visible area. Carefully spread the property so it will dry and keep the original packaging materials with the property. After the property has dried, place it in the paper bag in which it was originally packaged. If necessary, place that bag in an additional bag. After removing from drying room, clean and disinfect area so as not to contaminate future items.

EVIDENCE HELD FOR DNA is to be packaged in an envelope or paper bag and kept in a frozen or refrigerated state to preserve the evidence until it is determined no longer needed to be preserved by the investigating officer. See entry under *BOOKING OF SPECIFIC PROPERTY*.

“PRINT” EVIDENCE is to be packaged in paper bags. Plastic bags can compromise prints. Property should be visually verified.

AUDIO TAPES, VIDEO TAPES, CD-RS should be packaged in a 6x9 envelope with the barcode and case number on the outside of the envelope as these items often get checked out. Locate with the rest of property on the same case.

## VIII. STORAGE

### 1. LOCATING GENERAL PROPERTY:

6X9 ENVELOPES- Sometimes as many as 50% of the cases that are booked have evidence that is packaged in 6x9 envelopes. Even if evidence is packaged in a bag, it can be placed in a 6X9 envelope if it fits. Do not force or risk damaging evidence to fit it into an envelope. These envelopes are filed in case number order and scanned to the location F15-1 (Safekeeping and Found property in 6x9 envelopes are to scanned to D11-1)

RETENTION BOXES - Property on Homicide cases are located in retention boxes. This is done to better manage the numerous items that are collected for such cases.

3.0 BOXES- Larger property should be located into a 3.0 box- either several cases in one box, or one large case per box. Heavier boxes should be located on the lower shelves, lighter boxes on the top shelf.

LARGER BOXES- Large items or oddly shaped evidence can be stored in larger boxes- 4.5, E, lamp, etc. These boxes should be placed in locations on the floor.

### 2. LOCATIONS:



### 3. STORAGE – LENGTH OF TIME

As laws change, mandatory holding times vary. Refer to CA DOJ and /or local DA for information.

## TRANSACTIONS

A “chain of custody” will be maintained and documented at all times. All property leaving or returning to the property room for any reason will be properly signed for on the property report as required by unit procedure and applicable laws. When evidence is to be removed, the following procedures will be utilized:

- Complete Evidence Continuity in RMS [REDACTED] with appropriate verification being done by recipient of the property.
- Use the correct Purpose Code when items are being checked out to ensure a smooth return transaction.
- If the property is being released to someone on a permanent basis, a Property Release must be sent to the Property Handle in order to facilitate the release.
- If an investigator is releasing the Property in the field, a Property Release may be sent after the Property has been released to the owner.

#### 4. PROPERTY SIGNED OUT FOR COURT

The court system often retains property as court exhibits and often our department is not advised of the location of this evidence. To alleviate this problem a “Property Receipt Form” (Form 200-13d) will be signed by the Court Clerk each time property is retained by the court (see copy).

Whenever any property or narcotics are signed out to court, a form 200-13d will be given to the officer. In the event any property is retained by the court as evidence, the item or items retained will be listed, by the officer, on the form. The officer will then complete the form with the following information:

- Case number
- Date property released
- Item number(s)
- Description of evidence
- Officer’s signature and badge number
- Court Clerk’s signature
- Check which Court and department # where the property was retained
- Court docket number

A copy of the form will be left with court clerk, a copy will be retained by the officer and the original will be brought back to the Property Facility to be scanned and attached to the GO. If the Property Facility is closed, the Property copy will be routed or returned as soon as possible.



## 5. CLEARANCE FOR RELEASE

A clearance for release of any property will only be authorized when an appropriate Investigating Officer sends a Property Release to the Property Handle via RMS [REDACTED] or by E-Mail. A telephone call in-lieu of digital mail is not authorized. Persons authorized to release property are:

- Chief of Police
- Asst. Chief of Police
- Deputy Chief
- Captain/Lieutenant in charge of Bureau
- Property and Evidence Supervisor
- Assigned Investigator

## 6. RELEASING PROPERTY

When a citizen arrives to pick up releasable items, they MUST provide a valid photo ID. Property personnel have access to booking photos for most events through RMS [REDACTED], if a photo ID is not provided.

## 7. RELEASE OF MONEY

When written clearance by the investigating officer to RTO money has been received, or when money is signed out to court for investigative purposes, the following steps will be followed:

- A designated Police Property Specialist will be contacted to verify release authorization and for the physical release of the money.
- The safe entry log will be filled out and completed to record the transaction.
- The money will be removed and examined by both Property Specialists to ensure there has not been any tampering of the evidence envelope.

When releasing money to a citizen or a department member, the recipient will be required to supply the following information:

- Citizen: valid ID, current address and telephone number
- Department member: proof of identity, badge number and destination

The property report receipt will be signed electronically by the recipient for all money received. RMS [REDACTED] will automatically document the identity of the Property Specialist releasing the money.

A designated police Property Specialist will review and verify all entries for accuracy after transaction is completed.

## 8. FIREARM RELEASE

Upon adjudication of case and subject is requesting the return of a confiscated firearm, California state law requires that the individual applies for eligibility clearance from the Department of Justice. Effective January 1, 2005, section 12021.3 is added to the Penal Code and states that any person who claims title to any firearm that is in the custody or control of a court or law enforcement agency and who wishes to have the firearm returned to them shall make application for a determination by the Department of Justice as to whether he or she is eligible to possess a firearm. Therefore, effective January 1, 2005 prior to law enforcement's return of a firearm to its owner, the individual seeking the return of the firearm must complete and submit to the DOJ a Law Enforcement Gun Release Application. Requestor must apply to DOJ, pay the required fees, and receive approval to possess before any firearm will be released. Individuals may go online to <http://ag.ca.gov/firearms/forms/index.html> to download and print a copy of the eligibility application. Once eligibility has been established, assigned investigator must complete all items on the SJPD Firearms checklist, attach this list to the GO and send a Property Release via [REDACTED] to the Property Handle. The Property Facility will retain the original authorization letter sent from DOJ to the applicant. This letter (original letter will bear gold seal) along with all gun release paperwork will be attached to the GO in RMS [REDACTED]

## SAFEKEEPING MARIJUANA RELEASE

All individuals picking up Safekeeping Marijuana must sign a "Hold Harmless and Release" form located at the front desk. If the owner is under 21 years of age, s/he must also present a valid Medical Marijuana Identification Card in order to receive the Marijuana.

## 9. CHAIN OF CUSTODY VIEWING LOG

If the investigating officer wishes to view evidence without checking it out, the transaction will be noted on the chain of custody viewing log. This is a single page property facility form that will be attached to the Property Report as a permanent record. This form will also be used in the following circumstances:

- An investigator wants to view evidence and a property staff member is not going to be with the property the entire time
- An investigator wants to authorize a DA to view the property without accompanying the DA to the property facility
- An investigator views the property with someone who is not a member of the San Jose Police Department (ex. attorney, victim, etc.)
- An investigator makes a copy of a cd using duplicating software while at the Property Facility.

Under these circumstances, the chain of custody viewing log will be filled out in its entirety with the case number, date, time, who property is being released to for viewing, the police property specialists information, the items viewed and additional people present.

## 10. AUTHORIZING EVIDENCE VIEWING OR PICKUP BY OTHER AGENCIES

A San Jose Police investigator assigned to a case may authorize a representative from the District Attorney's Office to view and/or check out evidence on a case via the telephone, email or RMS [REDACTED] Mail. The investigator must contact the Property Facility and provide the name of the representative and the case number which will be noted on the chain of custody viewing log along with the investigator's information. Scan and attach the viewing log to the property report in RMS [REDACTED]

A San Jose Police investigator assigned to a case may authorize a representative from another law enforcement agency to view and/or make photocopies and take photos of evidence on a case via the telephone. The investigator must call the Property Facility and provide the name of the representative and the case number which will be noted on the chain of custody viewing log along with the investigators information and attached to the property report. If a representative from another agency wishes to take custody of any evidence, the assigned investigator will have to send a Property Release to the Property Unit Handle in RMS [REDACTED]. Any exceptions to this procedure will have to be approved by the Property Supervisor and the assigned investigator.

## 11. SHIPMENTS OF PROPERTY

Shipments of items to other jurisdictions are the responsibility of the Property and Evidence Unit and are to be accomplished at the request of an investigator, owner or other authorized person or agency.

## 12. FIREARMS

Firearms will be shipped to other law enforcement agencies or to a federally licensed firearm dealer. Under no circumstance will a firearm be shipped to a private citizen/residence. Firearms will be sent via United Parcel Service. When a request is received from an investigator, he/she will supply the following information:

- Item(s) to be shipped
- Complete address of recipient
- Person to whom shipment is consigned.
- Any related documents they wish to enclose.

Items to be shipped via UPS must be sent to an address number and street name. Shipments cannot be sent to a Post office box.

## 13. SHIPMENT OF ALL OTHER PROPERTY

Any person requesting that their property be sent to them must mail, e-mail or fax the Property Facility a letter granting permission to do so. This letter must include name, SJPD case number, address the property is to be mailed to, property to be shipped and a signature. Property will either be shipped UPS - COD or Fed Ex with an account number. Property to be shipped will be packaged neatly and properly and conform to shipping agency size and standards.

## 14. PROPERTY RECEIPT LETTER

A property receipt letter will be placed in the package. It will reflect the items that are being sent, the case number and the date of shipment. A self addressed stamped envelope will also be enclosed. The returned signed property receipt is to be scanned and attached to the Property Report in RMS [REDACTED]

# **SURPLUS PROPERTY**

## **15. PROPERTY FOR AUCTION (SEE AUCTION PROCEDURES)**

The San Jose Police Department, Evidence Control Unit, is responsible for the processing and delivering of surplus and unclaimed items to General Services for auction purposes. San Jose City Ordinance requires certain items and categories of property be disposed of by means of public auction. Property for auction is governed by an “auction of unclaimed surplus equipment/disposal of unclaimed property” memo that has set forth the following procedure:

- Select items that are legally available for disposal (auction).
- Prepare a “transfer of unclaimed Property” form (auction list)
- List should include case numbers, descriptions, serial numbers and quantities.
- Notify GSA purchasing agent that property is ready for transfer.
- Schedule appointment with GSA purchasing agent to review property and auction list.
- Contact auction company to schedule appointment to review and photograph property for Auction
- Schedule auction pick up after auction has been completed on-line.
- All parties present when releasing property must sign and date “Auction List”.
- Send Property cancellations to Records.

