


SOLANO COUNTY CALIFORNIA PROBATION DEPARTMENT	POLICY NUMBER: 609	EFFECTIVE DATE: November 15, 2015
	SUPERSEDES: June 30, 2007	
APPROVED BY:  CHIEF PROBATION OFFICER	TITLE: SEIZURE AND CUSTODY OF EVIDENCE	

1. **Policy** The seizure of evidence shall only be done with the intent to ensure compliance with the conditions of probation and the law.

For purposes of this policy, probation officer includes all sworn peace officer classifications, including Supervising Deputy Probation Officer, Probation Services Manager, as well as field group counselors.

2. **Procedures**

A. **Seizure of Evidence and Storage**

- (1) The probation officer may seize evidence of contraband, which demonstrates a violation of court order. Seized contraband may be used for the purposes of filing a Violation of Court Order or modification(s) with the Court. Contraband not used for violation purposes shall be properly disposed of and/or stored in the contraband safe.
- (2) In the event that evidence is located that reasonably appears related to a new law violation (e.g. illegal weapon, stolen property, drugs), the probation officer shall make every effort not to disturb the item and contact local law enforcement for assistance. The agency with primary jurisdiction shall be contacted and requested to respond.
- (3) In circumstances when law enforcement is not available, the probation officer will collect the evidence as described in this policy and temporarily secure the evidence in the contraband safe until control is taken by the Probation Department Custodian of Evidence or designee. There is a contraband safe located in the Fairfield and Vallejo offices. The probation officer is to call or email the Custodian of Evidence or designee, as well as the law enforcement agency with primary jurisdiction, after securing evidence in the contraband safe.
- (4) In all organized searches, there shall be one officer designated as the recorder and collector of evidence of contraband. It is that officer's responsibility to carefully log and collect all evidence of contraband. Each item and the exact

location where it was found should be clearly described and documented on the property receipt form (**Attachment A**).

- a. Whenever possible, evidence of contraband will be placed inside a sealed container affixed with an evidence label which will indicate the date seized, the officer's initials and either a case number or the probationer's name and date of birth. Large or bulky items shall be affixed with an evidence tag containing the same information.
 - b. One copy of the property receipt form will be attached to the evidence of contraband. One copy will be left with the probationer. This information will be documented in CASE in the Contacts section.
 - c. All needles, open knives or other sharp objects should be secured in a bio-hazard puncture resistant container (i.e. plastic bottle). If contraband contains any bodily fluids, the fluids shall be properly disposed of.
 - d. Care shall be used so as not to damage any existing serial numbers or other identifying marks already on the article (serial numbers or existing distinctive marks already on the article shall be recorded on the property evidence form in the description section.)
 - e. When items of the same kind are found at exactly the same location they may be placed together in one package. Items capable of being contaminated, articles for comparison tests, or the same kind of physical evidence found at different locations shall be packaged separately.
- (5) Law enforcement and/or fire officials shall be contacted immediately when any potentially toxic, hazardous, explosive, etc., materials are discovered. These items should not be touched or removed by the probation officer.
- (6) It is imperative that probation officers establish and maintain the chain of custody and protect the integrity of all evidence seized.
- a. The number of individuals who handle the evidence should be limited.
 - b. When evidence transfers to another officer:
 - i. Record in the case notes as well as on the property receipts to whom the evidence was given.
 - ii. Record the date and time possession was transferred.
 - iii. Record the reason for it being given to another officer.

- c. Make sure that persons handling the evidence affix their name, date and assignment to the evidence label.

B. Disposition of Evidence

- (1) The Custodian of Evidence or designee shall keep a list of all collected evidence stored in the long-term evidence locker under his/her control, as well as the outcome of each case. The evidence shall be destroyed or otherwise disposed of pursuant to court order. The Chief Probation Officer may authorize the retention of the evidence of contraband for training purposes. Any seized contraband shall not be otherwise possessed and/or displayed.
- (2) The probation officer of record will email or send a copy of the court order to the Custodian of Evidence or designee when contraband can be destroyed.
- (3) Disposition of seized property (within Probation's evidence & storage locker) shall be recorded by the designated Custodian of Evidence or designee.

- 3. **Exceptions** Any exceptions to the provisions set forth in this Policy shall require prior written approval from the Chief Probation Officer.



PROPERTY RECEIPT

Client Name: _____

DOB: _____

Address: _____

Date: _____ Time: _____

ITEM #	DESCRIPTION	LOCATION WHERE FOUND	OFFICER	

Recorder's Signature: _____

Recorder's Printed Name: _____

Recorder's Phone Number: _____

Transfer to:	Purpose:	Officer:	Location: