

## Property

### 1102.1 PURPOSE AND SCOPE

California Government Code 27491.3 authorizes the Coroner to take custody and control of any and all personal effects, valuables, and property of the deceased at the scene of death, including real property, and safeguard them until lawful disposition can be made. The purpose of this policy is to establish rules and guidelines pertaining to the collection and safeguarding of personal property and/or real property by members of the Coroner Division. Deputy Coroners shall take custody of, control, and safeguard property of a decedent as outlined herein. This policy is specific to property that is not otherwise evidence relevant to the death investigation.

### 1102.2 DEFINITION

Property is defined as any item of value on the decedent's person or found at the death location, and may include real property, if it is determined the decedent is the owner of the property.

- (a) Property items collected by Deputy Coroners may include, but are not limited to, jewelry items, wallets, cell phones, currency, keys, medical prosthetics, cosmetic devices, purses, tote bags, and occasional bulk items such as luggage, bicycles, or wheelchairs.
- (b) Clothing items and internal medical or prosthetic devices are excluded.

### 1102.3 SEARCH

In the course of a death investigation, Deputy Coroners shall be responsible for searching for and identifying a decedent's property, within the parameters of the 4th amendment.

- A. Deputy Coroners shall conduct a thorough search of both the decedent and the death location in order to locate and identify property.
  - 1. All property items discovered on the decedent's person shall be removed and collected.
  - 2. Property items not on the decedent's person shall be collected when:
    - (a) Property items not on the decedent's person shall be collected when:
    - (b) The item is in danger of loss or damage and cannot be reasonably secured at the location of death.
  - 3. Perishable items (i.e. food items) may be discarded at the discretion of the Deputy Coroner.

### 1102.4 COLLECTION

Property items discovered at the death location shall be collected only by a Deputy Coroner, Supervising Deputy Coroner, or Reserve Deputy Coroner. Property items discovered upon intake to the Coroner Division Facility may be collected by the aforementioned personnel, or a Coroner Technician.

# Orange County Sheriff-Coroner Department

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#### **1102.4.1 DIFFICULT REMOVAL OF PROPERTY FROM DECEDENT'S PERSON**

When the Deputy Coroner is unable to remove an item of property from the decedent's person, the decedent and/or relevant body part (example: a ring unable to be removed from the finger) shall be sealed in a bag for transport to the Coroner Division Facility. The Deputy Coroner shall notify the intake personnel of the presence of property on the body, who, with the permission of the Deputy Coroner, may open the bag and attempt to collect the item.

#### **1102.4.2 UNINTENDED DAMAGE OF PROPERTY**

Deputy Coroners shall make every effort to preserve the decedent's property during the collection process. If any item is unintentionally damaged during collection, the damaged item shall be documented on the Property Inventory Form.

#### **1102.5 INVENTORY**

All property collected by Deputy Coroners or other authorized personnel shall be inventoried and itemized using the Coroner Division Property Inventory form. Property inventory shall take place at the death location and in the presence of a third party whose signature shall be requested on the Property Inventory Form under "Witnessed By."

(a) The third party may be a law enforcement officer, nurse or other medical staff, or other reliable witness.

#### **1102.5.1 DIFFICULT INVENTORY, OR INVENTORY IN HAZARDOUS CONDITIONS**

When the type or quantity of property items, or hazardous/environmental conditions on scene, create the potential for items to be lost, damaged, or miscounted if inventoried at the death location, all property items may be transported to the Coroner Division Facility for inventory in a controlled environment. The inventory shall be witnessed by the on-duty Watch Commander.

#### **1102.6 TRANSPORTATION OF PROPERTY**

At no time will property items be left unsecured by the Deputy Coroner while in transit from the death location to the Coroner Division Facility.

#### **1102.7 PACKAGING OF PROPERTY**

Deputy Coroners shall package the decedent's property with the utmost respect and care for the item(s). Deputy Coroners shall ensure that all items are cleaned if soiled, bloodied, or otherwise tainted, prior to packaging. The property item(s) shall be enclosed in a plastic bag or coin envelope, then placed in a brown paper bag. The Property Inventory form shall be attached to the property bag until all property items are released.

#### **1102.8 PROPERTY STORAGE**

Packaged property shall be stored in the Investigations property cage at the Coroner Division Facility.

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### **1102.8.1 STORAGE OF BULK ITEMS**

Bulk property items that will not fit into a provided paper bag may be placed on the floor of the property cage with the Property Inventory form attached. Bulk property items that will not fit into the property cage shall be transported directly to the Orange County Sheriff's Department Property and Evidence Bureau and booked for safekeeping.

### **1102.9 DOCUMENTATION OF STORAGE LOCATION**

All property bags placed into or removed from the Investigations property cage at the Coroner Division Facility shall be tracked using the designated property log book.

### **1102.10 LONG TERM STORAGE**

Property items, except U.S. currency, remaining unclaimed at the Coroner Division Facility for a period of 14 days shall be transferred to the Orange County Sheriff's Department Property and Evidence Bureau for safekeeping. U.S. currency remaining unclaimed for a period of 14 days shall be transferred to the Orange County Sheriff's Department Financial Division.

### **1102.11 RELEASE OF PROPERTY**

Property shall be released to the decedent's legal next-of-kin as defined by Health and Safety Code 7100, or any person designated by them in writing.

- (a) A decedent's next-of-kin may transfer his/her authority for property to any other party by sending a written authorization to the Coroner Division Facility. This authorization shall clearly state their wish to release property to the new intended recipient, the transferring party's signature, and date.

#### **1102.11.1 RELEASE OF PROPERTY WITHOUT WRITTEN AUTHORIZATION**

Property may be released to any of the following parties without written authorization from the decedent's next-of-kin:

- (a) The investigating law enforcement agency
- (b) The Orange County Public Administrator
- (c) Authorized representatives of the armed forces, when the decedent was an active duty military member.

#### **1102.11.2 NEXT-OF-KIN PROPERTY DISPUTE**

When there is a known dispute amongst a decedent's next-of-kin concerning the release of property, and it appears, based on the facts known to the Coroner, all parties have equal lawful right to the items, all property shall be held at the Coroner Division Facility and/or Orange County Sheriff's Department Property and Evidence Bureau until a resolution is determined either by a court of law, the Orange County Public Administrator, County Counsel, or the Coroner Division Commander or his/her designee.

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#### **1102.12 PROPERTY COLLECTED AT THE CORONER DIVISION FACILITY**

Previously undocumented property that is discovered on the decedent's person at the Coroner Division Facility shall be collected and packaged by the intake personnel. The intake personnel shall then notify the on-duty Watch Commander, and hand-deliver the item to the Investigations Unit or place the item in the Forensic Property Evidence Room. The item shall then be retrieved and processed per protocol by the on-duty Watch Commander or his/her designee.

#### **1102.13 LOSS OF PROPERTY**

If any member of the Coroner Division discovers that a property item has been misplaced or lost, the on-duty Watch Commander shall be notified immediately.

#### **1102.14 FOUND PROPERTY**

When a Deputy Coroner has discovered property in the decedent's possession that clearly belongs to another party (example: credit cards or driver's license in another's name), that item shall be booked at the Coroner Division Facility, or any other authorized Department collection site, as found property.