Whenever provisions of other laws (California Penal Code, Civil Code or other regulations) require specialized treatment of certain property, those provisions will be followed by the Chief of Police or his representatives. This includes, but is not limited to, contraband, narcotics, firearms or other dangerous weapons, explosives or ammunition, alcoholic beverages, items that must be held for evidence or appeal purposes and items without serial numbers, etc.

## **16. REQUESTS FOR SURPLUS PROPERTY BY DEPARTMENT MEMBERS FOR DEPARTMENT USE**

- Requests for abandoned/unclaimed auctionable property from closed/adjudicated cases will be submitted to the Police Property Supervisor.
- Requests will be written up on a chain of command transmittal memo and processed for approval through the requesting Unit’s chain of command.
- Once approval has been received by the Property Supervisor, the release will be entered into Versadex.

- Property Personnel will release property upon signature of requesting officer.

## **DESTRUCTION OF PROPERTY**

When property has been cleared for destruction, the following methods for disposal will be followed:

### Biohazard Bins

- Hypodermic Needles
- DNA Swabs
- Anything with biological fluid (Blood, Semen, Etc.)

### Metal Drums

- Spray Paint
- Butane
- Mace, Pepper Spray
- Road Flares
- Denatured Alcohol
- Any Hazardous element not included above.

### E-Waste

- All Electronics (Computers, Cell Phones, MP3 Players, Televisions, Etc.)
- Hard Drives Removed from Computers and Smashed.
- Batteries removed from Electronics, Taped and placed in separate designated bins.

### Recycling Bin

- All paper and cardboard items.
- All bottles and cans with contents emptied.
- All plastic bags and containers made of recyclable plastic.

### Dumpster

All items that do not meet the above criteria are suitable for the dumpster.

All documents with personal information are shredded.

All photographs are shredded.

All alcohol, regardless of value, is emptied from its container and discarded. The containers are placed in the recycling bin.

All narcotic pipes are smashed and placed in the dumpster.

Legal Knives are placed in the garbage bin. Illegal knives and other illegal weapons are stored until gun destruction. On the actual destruction date, they are taken with the guns to be incinerated.

All live ammo is turned over to the San Jose Police Department Range.

Pellet, BB, Paint Ball and other recreational type guns are made inoperable and placed in the dumpster.

Bikes in fair or better condition are auctioned. Bikes in poor condition are placed in the dumpster.

All counterfeit merchandise is destroyed. It will not be sold or donated.

License Plates are returned to the Department of Motor Vehicles after designated hold time.

Counterfeit money is turned over to the US Secret Service.

All Passports are turned over to the US Passport Agency.

#### Donations to Salvation Army

- New and gently used clothing and shoes.
- New toiletries.
- Personal grooming items (Hair dryers, Clippers, Flat Irons, Etc.)
- Housewares.
- Books, CD's, DVD's.
- Costume jewelry.
- Bikes in good or better condition.

#### Auction

- Bikes of high value.
- Power tools in excellent condition or new.
- Electronics and computers in original packaging.
- High-end designer accessories.
- Jewelry valued at \$50 or more.
- Any item deemed suitable for auction.

## 17. DOCUMENTATION OF DESTRUCTION

Documentation of destruction will be entered into the Storage Control RMS [REDACTED].

## 18. DESTRUCTION NOTE

Taking property that has been “destroyed” for personal use is not permitted at any time.



# GENERAL POLICIES

## 19. RELEASE OF RECORDS/INFORMATION

Case information may be released only under the following circumstances:

- To law enforcement agencies for law enforcement purposes only.
- To criminal justice agencies and personnel for purposes necessary for the administration of the laws
- To persons reasonably believed to be victims or their attorneys, insurance representatives, or other agents, upon acceptable proof of that representation.
- To any governmental agencies for the purpose of the performance of their functions if specifically authorized by statute.

Under no circumstances will a Police Property Specialist give a copy of a Property Report to anyone other than a SJPD Representative directly associated with the case. Anyone else requesting a copy of a Property Report will be referred to OSSD/Records or the investigating officer.

Approval of investigator:

Supplemental or follow-up case information shall not be released to other law enforcement agencies without the knowledge and approval of the assigned investigator or unit supervisor.

## 20. GENERAL GUIDELINES FOR TELEPHONE CALLS

- When receiving a telephone call, please identify yourself as follows: “Police Property, may I help you?”
- Use of computer will be necessary to inquire about the case. Individuals will need to provide case number, name and date of incident. Use the system to retrieve all pertinent information regarding the case.
- As per Department and CJIC training, information will be released to only those involved with the case on a “need to know, right to know” basis. Please use your experience and judgment when releasing any information to the public as it may affect the outcome of a criminal case.
- Serial numbers and descriptions of property will not be given out over the phone to the public unless authorized by investigator or Property Supervisor.

- Citizens can be referred to investigating officers whenever questions arise.
- When a person from another agency calls for information take the person's name and number and call back through the agency's main number and ask for that person to verify their identity before giving out information pertaining to the case.

## 21. FREEZER- POWER OUTAGE RESPONSE

If the freezer temperature control alarm goes off during working hours, call [REDACTED]

If there is a power failure for any length of time, the freezer will trip and [REDACTED] will have to be called to reset it. The digital temperature at the far left of the freezer will start to rise within the hour.

In the event of a power failure, or any other technical problem with the Evidence Freezer at the San José Police Property Facility, Property personnel will be alerted to an audible freezer alarm through both Sonitrol Security system and the telephonic high temperature alarm (after hours). Property Facility contact list includes:



All Property staff are subject to call back if needed.

Responding Property personnel will make contact with at least one other property staff member and both members will proceed to the Property Facility and assess the situation. If freezer alarm is still activated, property staff will disarm and contact on-call [REDACTED] staff to respond to the facility to service, repair and restart the freezer once the power has been restored.

- ➔ Staff: At this time, we have authorization to call [REDACTED] directly in the event of a service need. However, if the service call is for anything other than a power failure, GS Maintenance 918-7840 must be left a message informing them of the date, time and nature of the service call.

## **SANTA CLARA COUNTY CRIME LAB EVIDENCE PICKUP PROCEDURES**

### **IX. POLICY:**

The San José Police Property Facility picks up evidence [REDACTED] from the Santa Clara County Crime Lab (SCCCL). [REDACTED]

[REDACTED] One pickup is for evidence to be stored at room temperature and one is for evidence to be stored in the freezer. [REDACTED]. The office calendar will be noted with which pick up will be done [REDACTED].

### **X. PROCEDURE:**

The only materials needed for lab pickup are handled paper bags and/or plastic bags to transport property.

IBIS runs require the IBIS batch list with signature column.

#### **A. SANTA CLARA COUNTY CRIME LAB**

The Property vehicle can be parked in the designated Evidence [REDACTED] spaces [REDACTED].

Ring outside bell and someone will buzz you in.

Once in the lab, a Sheriffs Technician will pull the property to be picked up. They will scan all the property once for their records. They will then scan the property to you (you will need to have your SCCCL issued ID barcode).

Accept property. This includes signing the SCCCL chain of custody on each piece of property. Check each piece to make sure it belongs to SJPD and not another agency. Homicide evidence will be picked up by the Crime Scene Unit.

The Sheriffs Technician will print out receipts for the property you've received. Each piece of property (one case may have several pieces) will have its own line on the receipt.

Match each piece of property to the receipt. Each receipt and each piece of property should have both a SJPD case number and a lab "M" number.

Once the property is checked against the receipt and everything on the receipt is accounted for, sign the receipt. Have Sheriff's Technician make a copy of every receipt for our records.

Chain of custody will be maintained at all times.

## **B. PROPERTY FACILITY**

Upon return to the Property Facility, organize all the property that was transported.

Update the Chain of Custody of each item by batch scanning all items to the Property Warehouse using the Evidence Continuity.

Process returned property and verify each item against the receipts to account for all items. If necessary, open bags (use gloves) and reseal when finished verifying. Scan and attach lab receipt to the GO in RMS [REDACTED]

If we receive property from the lab that does not have a San Jose Police Department bar code, first determine why.

If the bar code was misplaced or lost, simply print out a new barcode.

If the item was taken straight to the lab without being booked in, then contact officer to book the item in on a Property Report. This can be done remotely from the officer's computer using RMS [REDACTED]

If the item was generated at the lab, then the PPS can book in this new piece of evidence on a Property Report under the original case number in RMS [REDACTED]. The Investigator will be able to see the new property attached to the case immediately following its entry.

Locate property as usual, following normal booking procedures.

## **PROPERTY CLEARANCE**

It is the responsibility of the Bureau of Investigations to review all cases and contact the Property and Evidence Division to enter the clearances for the disposition of the evidence that was seized and in San Jose Police custody. The clearances should be sent over as soon as cases are adjudicated or determined to be closed with no further action required. Property Clearances are processed on a daily basis as the Property Facility receives them.

Tiburon cases: Refer to Prior Duty Manual last updated 2010.

RMS [REDACTED] Cases: Investigator will send a Property Clearance through RMS [REDACTED] Mail to the Property and Evidence Handle. This clearance will include dispositions for all property. There is a template available in RMS [REDACTED] Mail to assist investigators with this process.

Upon receipt of the Clearance in the Property Handle, designated PPSII's will review the clearance and enter all the necessary information. Letters will be generated and mailed for any property being returned to the owner.

### **C. SIGNING OFF F-13'S**

Refer to Prior Duty Manual last updated 2010.

## **Procedures for turning over Unclaimed Currency to City Treasury**

Produce a list of cases with cash dispositioned to be Turned over to City Treasury. Currency is always processed by (2) Police Property Specialists' at all times for security, verification, and accuracy.

Retrieve and secure money cases from safe to process.

One Property Specialist processes the currency while the other verifies the reported money amounts.

### **XI. Handling Currency:**

- Verify case #, with other PPS to make sure you have the correct case.
- Verify the amount and denominations of money with other PPS.
- Place currency into stacks according to their denominations.
- When verifying your final count, currency should be bundled into certain denominations and rubber banded:
  - \$100's = 20
  - \$50's = 20

\$20's = 25

\$10's = 25

\$5's = 20

\$2's = 25

\$1's = 25

Coins = separated by denomination.

- Add up currency and enter denominations onto a Final Count Worksheet.
- Verify final count with other PPS handling the reports to verify accuracy and total.
- Prepare a deposit slip using the Final Count Worksheet.
- Make a photocopy of the deposit slip to be attached to your City Treasury Report.

