

Subject: FW: Joyful Heart Foundation - Accountability Project - FOIA Request - Corona



Silvia Hernandez [REDACTED]@coronaca.gov>
to [REDACTED] Joanne Zaratan-Webster

Mon, Dec 2

You are viewing an attached message. Joyful Heart Foundation Mail can't verify the authenticity of attached messages.



See attached response to your request.

 [cidimage009.png](#) @01D4A8FF.56CAB8

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Silvia C. Hernandez

Records Supervisor, City of Corona Police Department

[REDACTED]

Office: [REDACTED] www.CoronaC

 [signature 1596007144](#)  [signature 1842568](#)
 [signature 1126173561](#)  [signature 2198173](#)
 [signature 709049171](#)  [signature 21454346](#)

From: Denise Fuller-Alonzo [REDACTED]@CoronaCA.gov>
Sent: Monday, December 7, 2020 8:24 AM
To: Silvia Hernandez [REDACTED]@CoronaCA.gov>; Teresa Cortes [REDACTED]@CoronaCA.gov>
Cc: Joanne Zaratan-Webster [REDACTED]@CoronaCA.gov>; City Clerk PRR [REDACTED]@CoronaCA.gov>
Subject: FW: Joyful Heart Foundation - Accountability Project - FOIA Request - Corona

Good Morning,

This email came to us but all responses are pertaining to Corona PD documents.

Let me know if you have any questions.

Take Care,

Cc: Joanne Zaratan-Webster [REDACTED] @CoronaCA.gov>; City Clerk PRR [REDACTED] @Corc**Subject:** FW: Joyful Heart Foundation - Accountability Project - FOIA Request - Corona

Good Morning,

This email came to us but all responses are pertaining to Corona PD documents.

Let me know if you have any questions.

Take Care,

Denise

From: [REDACTED] @goodwinlaw.com>**Sent:** Sunday, December 6, 2020 11:51 AM**To:** City Clerk [REDACTED] @coronaca.gov>**Subject:** Joyful Heart Foundation - Accountability Project - FOIA Request - Corona

[CAUTION] DO NOT CLICK links or attachments unless you recognize the sender and know the content i

Dear Sir or Madam,

Please see the enclosed letter.

Thank you and best regards,

[REDACTED]

[REDACTED]
[REDACTED]

Goodwin Procter LLP

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] goodwinlaw.com | goodwinlaw.com



[REDACTED] @goodwinlaw.com | goodwinlaw.com

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11 Attachments

image008.png
1 KB

Year	Total kits collected	Analyzed	Not analyzed	Currently in custody	Destroyed
2000	11	7	4	4	7
2001	19	4	14	14	9
2002	12	3	9	5	7
2003	11	3	8	10	11
2004	11	0	11	5	6
2005	20	8	12	4	14
2006	19	7	12	4	14
2007	14	4	14	6	12
2008	15	10	5	20	9
2009	14	4	10	7	7
2010	13	4	11	14	5
2011	17	6	11	17	0
2012	13	5	12	16	9
2013	13	8	5	13	8
2014	14	1	13	14	0
2015	12	4	8	12	0

Copy of SART kit..

PDF Joyful Heart Fou...

PDF Joyful Heart Fou...



December 7, 2020

BY FEDERAL EXPRESS AND ELECTRONIC MAIL

Corona City Clerk's Office
Attn: Records Department



Dear Sir or Madam:

We represent the Joyful Heart Foundation (“Joyful Heart”) in connection with its Accountability project and submit this letter to you on its behalf. Joyful Heart is a non-profit organization focused on preventing and remediating sexual assault, domestic violence and child abuse. As part of the Accountability project, Joyful Heart is collecting information throughout the country concerning policies and procedures on evidence processing for the crime of rape, as well as information on the processing of rape kits each year. The ultimate goal of this initiative is to end the backlog of untested rape kits throughout the United States and to work with jurisdictions to develop and implement survivor-centered reforms. Joyful Heart is hoping to collaborate with Corona Police Department (“CPD”) as well as other local authorities in pursuit of this goal.

This letter is a request for information from Joyful Heart pursuant to the California Public Records Act, § 6250 et seq. (the “Act”). As you are aware, the Act provides that the public must have access to public records not specifically exempt from disclosure.

Joyful Heart hereby requests that Corona provide public records regarding each of the following:

1. Any documentation regarding the number of sexual assault evidence kits received by the CPD from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;
2. Any documentation regarding the number of sexual assault evidence kits received by the CPD which were analyzed for DNA from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;



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3. Any documentation regarding the number of sexual assault evidence kits received by the CPD which were not analyzed for DNA from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;
4. Any documentation providing the reason(s) the sexual assault evidence kits identified in (3) were not sent to a crime lab for DNA analysis, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records;
5. Any documentation regarding the number of sexual assault evidence kits received by the CPD that are unprocessed and remain in any storage facilities currently under the police department's jurisdiction and control;
6. Any documentation regarding the number of sexual assault evidence kits received by the CPD which have been lost or destroyed from January 1, 2000, broken down by year and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began; and
7. Any written policies or procedures regarding the CPD's practices on the handling of sexual assault evidence kits, including testing protocols and retention and destruction policies and also including any documents defining the meaning of any terms or abbreviations used by the HPD pertaining to sexual assault evidence kits.