## **XII. Package up Currency:**

- Seal currency in a bank deposit bag along with the top copy of the deposit slip.
- Currency is to be secured and put back into the [REDACTED] in the designated area until it is picked up by armored car courier.

## **XIII. Complete City Treasury Report:**

- Enter all case numbers along with bar codes and money amounts into the City Treasury Excel Worksheet.
- Label your report with the proper City Treasury transfer number (CT followed by last 2 digits of the year and then deposit batch number) Ex: CT19-06 is the sixth batch of money processed for City Treasury in 2019.
- E-mail Police Property Supervisor your completed City Treasury Report along with the copy of its corresponding deposit slip.
- Supervisor will send information to Fiscal and Fiscal will send us an Edit List.
- Once Edit List is received, money can then be transferred to the bank via prescheduled armored car courier.
- After money has left the Property Facility, signed Edit List will be delivered to Fiscal at City Hall by week's end,

## **RETURNED LETTERS**

The San Jose Police Department Property Facility responds to all property notification letters returned as undeliverable by the USPS. An attempt is made to find an alternate/updated address for any returned letter.

## 1. LETTERS WITH FORWARDING ADDRESSES

- Open these letters first.
- Verify if the property is still here by checking in RMS [REDACTED]
- If the property is no longer here, shred the returned letter and envelope.
- If the property is still here, generate a new letter with the forwarding address provided by the post office on the front of the returned envelope.
- Mail new letter and attach a copy to the Property Report.
- Scan and attach the envelope and letter that were returned to the Property Report, as well.
- Update the suspense date in the Storage Control portion of the Property Report to reflect new letter being sent.

## 2. LETTERS WITH NO FORWARDING ADDRESSES

- Open letter.
- Verify if the property is still here by checking in RMS [REDACTED]
- If the property is no longer here, shred the returned letter and envelope.
- If the property is still here, check RMS [REDACTED] for a new address.
- If no current address is found, notate that on the returned letter with the date. Scan and attach a copy of the returned letter to the Property Report.
- If a new address is found using RMS [REDACTED] notate the new address on the returned letter.
- Generate a new letter, attach a copy to the Property Report and mail it in a standard department window envelope.
- Update the suspense date in the Storage Control portion of the Property Report to reflect new letter being sent.

## **B. COUNTERFEIT MONEY**

Counterfeit money will be dispositioned TOT United States Secret Service (TOT USSS) on all cases that it is booked on. Once a fair amount of dispositioned counterfeit currency is collected, a list of those cases along with the corresponding bar codes for the currency is produced with signature lines for both USSS and the Property Specialist handling the transaction.

Once list is produced, the USSS Special Agent in charge at the San Jose office will be notified and an appointment will be scheduled. During the appointment time, the Agent will examine each bill to verify it is counterfeit. Any bills that are determined to be genuine will be returned to the safe and the disposition code will be updated to Turn over to City Treasury.



## **MONTHLY / QUARTERLY STATISTICS**

The first week of every month, the prior month's statistics are compiled.

The stats are comprised of the total month's incoming and outgoing evidence, safekeeping and found items. Additional stats that are included are:

- Evidence Case Items Cleared
- Cash Cleared to be turned over to City Treasury
- Guns Cleared to be destroyed
- Cash physically turned over to City Treasury
- Bikes turned over to Auction / Salvation Army / Destroyed

Quarterly stats are compiled using the stats from the months included in that respective quarter. After the quarterly stats have been compiled, they are submitted to the Property Supervisor to be included in the Program Manager's Report.

# IBIS PROCEDURES

## 1. FIREARMS FOR IBIS:

- The Police Property Facility will automatically send eligible firearms and casings to the Santa Clara County Crime Lab for entry into the Integrated Ballistic Identification System (IBIS). Evidence and Found firearms are eligible for IBIS entry. Safekeeping firearms are not sent to the lab.
- Eligible Firearms:
  - Semi auto pistols
  - Pump action and semi auto shotguns
  - Any firearm that has been modified (ex. shortened barrel)
  - All assault weapons
  - All semi-auto rifles
  - All casings and expended rounds
- When a firearm is determined to be eligible to be sent to IBIS, the booking PPS will verify all pertinent firearms information in RMS [REDACTED] and the back of the Firearm tag. The RMS [REDACTED] barcode sticker should be on the front of the firearms tag, and attached to the firearms.
  - Make
  - Model
  - Caliber
  - Type (Pistol, Revolver, Rifle, Shotgun, etc.)
  - Action (Semi-Auto, Pump, Lever, Single shot, etc.)
  - Serial Number
  - Barrel Length
  - Overall Gun Length (Required for all long guns only)
- In RMS [REDACTED], Storage Control the firearms should be [REDACTED]
- Handguns and affixed firearms tag with barcode should be place into a Manila envelope of the appropriate size. The case number and item number should be written on the envelope, and a SCC Crime Lab, Chain of Custody label affixed to front of the envelope.  
[REDACTED]
- If the firearm is booked in on a form 200-13 (F-13) all pertinent information should be verified on the F-13 and marked with a red check mark to indicate that it was verified. Affix a RMS [REDACTED] barcode to the F-13, matching barcode is affixed to the firearms tag on the gun. Using the handheld barcode scanner, scan the firearm barcode [REDACTED]. Handguns and affixed firearms tag with barcode should be place into a Manila envelope of the appropriate size. The case

number and item number should be written on the envelope, and a SCC Crime Lab, Chain of Custody label affixed to front of the envelope. Locate the firearms [REDACTED]

- Place the F-13 in the IBIS file on the desk of the Property Specialist assigned to process IBIS.
- A unique IBIS number is generated bi-weekly, [REDACTED]. The number is structured as IBIS(YR)-(WK). This number should be noted on the item packaging and property tag, and on the F-13 if using one.

### **Create IBIS List**

- Using the “Group Transaction” function for Storage Control scan all item to the “AT IBIS” storage location. Once all items have been scanned click on the “Process” button at the bottom of list. Then click “Print” button, When Dialog box pops up, select the excel spreadsheet option from the drop down menu and click the “Preview” button. Save the list to your desk top or designated folder, and name file with current IBIS number. Finally click the “Finish” button on the Group Transaction page. RMS [REDACTED] items on a Form #13 property reports will need to be scanned with a location code of the current IBIS number and information manually entered onto the excel spreadsheet.

### **Packaging**

- Wrap all Long guns in white butcher paper and tape seal packaging. Affix Crime Lab chain of custody label, with marking pen write IBIS number above label in large print.
- Handguns are individually packaged in an appropriate sized, tape sealed manila envelope with affixed Crime Lab chain of custody label. Write IBIS number below label with marking pen in large print.
- Spent bullet casings are packaged in a tape sealed 6” X 9” size manila envelope. Attach a Crime lab chain of custody label to package. Write IBIS number below label with marking pen in large print.

## **Transfer Continuity**

Before leaving the Property facility an Evidence Continuity from Warehouse to Santa Clara County Crime Lab needs to be entered.

- Using the Group Transaction, click on the Evidence Continuity function and follow the Group evidence continuity steps.
- STEP 1: Click on the group type “I will be transferring property items out of the Property room” then click next step.
- STEP 2: In the Transfer information section at the top of the Transaction Details page enter
  - Purpose code “A” analysis,
  - From “Warehouse” ,
  - Enter your badge number in “Custodian” and “Transporter” fields.
  - Enter the Current date and time
  - Enter the current IBIS number in the “To” field
  - Enter “SCCCL” code in the recipient field.
  - Enter the Action code “H”
  - Click on the Next Step button
- STEP 3: Scan all items to the items list page, then click the “Process” button. Then finish.

Print and sign two copies of the IBIS list, one for the lab to retain, and one to be kept at the Property Facility.

## **CIBER LIMS Entry**

All items need to be entered into the Santa Clara County Crime Lab entry database XXXXXXXXXX program. Enter all pertinent and required information into system prior to transferring items to Crime Lab.

## **Crime Lab Transfer**

- Deliver all Firearms and items to the Santa Clara County Crime Laboratory. Confirm items transferred to crime lab with lab clerk. Sign all Crime Lab receipts and have Lab clerk sign as well.
- Confirm all items being returned from the lab and mark them off the appropriate IBIS lists, sign all Crime Lab receipts and have Lab clerk sign as well.
- Ask Lab clerk to provide you with a copy of all signed receipts.

## Crime Lab Returned Items

All items being returned from the crime lab need to have an Evidence Continuity from the Santa Clara County Crime Lab to Warehouse entered.

- Using the Group Transaction, click on the Evidence Continuity function and follow the Group evidence continuity steps.
- STEP 1: Click on the group type “I will be returning property items to the Property room” then click next step.
- STEP 2: In the Return information section in the middle of the Transaction Details page enter
  - Current date
  - Current time
  - Enter “SCCCL” code in the Transporter/Returner field
  - Enter your badge number in the Received by Field
- STEP 3: Scan all items to the items list page, then click the “Process” button. Then finish.

Verify firearm information with RMS [REDACTED] entry to confirm appropriate data entry.

Assign new storage location for all returned items and make storage control entry in RMS [REDACTED]. Place all items and items in new storage location.

Scan all signed Crime lab receipts, and attach to the appropriate property report.

# **GUN DESTRUCTION PROCEDURES**

## **XIV. POLICY:**

Any firearm or other deadly weapon taken into custody and held by a police department for longer than 12 months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and destroyed as provided in subdivision (c) of Section 12028 of the California Penal Code. The San Jose Police Department does not permit sale of weapons taken into custody during the commission of a crime. If a weapon can not be legally returned to the owner, it will be destroyed during the next annual gun destruction.

Gun Destruction is currently being done once a year during the month of July unless necessary to conserve resources, per the California Penal Code section 12028.5. (c) Which states: “the weapon, in the month of July, next succeeding, or sooner, if necessary to conserve local resources including space and utilization of personnel who maintain files and security of those weapon, shall be destroyed so that it can no longer be used as such a weapon except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper to the ends of justice.”

## **XV. PROCEDURE:**

### **A. PREPARATION FOR GUN DESTRUCTION**

#### **1. FEBRUARY**

Run initial RMS [REDACTED] list of firearms cleared for destruction.

From the “Property” Tab

Under the “Browse” column, click on the “Items” tab.

This will bring up the Items Browse menu, Click on the “Firearm” tab.

This will take you to the Firearms Property Browse page. Click on the “Storage Control” tab. Towards the bottom of the page under “Disposal Details”

Click on “Method” drop down menu, and enter disposal method code D – Destroy or Dispose

Click on “Disposed” drop down menu, and enter code “No”.

Click the “OK button at the top of the page to generate the list options.

Click on preview and export to excel spreadsheet.

Pull all form 13-200 property reports with weapons that have been cleared with a disposition, from the purge files, highlight the case number, weapons to be destroyed, and the disposition.

- If the disposition is RTO, verify that the suspense period has expired.

All property reports with a disposition of RTO are then given to the assigned unit investigator for verification and re-disposition.

When the reports are returned from the investigator, purge all other property if possible, except property related to the gun, return the reports to the gun purge files.

## 2. MARCH THROUGH MAY

This is the initial preparation of firearms for destruction

- Verify final disposition in RMS [REDACTED], and Form 13 property reports
- Verify all information on the property report, weapons, property tags, and destruction list. Make all necessary corrections.
- Separate ammo, clips, holsters, gun cases, and accessories from the gun. Purge non firearm items at time of pulling.

Locate pulled verified guns in the numbered rack and boxes designated for destruction guns. Enter new location in RMS [REDACTED] and Form 13 property report. After scanning a gun, place an identifying mark with a color pen next to the bar code label on the property report. Create and store the property reports in files labeled Gun Destruction and the year. Note and keep a record of the number of guns in each box or rack.

## 3. JUNE

- Call the destruction company to schedule appointment for destruction.
- Notify SJPD Range master of destruction date to ensure availability to provide transport security.
- Finalize pulling of weapons and prepare for final list verifications and destruction.
- Print a computerized report of all guns identified for destruction.
- Start the inventory of all guns slated for destruction.
- Two Property Specialists will re-inventory and verify all firearms information with the destruction list.
- Make any necessary corrections to the list.

#### 4. JULY

Schedule appointment with SJPD Range and Santa Clara County Crime Laboratory to look through the firearms for any they would like turned over to their Unit/Agency.

If the SJPD Range is to receive firearms from gun destruction, a memo signed by the Deputy Chief of the Bureau of Administration is needed for pick up of selected weapons by the Range.

The Santa Clara County Crime Lab selected weapons will require a Court Order for weapons to be transferred to the Santa Clara County Crime Laboratory.

- All selected weapons must be separated and removed from the gun destruction list and a separate report printed of weapons going to the Range and separate report for the Crime Lab. The Property Unit will retain records of all transactions.

Remaining weapons will be inventoried a second time.

- All weapons will be placed in boxes for handguns and plastic bags for long barreled weapons.
- The Property Specialists will keep a tally sheet of all inventoried weapons and a count of each weapon will be recorded on the outside of the container, boxes and bags will be sealed and initialed on all sides by each Property Specialist assigned to the gun destruction detail.
- Print a new report of inventoried weapons, compare outcome to previous lists, including selected weapons for Range and Crime Lab.
- Verify totals are correct.

#### **B. FINAL PREPARATION FOR GUN DESTRUCTION**

- Confirm with Range Master for assignment of armed police officers from the Range for escort to the destruction site.
- Confirm destruction site are prepared to handle the destruction as scheduled.
- On arranged date, scan weapons as destroyed as they are being loaded into the truck to be transported to the destruction site.
- A property specialist not assigned to the gun detail will count the boxes and bags as they are loaded onto the truck to verify that number of bags and boxes coincides with the number listed on the tally sheets by the gun destruction team.
- **All** participating Property Specialists will sign final list of firearms.



## **C. AFTER GUN DESTRUCTION**

### **1. AUGUST**

After weapons are destroyed, set aside all property reports (F-13) for Range and Crime Lab's weapons until the memo and court order are received. When selected weapons are picked up by the Range and the Crime Lab, scan outgoing weapons and clear remaining reports (F-13). Send a memo to the OSSD Supervisor requesting all destroyed weapons with a serial number be entered in [REDACTED] system as weapons having been destroyed. A separate memo will be sent to OSSD Supervisor with lists of firearms retained for official departmental use by Range or Crime Lab.

All other property reports (F-13) will be updated with the destruction information using the "Gun Destruction Stamp."

Retain all firearm lists and related paperwork to this year's destruction in a binder; put the year of destruction on the outside of binder.

All F- 13 reports should be counted, added to the stats for the month of July, if possible, and filed into the dead file.

Efforts will continue to automate more functions of the gun destruction process. Regardless to the basic function of an automated system; all gun destruction's are governed by departmental policies, the California Penal Code Sections and standard operating procedures. Be sure to review all functions, tasks, roles, responsibilities, values and missions, when any automation is attempted.

# AUCTION PROCEDURES

## **XVI. POLICY:**

The San José Police Property Facility is responsible for processing all auctionable property which will be turned over to the General Services Department for auction. Auctionable items are those that have a worth that makes it practical for us to process for auction. Auctioning of items will be at the discretion of the Property Facility and the auction company. Miscellaneous items deemed not auctionable will be turned over to an approved donation center such as Salvation Army or disposed of in the appropriate manner. Any questions will be referred to the Property Supervisor.

## **XVII. PROCEDURE:**

### **A. INITIAL PREPARATION OF AUCTION**

- During purge process, property will be evaluated for auctionability at the discretion of the Property Specialist.
- Auctionable items will be temporarily stored in the appropriate [REDACTED] locations for processing.

### **B. BICYCLES**

- Unclaimed bicycles are to be processed separately from other property. Bicycles will be processed to turn over to General Services monthly.

### **C. PREPARING AUCTION IN RMS [REDACTED]**

- A computer entry is needed for each item. First verify the Property Information screen that the information is complete, and all appropriate information has been entered into RMS [REDACTED].

To produce an auction report, enter the designated Auction code into the “Location” field in the Disposal Detail section at the bottom of the Property Storage Control page.


- BICYCLE AUCTION or GENERAL AUCTION code.
  - Enter the type of auction, either BICYCLE AUCTION or GENERAL AUCTION.
  - After that type the 2 digit year followed by the auction number for that year.
  - Example, BICYCLE AUCTION 19-10 or GENERAL AUCTION 19-10 would be the 10<sup>th</sup> Bicycle or General Auction so far for 2019.
  
- Print the Auction report using the “Article” search in the Browse items function in RMS [REDACTED]. Enter the Auction code into the “Disposed location” field at the bottom of the Storage Control tab. Export auction list to excel spread sheet. Verify that all property items are listed on the auction report. Make any necessary correction to the list. Rms [REDACTED] items listed on a Form #13 property reports will have to be manually added to the Auction report.

#### **D. FINAL PREPARATION FOR AUCTION**


- Prepare property transfer reports for items (auction list).
- Using the prepared auction report to number the property items numbers with a corresponding report number. For each piece of property, find the item on the list, check it off, and record the number on the property. An example-for General Auction 19-10, the first item pulled could be anywhere on the list. What is written on the item is the year “19”, dash, auction number “10”, and then the number of the item as it appears on the list. Example 19-10-01. Print the item number clearly, and large enough to be easily identified on a piece of masking tape and affix to each corresponding item.
- Once the item is numbered, removed SJPD property tags, and SJPD marking that may have originally been attached.
- When each item on the report has been checked, and the items are numbered, call Purchasing / Surplus Property at [REDACTED]. Advise purchasing representative of quantity of bicycles and general auction items. Schedule appointment for property transfer.

- To prepare for the auction, have four copies of the auction reports: one for the auction company, one for Purchasing, one for records to enter the serial number cancelations, and a copy for the Property Facility.

#### **E. TRANSFER OF PROPERTY**

- 
- The representative from purchasing and the property specialist read off and check the items against their individualized lists as the items are being taken to the truck. Before loading, the auction representative checks the items off his list.
- After the items have been checked off the lists, and the property is on the truck, all three representatives sign each of the auctions sheets, and each keep a copy.

#### **F. COMPLETION OF AUCTION**

- After the auction items have been picked up, each item that has been auctioned needs final disposition entered into RMS  Enter the date, method code "A" for auction, Disposed code "Yes", your badge number, and auction number in the location field.
- On Form-13 property reports, scan the item barcode with the proper disposition code. Write the Auction number that applies to that particular auction, the date of auction, time of auction, and the signature of the property specialist for each auctioned item. File away property reports into "Purge" file or "Dead" file appropriately.
- Add completed auction report to the black auction reports binder, Write the auction number, date of the report, date of auction pick up, and the number of auction items picked up to the list of completed actions.

## **AFTERWORD**

The purpose of this manual is to make available to Property and Evidence Division personnel all information needed for the correct handling of property received. This manual is continuously updated and developed. Additional information and policies will continue to be added as standards and laws change. Please see attachments for in-house policy and procedure amendments.

## **EMPLOYEE RESPONSIBILITIES**

### **1. 1.1 AUTHORITY TO AMEND/REVOKE POLICIES:**

The Police Property and Evidence Division Management has the authority to amend or revoke. Any material contained within this document at any time, except matters and notice as they pertain to the current Memorandum of Agreement with MEF, Local 101, and any policies derived from the SJPD Duty Manual or the City Human Resource Guide.

### **2. 1.2 MANAGEMENT RESPONSIBILITY:**

Supervisors shall be responsible for ensuring that their subordinates have access to the SJPD Duty Manual and up-to-date printed or electronic copy of the Police Property Division Policies and Guidelines. A well-structured property system will have clear, written guidelines as it serves to protect employees from injury and promote government and public trust in the integrity and efficiency of the entire agency. Property manuals will be written, periodically reviewed, and updated by the property supervisors.

Property and Evidence Supervisor has a further obligation to provide revisions to all Property and Evidence Division personnel in a timely manner. The supervisor shall also maintain the archive files, master file and keep a permanent record of all revisions made.

### **3. 1.3 EMPLOYEE RESPONSIBILITY:**

It is the responsibility of all Police Property and Evidence Division personnel to be thoroughly familiar with all provided policies and guidelines, as well as all safety guide lines and procedures. Obviously, safety is a major concern, due to the potential hazards that are built into the job duties. Proper attire and gloves will be worn when handling bloody or contaminated clothing, equipment, or any job duty that could pose a threat when performed.

## **XVIII. 2.0 ORGANIZATIONAL COMPONENTS:**

The San Jose Police Property and Evidence Department is a member of the Bureau of Administration (BOA).

The Property and Evidence Unit is comprised of three individual units.

- Photography Unit: Maintains, Processes and tracks all photographs of law enforcement related purposes.
- Central Supply: Maintains, Processes, and Tracks all City Own Police related gear. In addition the unit processes incoming evidence and stores all narcotic cases.
- The Crime Evidence Unit: Personnel receive, enter, update, purge, and process all incoming evidence taken by police officer from the public and other sources.