Please note that **no** private information of individual suspects or victims is being requested, as we fully respect the privacy interests of those individuals. We are happy to work with you to ensure that all privacy regulations are upheld.

Joyful Heart also requests that, if you are not the correct contact for this request, you identify a specific individual with whom it can communicate regarding this request.

We appreciate your immediate attention to this matter. In accordance with Section 6253(c) of the Act, we expect to receive a determination as to whether this request is for disclosable public records in the CPD or the City Clerk's possession within ten (10) days of your receipt of this request. We understand that an additional fourteen (14) day period may be required to respond to this request, in which case we expect to receive notice of such extension within the 10-day period. In accordance with Section 6253(c), once the determination has been made, we also look forward to receiving an estimated date and time when the records will be made available. In any event, we expect the City Clerk's to identify a relevant point of contact, if it is someone other than yourself, as requested above within the statutory ten (10) day period.

In addition, pursuant to Section 6253(b) of the Act, we understand that fees covering direct costs of Duplication may be imposed in connection with this request. We would kindly request that



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you provide an estimate of the fees for the above listed documentation prior to incurring any such fee.

If you have any questions, please do not hesitate to contact me at [REDACTED]



cc (via email): Joyful Heart Foundation



CORONA POLICE DEPARTMENT

[REDACTED]

December 16, 2020

Goodwin Procter LLP

RE: Joyful Heart Foundation - Request for public records

This is in response to your request dated December 7, 2020. Requesting:

1. Any documentation regarding the number of sexual assault evidence kits received by the CPD from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;

See attachment.

2. Any documentation regarding the number of sexual assault evidence kits received by the CPD which were analyzed for DNA from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;

See attachment.

3. Any documentation regarding the number of sexual assault evidence kits received by the CPD which were not analyzed for DNA from January 1, 2000 through the present, broken down by year, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began;

See attachment.

4. Any documentation providing the reason(s) the sexual assault evidence kits identified in (3) were not sent to a crime lab for DNA analysis, and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records;

See attachment.

5. Any documentation regarding the number of sexual assault evidence kits received by the CPD that are unprocessed and remain in any storage facilities currently under the police department's jurisdiction and control; **See attachment.**

6. Any documentation regarding the number of sexual assault evidence kits received by the CPD which have been lost or destroyed from January 1, 2000, broken down by year and, if any such documentation exists from prior to January 1, 2000, any documentation showing when maintenance of such records began; and

See attachment.

7. Any written policies or procedures regarding the CPD's practices on the handling of sexual assault evidence kits, including testing protocols and retention and destruction policies and also including any documents defining the meaning of any terms or abbreviations used by the HPD pertaining to sexual assault evidence kits.

The Corona Police Department Policy Manual is available at the City of Corona Website:

<https://www.coronaca.gov/government/departments-divisions/police-department/policy>

Refer to Sexual Assault Investigations (Policy 602) and Property and Evidence (804).

Sincerely,



Silvia C. Hernandez
Police Records Supervisor
[Redacted]@coronaca.gov

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Corona Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations. Detective assigned to investigation duties which include the handling of cases involving the sexual exploitation or sexual abuse of children, should successfully complete that training within six months of the date the assignment was made.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART.

Corona Police Department

Law Enforcement Services Manual

Sexual Assault Investigations

602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

602.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Corona Police Department

Law Enforcement Services Manual

Sexual Assault Investigations

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

Corona Police Department

Law Enforcement Services Manual

Sexual Assault Investigations

602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that the collection of a sexual assault kit is documented in his/her report. The officer shall also request that a copy of the report is forwarded to the Detective Bureau Crimes Against Persons Sergeant. Upon receiving this request, the Records Section will ensure that the report is processed and delivered to the Crimes Against Persons Sergeant in a timely manner. The Crimes Against Persons Sergeant, or his/her designee, shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the Crimes Against Persons Sergeant, or his/her designee, determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, he/she shall update the SAFE-T database to reflect the reason for the delay in testing. He/She shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the Crimes Against Persons Sergeant, or his/her designee, shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

Corona Police Department

Law Enforcement Services Manual

Sexual Assault Investigations

602.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.8.3 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

Corona Police Department

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Sexual Assault Investigations

602.8.4 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

602.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.10 CASE REVIEW

The Detective Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered during the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in an appropriate property locker or storage room. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. A Property Log must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property entry describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (b) Tag each item of evidence with the bar code label, and seal with evidence tape; date and initial over the seal, using the appropriate method so as not to deface or damage the value of the property.