The information is entered into a computer databases and directly provide information on storage and the chain of custody of all evidence stored by the San Jose Police department to all law enforcement departments, investigators and the public. The members of this unit verify court orders; citations received from the courts and other police agencies; and enter, query and update information into the appropriate law enforcement computer databases.

### **A. 2.1 STAFFING IN UNITS:**

#### **1. PROPERTY MANAGER THIS POSITION HAS BEEN ELIMINATED DUE TO CITY BUDGET RESTRAINTS**

The Property Manager is the civilian manager of the division who reports directly to the Captain of the Bureau of Administration (BOA). Through subordinate staff, the Division Manager is responsible for overseeing and managing the units within the Division; this manager is responsible for the development of the unit's standards and priorities within the Division. The manager ensures Department policies and procedures are followed; manages budget issues, draw up program plans; oversees the management of the employee training program. Performs specific assignments related to the internal operations of the Police Property and Evidence Division; the manager also investigates and tracks service complaints; and make recommendations for discipline, when appropriate.

## 2. SENIOR POLICE PROPERTY SPECIALIST: POSITION HAS BEEN ELIMINATED

A Senior Police Property Specialist supervises, oversees, directs employees engaged in the day-to-day operations in the Property and Evidence Units, in addition to managing the units in the Property Division are also responsible for preparing schedules to ensure adequate staffing levels are met; reviews and approves performance appraisals prepared by Police Property Specialists II's; reviews and approves trainees; investigates complaints; conducts discipline investigations; facilitates all revised plans of operations; writes or reviews unit procedural memos; and acts as a division liaison for a wide variety of in-house, county and state law enforcement related committees and organizations. Completes specific internal reports; establishes templates for unit assignments. A Senior Police Property Specialist is also required to work as a Police Property Specialist when unit staffing is below minimum. The Senior Police Property Specialist is also required to know and conduct transactions that require data inquiry, entry, and update [REDACTED] computer databases.

## 3. POLICE PROPERTY SPECIALIST II

A Police Property Specialist II performs work of varied difficulty in all property sections and trains and oversees Police Property's Specialist I's staff members. Responsibilities include the following: Releasing cleared evidences to the public when no longer needed for law enforcement purposes; processes all law enforcement transactions related to evidence that were stolen, recovered, impounded, or involved in a felony crime; completes requests for information from the public and law enforcement personnel including requests received via phone, fax, mail, email and teletype; controls the release of evidence to rightful owners. A Police Property Specialist II is also required to know and conduct transactions that require data inquiry, entry, and update [REDACTED] computer databases.

## 4. POLICE PROPERTY SPECIALIST I

The Police Property Specialist I position is an entry-level position. Upon successful completion of the Property Training requirement and probationary period, a Police Property Specialist is assigned to one of daily duties in the unit. Responsibilities may include those listed under the aforementioned Police Property Specialist II classification-including training on how to conduct transactions that require data inquiry, and update in [REDACTED] computer databases.



5. OFFICE SPECIALIST- THIS POSITION HAS BEEN TRANSFERRED TO THE PHOTO LAB

An Office Specialist handles data impute into the RMS computer data program, act, as courier for needs of the unit: Responsibilities also include the following: picks up and distributes departmental mail, and ordering supplies needed for daily duties. In addition, assists with the distribution of small packages. On occasion, the Office Specialist may help with telephone calls when staff shortages occur.

**B. 2.1 DEPARTMENTAL CHAIN OF COMMAND:**

The chain of command shall be observed to enhance the organizational flow of information and to respect the structure of the organization.

- Chief of Police
- Assistant Chief of Police
- Deputy Chief
- Captain of BOA- Division Manager
- Senior Police Property Specialist
- Police Property Specialist II
- Police Property Specialist I
- Office Specialist

**XIX. 3.0 SAN JOSE POLICE CODE OF ETHICS CONDUCT:**

The mark of every profession is a Code of Ethics. The success and reputation of our Police Property Unit depends upon the individual character, commitment to excellence and customer service philosophy of each of our employees.

1. 3.1 CUSTOMER SERVICE PHILOSOPHY:

In representing the Department, Police Property Unit employees play a major role in the perception held by the community in the performance of the San Jose Police Department and polices within the Department. Contacts with the public, other agency representatives and Department members shall be courteous, diplomatic, and professional.

2. 3.2 HANDLING ABUSIVE/RUDE COMMUNITY MEMBERS:

In difficult or emergency situations, employees shall remain calm and in control at all times. In the event a Police Property Division employee encounters a rude or verbally abusive person, the employee shall not respond in a rude or discourteous manner. At the discretion of the employee, the person may be referred to the ranking supervisory staff member.

3. 3.3 IDENTIFICATION:

Employees, while acting in an official capacity, will supply their name, rank and position in a professional manner to any person who may inquire. (Refer to SJPD Duty Manual Section C 1409).

4. 3.4 RELATIONSHIPS WITH OTHER DEPARTMENT MEMBERS:

Members of the Department will treat co-workers with respect. In their demeanor toward their associates in the Department, they will be courteous and considerate, and refrain from all communications that discredit others. In no case shall rudeness or any type of demeaning behavior be acceptable. . (Refer to SJPD Duty Manual)

5. 3.5 TEAMWORK:

In carrying out the mission of the Department, members shall cooperate and coordinate their efforts in a manner that will establish and maintain the highest possible standard of efficiency and conduct. Department members shall cooperate with and assist other members in their departmental work. Any deliberate and unjustified withholding of police information from other members of the department is prohibited. (Refer to SJPD Duty Manual Section C 1405).

6. 3.6 MEDIA REQUESTS:

All media requests shall be processed through the SJPD Press Information Officer (PIO). Media representatives should be advised to call the Information Center Desk officer or a Press Information officer on-call may be contacted. (Refer to SJPD Duty Manual Section C 1903).

**XX. 4.0 CUSTOMER SERVICE COMPLAINTS/INQUIRIES:**

Any concern, complaint, or question relating to any service provided by Police Property Unit Division personnel shall be investigated promptly and in accordance with established procedures. Personnel receiving an inquiry or complaint about operations or conduct of members shall forward it to the on-duty supervisor immediately.

1. 4.1 INTER-DEPARTMENTAL COMPLAINTS:

Complaints received from other department members shall be reported via the chain of command and investigated by the appropriate supervisor. If the complaint is of a serious nature, the supervisor shall forward all investigative information to the Manager via the chain of command. Employees shall not accept complaints about those of their same rank but rather refer the employee to the next highest ranking member.

2. 4.2 POLICE PROPERTY STANDARDS OF CONDUCT:  
GENERAL:

Standards of conduct for police personnel are higher than the standards applied to the general public. Police Property members are expected to conduct themselves in a manner that does not bring discredit upon themselves or the department, on or off duty.

3. 4.3 PROCEDURE FOR GENERAL RESPONSIBILITIES:

All police property and evidence members shall abide by all federal, state and local laws as well as the provisions set forth in this document and the SJPD Duty Manual (refer to SJPD Duty Manual Section c 1402)

4. 4.4 OPEN DOOR POLICY:

All Police Property and Evidence Division members are advised that if they are unable to resolve a problem with their immediate supervisor or if circumstances are of a sensitive or personal nature that can be best handled at the next level of the chain of command. They have the option to discuss the problem with the higher rank.

5. 4.5 ORDERS:

Police Property and Evidence members shall obey all lawful orders given to them from supervisory personnel. No member of the Department will publicly disparage or ridicule written or oral orders or instructions issued by a supervisor. (Refer to SJPD Duty Manual Sections C 1421 & C 1423).

If a subordinate receives instructions from a senior member conflicting with the instructions received from proper or higher authority, the subordinate will inform the senior member of the conflict. If the senior member still desires that the order be carried out, the subordinate will do so and the senior member will review the order with the subordinate's supervisor. (Refer to SJPD Duty Manual Section C 1422).

6. 4.6 OFFENSIVE MATERIAL/REMARKS:

Offensive language and distribution or displaying of sexually oriented or racist materials, including email, will not be allowed. Rumors and other remarks intended to degrade an employee or the Department are not professional and will not be tolerated.

7. 4.7 SMOKING:

Smoking is not permitted in employee work places. This includes any work area, meeting rooms, waiting rooms, public counters, employee lounges, conference rooms, employee cafeterias, private offices, stairwells, restrooms, elevators and all City vehicles.

8. 4.8 USE OF DRUGS:

No member of the Department will use any illegal drug or narcotic. Any member of the Department who is under the influence of any substance which impairs the mental or physical ability of such member to perform assigned duties will adhere to the procedure contained in SJPD Duty Manual Section C 1412. Department members, while on duty, who are unable to perform their duties due to illness, exhaustion or any other impairment will report this fact to a supervisor who will then determine the proper disposition. (Refer to SJPD Duty Manual Section C 1414).

#### 9. 4.9 ALCOHOL CONSUMPTION

No employee of the Police Property and Evidence Unit shall consume any alcoholic beverage or have the smell of alcohol on their breath while on-duty. (Refer to SJPD Duty Manual Section C 1412 & MEF-MOA “Exhibit #4 –Substance Abuse Program”).

#### 10. 4.10 SECONDARY EMPLOYMENT (OUTSIDE WORK PERMIT)

Employees shall not engage in any outside employment until the employee has completed probation and has received authorization from the Department. Secondary Employment Tracking forms shall be submitted BI-weekly, whether any hours have been worked or not. Hours worked in secondary employment cannot exceed 24 hours within a 40 hour workweek. Employees will reapply for a secondary employment permit annually. All authorizations for secondary employment expire on the following dates:

Employees with last names beginning with:

Work permit expires:

- A – G October 1
- H – M November 1
- N – Z December 1

Requests for an outside work permit will be submitted to the employee’s immediate supervisor on an “Application for Outside Work Permit” form along with a “Secondary Employment Request Transmittal” form for approval. For further clarification on secondary employment including authorized hour limit and stipulations (Refer to SJPD Duty Manual Section C 1500).

#### 11. 4.11 CHANGE OF ADDRESS/PHONE NUMBER:

Each employee shall notify the Division within 24 hours of any change of address or phone number. The corrections are recorded on a form that shall be routed through the division Senior Police Property Specialist. Once the corrections are made to the Unit’s records the form shall then be routed to the Police Personnel Unit (Refer to SJPD Duty Manual Section L 1104).

#### 12. 4.12 WEB TIMECARD:

Web timecard completion is the sole responsibility of each employee. In case of a computer failure or where access has not been obtained, a manual timesheet shall be turned in. Employees shall also ensure the following:

- Web timecards are completed and approved before the end of the pay period or before the deadline set by the Department timekeeper (as in the case of holidays). For employees going on a planned leave or vacation timecards shall be completed in advance.
- Web timecards are accurately and properly completed per the Department's guidelines and the Memorandum of Agreement with MEF (i.e., shift differential, overtime, training pay, higher-class pay, etc.)
- Use of overtime transaction codes shall be accompanied with the appropriate reason code (TRC), hours, and explanation, when applicable, in the "Comments" field, including the overtime start and completion times.
- All jury duty forms/payments and funeral leave forms are to be turned in within two weeks of their use.
- An Employee Timesheet Adjustment form is completed and submitted the following pay period for any corrections on days missed after the web timecard was approved.

Supervisors are responsible for ensuring the web timecard for each employee under their direction is completed correctly and is an accurate reflection of time used. Supervisors shall compare the web timecard entry with the attendance and assignment logs for the appropriate shift(s).

**XXI. SAN JOSE POLICE CONDUCT: OFFICE PROTOCOL:**

In order to maintain a professional appearance and atmosphere in the new Police Property and Evidence Facility, personnel shall abide by rules specific to the work area.

1. 5.0 NOISE:

No loud noises or disruptive background noise is permitted (e.g. loud radios, conflicting radio stations). The use of headphones is subject to supervisor approval. All cell phones shall be turned off or on vibrate mode when at workstations. Private cell-phone use causes an undue distraction for the employee as well as other co-workers. Cell phone use shall be limited to break or lunch periods. Cell-phones shall be turned off or placed in vibrate or silent mode.

2. 5.1 NON-WORK RELATED MATERIALS:

Use of non-work related materials such as books, magazines, crafts, games and personal laptops shall be limited to designated breaks or lunch periods.

3. 5.2 PERSONAL USE OF EQUIPMENT:

The use of Department computer equipment, electronic facilities (i.e. copier, fax, etc.) and electronic data is limited to official department purposes only.

4. 5.3 CONDUCT/PERSONAL PHONE CALLS:

Visiting and socializing will be kept to a minimum during working hours. Personal telephone calls will be confined to those of necessity only and shall be kept brief and at a minimum during working hours. Under no circumstances shall employees make personal toll or long distance calls billed to a City of San Jose telephone. The use of City time and/or equipment to conduct private business affairs is strictly prohibited.

5. 5.4 CELL PHONE USE: SEE 5.0



#### 6. 5.5 WORKSTATIONS:

A clean and orderly work environment is extremely important in maintaining efficiency and morale throughout the Division. Each employee is responsible for leaving a clean workstation at the end of shift. Personal items shall be stored out of sight and clear of pathways near the workstation. Workstation drawers and unit file cabinets will be used for work-related items only. Each employee is responsible for checking his or her workstation for necessary supplies either prior to or as soon as practical after assuming their assigned position. The employee shall notify the supervisor of any lack of needed supplies. In the event, a supervisor is not available; the employee will obtain the supplies from the Office Specialist or the storage, please note items that are almost depleted on the supply log.

#### 7. 5.6 FOOD/DRINKS:

Consumption of meals and the storage of food items at the workstations are not permissible. Drinks shall be contained in a non-spill container. Exceptions are subject to the approval of management.

#### 8. 5.7 PROFANITY:

The use of profanity in the work area is not permitted. (Refer to SJPD Duty Manual Section C 1307)

#### 9. 5.8 REPORTING FOR DUTY:

Each employee is aware of their shift or overtime hours and is responsible for being present and ready for duty on time.

#### 10. 5.9 TARDINESS:

Tardiness will not be tolerated:

- All employees are required to call and advise if they will be late due to an emergency; All employees shall adhere to the following:
  - Less than 15 minutes: If an employee is going to be less than 15 minutes late, they shall speak with the supervisor.

The supervisor will then document the date, and times of the call.

- More than 15 minutes: If the employee is going to be more than 15 minutes late, they are required to call and speak directly with an on-duty supervisor. The supervisor taking the call will document the date and time.
- Check-in: The employee reporting late for duty, with or without advance notice to a supervisor shall check-in with a supervisor immediately upon arrival.
- When an employee is late fifteen minutes or more, such employee will be docked to the nearest half-hour. This includes employees who are working overtime positions for moving purposes.

The fact that an employee calls in late does not excuse the tardy arrival. Any employee who is tardy may be subject to departmental discipline.

Possible actions that maybe taken:

- Training
- Informal Counseling
- Professional Conduct and Ethics
- Documented Oral Counseling
- Written reprimand
- Suspension
- Demotion
- Dismissal from the Department

#### 11. 5.10 ABSENCE WITHOUT PROPER LEAVE:

Members will not be absent from duty without proper permission or leave, except when unable to report for duty at the assigned time due to sickness or injury, at which time the Department will be notified.

#### 12. 5.11 SICK LEAVE NOTIFICATION:

Employees requesting sick leave are required to call an on-duty supervisor prior to their shift or overtime assignment. If a supervisor is not immediately available, the caller will leave the name and telephone number where they can be reached. The employee taking the call will then immediately contact a supervisor (by cell telephone, if necessary) and relay the information.

(Refer to current MEF – MOA). Employees will adhere to the following guidelines:

- Any employee who calls in sick will be required to list sick leave on their web timecard for the number of sick leaves hours taken.
- In the event, an employee exhausts all of their available sick leave, they may utilize compensatory or vacation leave hours.
- If an employee is scheduled to work a holiday and subsequently calls in sick, the employee will be required to use sick leave in lieu of the holiday.

#### 13. 5.12 BREAKS/RELIEF:

Personnel will be sure to advise a co-worker or the on-duty supervisor when they are leaving on a break or lunch. If break or lunch relief is required, personnel will be sure to receive relief prior to leaving the work area. Personnel leaving late for breaks or lunches shall notify their co-worker or supervisor of the delay.

#### 14. 5.12 LEAVING THE WORK AREA/PREMISES:

Due to the location of Property and Evidence facility, in order to be able to account for all employees in an emergency situation, an employee leaving the area of the facility during breaks and lunch shall notify a supervisor before leaving the facility.

## **SAN JOSE POLICE SECURITY/CONFIDENTIALITY:**

To insure the physical safety of employees as well as to safeguard equipment and resource materials and to maintain records and evidence confidentiality, it is imperative that strict security measures are exercised at all times.

### **15. 6.0 POLICE PROPERTY AND EVIDENCE DIVISION BUILDING SECURITY:**

The Police Property and Crime Evidence Unit is a secured division. Unauthorized persons shall not gain access to this facility. Employees shall have the right and obligation to request appropriate identification from any individual who is not recognized as an employee, who appears to not have official business on the premises or who is not displaying appropriate identification. Any such incident shall immediately be reported to a supervisor. Access is limited to The Police Property and Evidence Division personnel, command staff, and sworn personnel on Article 39. All visitors including former employees, family and significant others of Police Property and Evidence personnel shall be escorted in the building and while in work areas. Doors to unattended areas shall remain locked.

Only authorized Police Property and Evidence Unit personnel are allowed access to property and evidence storage area and items within, original reports, and other related files. Other Department members will not be allowed access to original files without the express permission of a Senior Police Property Specialist or the Property Manager.

### **16. 6.1 POLICE IDENTIFICATION:**

All Police Officers attempting to pickup evidence will be asked for identification if identity is unknown by Property Specialist.

### **17. 6.2 EMPLOYEE IDENTIFICATION:**

All Police Property and Evidence personnel will wear a current police identification card while in the PAB/PAC area, whether on or off duty. (Refer to SJPD Duty Manual Section L 8901-8902)

### 18. 6.3 INCIDENT REPORT:

If an incident involving the security of personnel in or around the Police Property Facility occurs the employee should immediately notify the ranking supervisor of the unit. The incident should also be recorded on a Police Incident Notification form.

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#### 1. 6.4 TOURS:

Formal tours of the Facility shall be arranged through the ranking supervisor's office with approval of the Manager. Informal tours conducted for other police personnel are welcome with notification of the on-duty Supervising Police Property Specialist. Computer monitors that show confidential information shall not be made part of the tour but rather viewed from a distance, since there may be potentially official documents or records which may be subject to scrutiny by the courts during criminal and civil proceedings.

#### 2. 6.5 INTERNET/INTRANET/E-MAIL USE:

The email, Internet, and Intranet systems will be used for official purposes only. Supervisory staff may conduct audits, if necessary. Misuse may result in revocation of user access and may result in disciplinary action. All computer-generated messages are subject to departmental or supervisory review. Employees have no expectation of privacy when using the computer system and all documents or messages created are viewed as an official record. Supervisors may periodically review their employee's messages to ensure these standards are upheld.

#### 3. 6.6 ELECTRONIC TRANSMISSION SECURITY:

Employees have the obligation to ensure they are logged onto the RMS/AIS network systems before they send any electronic transmissions. Sending transmissions, including messages or email under another person's identification is strictly prohibited. Employees must log off computerized systems [REDACTED] when leaving their workstation at the end of shift or during their breaks and lunches.

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#### 6. 6.7 CONFIDENTIALITY:

The Police Property and Evidence Unit personnel access a variety of automated telecommunications systems [REDACTED] in the performance of their official

duties. Providing appropriate security, confidentiality and a concise audit trail is required. Failure to conform to established policies regarding the access and release of information shall result in imposition of legal liability, which may result in punitive action by the Department of Justice. Violations can result in the removal of agency access to computerized systems; private citizen recourse via formal agency complaint process and/or court of law; and compromise of personal as well as work ethics and/or departmental discipline.

#### 7. 6.8 UNAUTHORIZED USE/PENAL CODE:

Divulging confidential information that may be detrimental to an investigation or another person without first obtaining permission from a supervisor may result in disciplinary action. Any unauthorized access or misuse of information from automated files is in violation of Section 502 of the California Penal Code and subject to fine and/or imprisonment. Refer to Penal Code section 11142 [REDACTED] on Policies and Procedures.