Corona Police Department

Law Enforcement Services Manual

Property and Evidence

- (c) The original Property Report shall be upload to the report writing system and submitted with the case report.
- (d) When the property is too large to be placed in a locker, the item may be retained in the temporary holding room.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a Corona Police Narcotic/Drug Evidence envelope which is available in the evidence packaging room. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing narcotics and/or dangerous drugs, shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in an appropriate evidence locker. All narcotics shall be weighed in the presence of another officer/supervisor. The date and signature of the verifier is required on the envelope.

The Property Administrator will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this Department, including paraphernalia as described in Health and Safety Code § 11364.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Administrator is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) After completing the property entry, items containing bodily fluids such as blood or semen stains shall be air dried by placing the item(s) in the drying locker located in the evidence packaging room.
- (b) All bicycles and bicycle frames require a property record. Wire tags with an evidence bar code will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Administrator, or placed in the temporary holding room until the Property Administrator can scan the property as received.
- (c) All currency shall be counted in the presence of another officer/supervisor. The date and signature of the verifier is required on the evidence envelope. The Watch

Corona Police Department

Law Enforcement Services Manual

Property and Evidence

Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- (c) The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property Administrator shall ensure that the Support Services Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Section Policy).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and dangerous drugs
- (b) Firearms (ensure they are unloaded, secured with a zip-tie and booked separately from ammunition)
- (c) Currency
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) CDs/DVDs (e.g. audio/video interviews and photographs) shall be uploaded into the evidence system

Corona Police Department

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Property and Evidence

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe safety tubes should be used to package syringes and needles.

An evidence bar code shall be securely attached to the outside of all items or group of items packaged together.

804.5 RECORDING OF PROPERTY

The Property Administrator receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored in the evidence system..

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and in the evidence system..

Any changes in the location of property held by the Corona Police Department shall be noted in the evidence system.

804.6 PROPERTY CONTROL

Each time the Property Administrator receives property or releases property to another person, he/she shall enter this information in the evidence system.. Officers desiring property for court shall contact the Property Administrator at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the evidence system shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Administrator. This request may be filled out any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in the evidence system and on the appropriate laboratory analysis request form(s).

The Property Administrator releasing the evidence must enter the required information in the evidence system. The lab forms will be transported with the property to the Department of Justice (DOJ) or other approved testing lab. Upon delivering the item involved, the officer/employee will record his/her signature, or initials, and the delivery date and time on the laboratory request form(s). A copy of the original laboratory request form(s) will be returned to the property room for filing.

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Law Enforcement Services Manual

Property and Evidence

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the evidence system, stating the date, time and to whom released.

The Property Administrator shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the evidence system, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The original investigating officer, or the Detective Bureau Property Crimes Sergeant (if the investigating officer is no longer employed by the Department), shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department for that case.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor, detective or investigating officer and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the disposition sheet and in the evidence system (if the property has been previously entered into the evidence system).

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Administrator shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on a disposition sheet, or captured by the electronic signature pad. After release of all property entered on the disposition sheet, the change of property location/custody shall be updated in the evidence system. The disposition sheet shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the

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property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property Administrator should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

804.6.7 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Property Administrator shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

804.6.8 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until

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the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

804.6.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Corona Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.6.10 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

804.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Administrator shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)

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- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Administrator shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigative Services Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date

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specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigative Services Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigative Services Division Lieutenant should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- (a) On a periodic basis, the supervisor of the Property Administrator shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- (b) Unannounced inspections of evidence storage areas may be conducted annually as directed by the Chief of Police.
- (c) An annual audit of evidence held by the Department may be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- (d) Whenever a change is made in Property Room staffing, a sampling audit of the evidence/property should be made by a designee of the Investigative Services Division Commander. The sampling audit shall include weapons, narcotics and general property/evidence.
- (e) A complete physical inventory and cataloging of every firearm retained in the Property Room shall be completed twice a year (i.e. during January and July). Upon completion of the bi-annual inventory, the Property Administrator completing the inventory shall submit a memorandum detailing the findings to the Property Detective Sergeant.
- (f) On an annual basis, during the month of January, a sampling audit shall be conducted on all narcotics and dangerous drugs stored in the Property Room safe. Upon completion of the sampling audit, the Property Administrator completing the audit shall submit a memorandum detailing the findings to the Property Detective Sergeant.

Year	Total kits collected	Analyzed	Not analyzed	Currently in custody	Destroyed
2000	11	2	9	4	7
2001	18	4	14	12	6
2002	12	3	9	5	7
2003	22	3	19	10	12
2004	11	0	11	5	6
2005	23	8	15	9	14
2006	20	4	16	4	16
2007	18	4	14	6	12
2008	18	7	11	10	8
2009	14	4	10	7	7
2010	19	6	13	14	5
2011	17	6	11	17	0
2012	19	5	14	16	3
2013	21	8	13	21	0
2014	14	1	13	14	0
2015	12	4	8	12	0
2016	21	20	1	21	0
2017	23	22	1	23	0
2018	17	17	0	17	0
2019	24	24	0	24	0
2020	21	21	0	21	0