#### 8. 6.9 NEED TO KNOW/RIGHT TO KNOW:

The “need to know” and the “right to know” shall exist before any data base inquiry is made. If any employee suspects that a request for information from the automated systems does not fit these criteria, even if the requestor is another department member, they are not to release the information and shall notify their supervisor. (Refer to SJPD Duty Manual Section C 2004)

#### 9. 6.10 RELEASE OF INFORMATION TO THE PUBLIC/MEDIA:

Information on operations shall not be released to the public. Personnel shall not make any official public statement relating to department business without the consent of the Chief of Police. All inquiries from the media shall be referred to the Public Information Officer or the appropriate bureau commander. (Refer to SJPD Duty Manual Section C 1903)

#### 10. 6.11 DEACTIVATION IN AUTOMATED SYSTEMS:

When an employee separates from City service or transfers, supervisors will ensure the person is deactivated from all departmental systems [REDACTED] when appropriate.

### **XXIII. SAN JOSE POLICE EQUIPMENT & FACILITY USE:**

Police Property and Evidence Unit personnel must exercise care and take all safety precautions when using any City owned equipment, cell phones, vehicle or facility.

#### **1. 7.0 PERSONAL USE OF EQUIPMENT:**

Each employee is responsible to maintain and store any equipment or property issued by this department.

#### **2. 7.1 REPORTING LOST/STOLEN EQUIPMENT:**

Whenever City issued property has been lost or stolen, the employee shall ensure that a police report is taken. The employee shall also prepare a memorandum to the Property Manager detailing how the theft or loss occurred and forward the memorandum with the police report to the Property Manager for review.

#### **7.3 RETURN OF EQUIPMENT - SEPARATION FROM CITY SERVICE/TRANSFER:**

Upon separation from City service or transfer, the direct supervisor shall collect and turn in all equipment or property issued to the Senior Police Property Specialist. This shall include, but is not limited to, the following:

- Identification Card
- Building keys (PEF and PAB)
- Manuals
- Security cards
- PAB E lot parking hang-tag

Exit Interview: An employee separating from City service will be advised to contact the Employee Services liaison in the Police Personnel Unit at [REDACTED] to set up an appointment for an exit interview. The purpose of the interview is to provide information on insurance continuation and what to expect regarding their payroll check.

#### **3. USE OF SEATBELTS:**

All department members shall wear seatbelts while driving or riding in any City vehicle. (Refer to SJPD Duty Manual Section L1910).

#### 4. 7.4 BREAK ROOM USE/CLEANING POLICY:

Employees are responsible for cleaning up after themselves. [REDACTED] Volunteers will clean and maintain the refrigerator, freezer, microwave, and surfaces weekly. Due to the limited space, the following restrictions on food and beverage retention are strictly enforced:

Refrigerator/freezer:

- Name and date on all items
- Store only on the days of your work week
- On each Friday, any item without a name, date or if it is “outdated” by the stamp put on by the maker of the product will be discarded.

The counter tops and refrigerator top shall not be used for storage. Aside from a personal cup, mug or glass, no personal items shall be stored in the cupboards or the break room, in general.



## **XXIV. SAN JOSE POLICE GENERAL SCHEDULING**

### **1. 8.0 SHIFT HOURS:**

[REDACTED]. Administrative exceptions may be considered and made if the situation warrants workable changes. Management may institute an administrative assignment of a probationary trainee at any time.

### **2. 8.2 MODIFIED DUTY:**

An employee who is unable to return to full duty change, will be administratively assigned to a assignment that can best accommodate the Employees work limitations. Management will give every consideration to the employee's seniority before making the administrative assignment as to the unit's assignment, whenever possible. It is the employee's responsibility to keep their supervisor apprised of the status of their modifications and ability to return to full duty. Personnel working modified duty will keep their supervisor and Police Property Specialists informed of their status. As doctor's appointments occur and/or restrictions change, an updated doctor's note will be submitted to the employee's supervisor by the employee.

### **3. 8.3 REALLOCATION OF DAILY ASSIGNMENTS – STAFFING & BACKLOGS**

The police property supervisor is responsible for evaluating the workloads on specific jobs and in specific duties on a daily basis. Supervisor will coordinate efforts with employees to reduce backlogs throughout the unit during the period between certain job duties and staffing levels. Appropriate action will be taken by a supervisor to reassign personnel, whenever practical, in order to reduce backlogs.

### **4. 8.4 SICK LEAVE:**

Staffing levels are adversely affected when an employee calls in sick on the date they are scheduled to work. Additional employees will advise a supervisor as soon as possible if they are unable to complete their daily commitment due to illness.

## 5. 8.6 OVERTIME – GENERAL

In an effort to maintain minimum staffing levels and to minimize backlogs, both voluntary and mandatory overtime may be used to fill positions when adequate Staffing levels are unachievable. Overtime is carefully managed on a weekly basis to ensure that the Unit does not exceed its budget.

## 6. 8.7 OVERTIME – CALLBACK:

In extreme circumstances when an employee who is called back to work in response to an emergency or other unforeseen circumstances shall be credited for the time worked, or for three hours, whichever is greater, at the appropriate rate. This applies to a work day after the employee has departed or on a day off. It does not apply to scheduled overtime or during a regular shift. (Refer to current MEF MOA).

## 7. 8.8 OVERTIME - END OF SHIFT:

Overtime compensation does not start until the end of an employee's shift. Employees must complete half-hour or increments thereof to receive overtime Compensation.

- Example: Day shift ends at 1700 hours, not 1650 hours. A day shift employee must work until 1730 hours, not 1720 hours, to receive a half-hour of overtime. To receive one-hour overtime, the employee must work until 1800 hours, not 1750 hours.

## 8. 8.9 OVERTIME - WEB TIMECARD ENTRY:

The overtime date, time periods worked and reason for the overtime will be recorded on the employee's web timecard.

## 9. 8.10 OVERTIME - COMBINED WITH LEAVE:

Taking compensatory time, vacation, personal, sick, disability or holiday leaves and working overtime within the same work day is subject to approval.

- Example: Taking two hours of compensatory time at the beginning of the shift and then working two hours overtime at the end of shift for time and a half is subject to supervisor approval. (Refer to current MEF MOA)

#### 10. 8.11 OVERTIME - VACATION LEAVE:

If an employee elects to work overtime while on vacation leave, the overtime shall occur during hours other than the employee's regularly assigned shift or on a regularly scheduled day off.

#### 11. 8.12 OVERTIME – ATTIRE:

Changes in acceptable overtime attire may be made at the discretion of the Property Manager (e.g., dress down clothing). The number of overtime hours worked does not determine acceptable attire.

#### 12. 8.13 BREAK PERIODS:

Employees are entitled to two 15-minute breaks per shift. The break periods should be scheduled in the middle of each half of the shift in as much as possible. Break periods will not be scheduled in the first or last hour of an employee's shift. Break periods will not be combined with time off. (Refer to current MEF MOA). To help reduce the incidence of repetitive stress injuries, it is imperative that employees take full advantage of the allotted breaks in the manner prescribed. Combining break periods with lunch periods may contribute toward further injury and is discouraged. Additionally, employees are encouraged to break from repetitive tasks regularly to stretch and shift position. All breaks periods shall be taken away from the workstation/unit.

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#### 1. 8.14 LUNCH PERIODS:

Employees are entitled to a 30-minute lunch period during their regularly scheduled work shift. The lunch period should be scheduled during the middle of each scheduled work shift in as much as possible. Lunch periods will not be scheduled in the first or last hour of an employee's shift. (Refer to current MEF MOA.) Combining breaks and lunch periods may be allowed with prior approval of the employee's supervisor or the on duty supervisor. Combining compensatory time off with lunch periods may be allowed on occasion with prior approval of the employee's supervisor or the on duty supervisor. All lunch periods shall be taken away from the unit/workstation.

## **XXVI. SAN JOSE POLICE TYPES OF LEAVES:**

Any type of leave from work may have a significant impact on the functions of the Police Property and Evidence Unit is dependent upon maintaining minimum staffing levels. Employees may be entitled to take time off, as with vacation and personal leave, or may be granted other types of time off, such as leaves of absences without pay. Because of the critical nature of the job, time off that is granted may also be rescinded in cases of emergency.

### **1. 9.0 ABSENT WITHOUT NOTIFICATION:**

An employee who is absent without notification to his/her department head or other designated authority for two consecutive work shifts shall be considered to have voluntarily resigned. (Refer to current MEF-MOA).

### **2. 9.1 ADMINISTRATIVE LEAVE:**

An employee may be placed on administrative leave when the appointing authority determines it is in the City's best interest. A department head or designee shall have the authority to remove a City employee from duty without prior approval in extreme cases. (Refer to SJPD Duty Manual S 2707).

### **3. 9.2 BEREAVEMENT LEAVE:**

All benefited employees shall be granted 40 hours of funeral leave in the event of a death of any of the following relatives of the employee: spouse or registered domestic partner, parent, step-parent, grandparent, step-grandparent, great grandparent, step great-grandparents, child, brother, sister, stepchild, son/daughter in-law, brother/sister in-law. This leave must be taken within 14 calendar days following the death of an eligible person. (Refer to current MEF-MOA). The employee shall notify their immediate supervisor of the need for funeral leave. Upon their return, the employee shall fill out a Bereavement Leave certificate and submit it to the employee's supervisor.

4. 9.3 COMPENSATORY LEAVE – GENERAL:

Employees may elect to be credited with compensatory time in lieu of paid overtime as authorized by the Property Manager and in accordance with the MEF-MOA. Compensatory time not taken within 26 pay periods shall be paid off. Employees may be directed by their supervisors to take time off in order to avoid pay out. (Refer to current MEF-MOA).

5. 9.4 COMPENSATORY LEAVE –SUBMITTING A REQUEST:

Employees shall submit a request for compensatory time off to their immediate supervisor utilizing the “Request for Time Off” form. Requests shall be submitted at least one week in advance of the desired time off. In the event the immediate supervisor is not available, the request may be directed to another supervisor on the employee’s shift for authorization. Last minute requests for compensatory time off may be denied at the discretion of the supervisor if the time off will interfere with the accomplishment of pre-scheduled assignments or when backlogs are at a critical level. Time off is awarded on a first-come first-serve basis. Beginning and end of shift time off is approved at the discretion of the employee’s supervisor or in their absence, an on-duty supervisor on the same shift.

6. 9.5 COMPENSATORY LEAVE – CANCELLATION BY EMPLOYEE:

If an employee is granted compensatory time- off and chooses to cancel the time off, they must notify their immediate supervisor at least one week in advance. An employee may not be allowed to work on a scheduled compensatory time day off without prior notice of cancellation.

7. 9.6 COMPENSATORY LEAVE – CANCELLATION BY SUPERVISOR:

In the event of a critical staffing problem, it may become necessary to cancel an employee’s scheduled compensatory time off. However, every alternative will be explored to correct the staffing problem prior to canceling the time off.

## 8. 9.7 EMERGENCY TIME OFF (ETO)

Emergency time off will be granted for emergency circumstances only. Emergency time off may only be authorized by a supervisor or above. The employee will give the reason for the emergency request to the supervisor and the supervisor will make the determination if the circumstances are deemed an emergency. Employees shall make every effort to give at least 24 hours notice prior to needing the time off to allow for staffing considerations to be addressed.

## 9. 9.8 DISABILITY LEAVE – GENERAL:

Employees who are disabled as a result of an occupational illness or injury shall use disability leave. Only Risk Management may determine if an employee has an approved claim. Employees have an obligation to check with their Risk Management caseworker before indicating disability on their timesheet. Employees calling in absent for the day who want to use disability leave shall provide medical verification for that day to Risk Management and a copy for the employee's supervisor. If the employee is already scheduled for disability leave either due to an appointment or work limitation; they may use approved disability leave if they call in sick for the other portion of their scheduled workday.

## 10. 9.9 DISABILITY LEAVE – PROCEDURE:

An employee who believes they have a work incurred injury must notify a supervisor. The supervisor will complete the SJPD Employee Incident Report and the SJPD Accident/Incident Investigation Form. If the employee requires or will require medical treatment, the worker's compensation paperwork must also be completed within 24-hours of notifying a supervisor of the injury. Supervisors will provide the employee with the DWC Form 1 claim form. Supervisor must also fill out the Employer's Report of Occupational Illness or Injury form (Form 5020). Both forms are turned in at the same time. Employers must, however, file the F5020 report with Risk Management within five (5) days of their knowledge.

## 11. 9.10 DISABILITY LEAVE – PAYMENT:

There is an initial three-day waiting period for all workers' compensation claims where the employee must use their sick leave. (Physician must put the employee out for three days or more). If the employee is hospitalized or off work for 14 consecutive days, the three-day waiting period time is either reimbursed or waived. Disability Leave Supplement (DLS) is paid in addition to Workers' Compensation Temporary Disability

(WCTD) to equal 85% of the employee's salary. DLS is paid up to 2,080 hours and is not paid for any claim older than five years. (Refer to current MEF-MOA).

#### 12. 9.11 DISABILITY LEAVE – WEEKLY STATUS REPORT:

Personnel on disability are required to call-in weekly to give a status report while on disability. The employee shall call the Police Property Supervisor each week and leave a message with the following information:

- Your name and badge number
- Updated status of your disabling condition
- Your estimated date of return to duty
- A current telephone number where you can be reached during the day
- Any other information or questions you might have

In addition, the employee shall relay this information to the San Jose Police Department Disability [REDACTED] (Refer to SJPD Duty Manual Section)

#### 13. 9.12 DISABILITY LEAVE – RETURN TO WORK:

Anyone returning to work from a disability leave or anyone who has disability work restrictions must first obtain clearance and paperwork from Risk Management. A copy shall be made for the Police Property Supervisor.

#### 14. 9.13 FEDERAL FAMILY LEAVE ACT (FMLA):

Employees have the right to use up to 480 hours for the birth of a child, adoption or placement of a child in foster care, their own medical illness or the illness of their child, parent, or spouse. This leave may be used in increments totaling up to 480 hours in a 12-month period. The employee must have worked for the City for at least 12 months and worked 1,250 hours in the past 12 months. FMLA for the City is tracked using the 12-month rolling calendar method. FMLA also runs concurrent with any disability leave (worker's compensation). The Department does not require the employee to apply for FMLA leave if the employee can cover their absence with their sick leave balance. Employee Services will be notified of the leave and may contact the employee to advise that the time off will be counted toward FMLA, if it is a qualifying event. Leave forms can be obtained from the Department timekeeper and submitted via the Chain of Command 30 days before the commencement of the leave, if possible. Family Medical Leave may also be use intermittent for medical reasons only. Those applying for FMLA for a medical reason must submit medical verification forms to their health care provider. Medical verification shall be submitted directly to the Employee Health Services

department. The employee may be required to pay the City of San Jose for any City paid health contributions made during any unpaid portion of the 480-hour leave.

#### 15. 9.14 FMLA – USE OF TIME BALANCES:

If the leave requested is for the employee's own medical illness, the employee must exhaust their sick leave balance during the 480 hours of leave. The employee may choose to use their vacation time or compensatory time balances. The employee may also use their sick leave balance for family members that are ill. Since the employee is only allowed to use FMLA for their parents, spouse or children, the employee may use an unlimited amount of their sick leave. (Refer to current MEF-MOA). Any lost time accrued as a result of FMLA is not counted toward a deduction in calculating department seniority unless the leave extends beyond 480 hours in a 12- month period.

#### 16. 9.15 LEAVE OF ABSENCE – GENERAL:

Requests for leaves of absence will be granted for medical emergencies and as required under the Federal Family Leave Act only. Personal leaves of absence will not be approved due to staffing constraints. Any unpaid leave of absence that extends beyond one pay period must be requested on a Leave of Absence form. The appointed authority for good and sufficient reasons may grant a leave of absence without pay. In general, the leave of absence may not exceed 12 months. Such leaves may be extended an additional six months with approval (Refer to current MEF-MOA). The member requesting leave shall complete a Request for Leave of Absence no later than 60 calendar days prior to the beginning date of the leave. The leave request shall be submitted via the chain of command to the Chief of Police. (Refer to SJPD Duty Manual Section S 2703).

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#### 18. 9.16 LEAVE OF ABSENCE – RETURN FROM LEAVE:

Upon return from any unpaid leave, it is the employee's responsibility to notify the Department timekeeper [REDACTED] of their return to duty. This will ensure the employee is placed back on the City payroll.

#### 19. 9.17 LEAVE WITHOUT PAY/LOST TIME:

The use of lost time is not a right. Lost time used as additional leave time because a sick leave balance has been exhausted, is not approved time off. Absences resulting in lost time may be considered job abandonment. Accrual of 10 hours of lost time causes an automatic loss of departmental seniority and can affect City benefits. Employees who continually accrue lost time shall receive counseling by their supervisor, may receive



discipline up to, and including termination. In the event that lost time is accrued in error, employees must correct the error on a Time Sheet Adjustment Form within one pay period of the error.

#### 20. 9.18 MATERNITY/PATERNITY LEAVE:

Besides the 480-hour leave you may receive through FMLA/CFRA (California Family Rights Act) for the birth or adoption of a child, employees may request an additional four weeks leave, totaling four months. This leave must be taken within one year of the child's birth. The department does not approve intermittent FMLA in this case. Salary Continuation: One month of paid sick leave prior to the employee's due date may be utilized in addition to three months of FMLA.

#### 9.19 MEDICAL LEAVE:

Employees who do not qualify for FMLA may request a medical leave of absence. Leaves without pay affect step increases, in that time used without pay will not count toward a step increase. Therefore, upon return from leave without pay, the anniversary date for a step increase shall be changed. Those on extended medical leaves that last three months or more shall obtain a medical release from Employee Health Services before returning to work. Any fulltime employee who is unable to return to work after being absent on unpaid sick leave for 12 consecutive months or for 12 cumulative months in any period of 24 consecutive months shall be separated from City service. (Refer to current MEFMOA).

#### 21. 9.20 MILITARY LEAVE:

Employees are entitled to benefits for military service, in accordance with applicable laws of the State of California and the Federal Government. General information about military leave may be found in the MEF-MOA. Instead of using vacation or compensatory time for weekend drills, and on approval of the Division Manager, personnel may be allowed to adjust their days off for the week. All requests for adjustments or military leave must be submitted as soon as the member learns of the commitment. Timely notification to the employer is a requirement under federal and state laws and can be grounds for refusal to grant the adjustment or leave.

#### 22. 9.21 RELEASE TIME:

Cancer Screening Examinations: Release time must have prior supervisor approval. Release time for cancer screening examinations, up to three hours, during normal work

hours, may also be granted with prior supervisor approval under the following circumstances:

- Women 40 years of age and over;
- Men 50 years of age and over; and
- Employees of any age if a screening is recommended by their doctor

A cancer screening release time form must be completed and presented before the supervisor may approve the time.

City Training: Employees are encouraged to attend City-offered training to improve skills, impact effectiveness or productivity, or prepare themselves for advancement within their classification series. Each employee will be allowed up to 24 hours of release time per calendar year to attend City-offered training only. This is in addition to training provided or required by management. If voluntary training occurs on the employee's regularly scheduled workday, every attempt will be made by the employee's supervisor to accommodate the training. Conditions such as staffing shortages could preclude the employee from attending voluntary training or adjusting work hours. If voluntary training occurs on the employee's regularly scheduled hours off, the employee is not entitled to receive overtime pay or compensatory time off for attending the training.

#### 23. 9.22 SICK LEAVE – GENERAL:

Sick leave is not a benefit that an employee may use at their discretion; therefore, sick leave shall be authorized only in cases where the request for sick leave is reported promptly and used for an authorized reason. Authorized reasons for sick leave include personal illness, family illness as defined by the MEF-MOA, and medical or dental appointments. Sick leave is not authorized for absences resulting from the consumption of alcohol or non-prescriptive drugs. The department head or designee is authorized to investigate the validity of sick leave requests.

#### 24. 9.23 SICK LEAVE – VERIFICATION:

Employees may be asked to provide medical verification for any leave where sick leave pay is requested. In rare occurrences, the issue of sick leave is questionable. In the events that sick leave is not approved, it shall be recorded as lost time hours. Employees are not permitted to use compensatory time or vacation time in lieu of sick without express permission of the employee's supervisor, however, personal leave may be used when the employee's sick leave balance is exhausted. (Refer to current MEF-MOA).

#### 25. 9.24 VACATION – GENERAL:

At the beginning of each year, employees may formally request vacation time off. Vacation is granted based on seniority within the assigned unit. Requests for vacation time off will take precedence over requests for compensatory time off.

#### 26. 9.25 VACATION – CARRYOVER:

Employees shall not be allowed to accrue vacation in excess of two times their annual vacation accrual rate. Employees who have not submitted a request for vacation time may risk losing any vacation time that exceeds their accrual limit if not used by the end of the calendar year. Requests submitted towards the end of the calendar year may not be accommodated due to staffing constraints. Planning vacation requests early each year is highly encouraged. As of July 1, 2005 new provisions per MEF agreement have been made. (see MEF agreement)