

# Evidence

## 1100.1 PURPOSE AND SCOPE

This policy serves to establish rules and guidelines pertaining to any evidence collected by members of the Coroner Division in the course of a death investigation.

## 1100.2 DEFINITION

Evidence, as defined within Policy 1100, is any item that has or may have bearing on the cause, manner, or circumstances surrounding the death, identity of the decedent, or can be used to prove the existence or non-existence of a fact.

(a) Evidence that a Deputy Coroner may commonly take into custody in the course of a death investigation may include, but is not limited to, firearms, other weapons, suicide notes, clothing, ligatures, ante-mortem specimens, prescribed medication, and illicit drugs or related paraphernalia.

## 1100.3 SEARCH

In the course of a field death investigation, Deputy Coroners shall be responsible for searching for and identifying pertinent evidence.

(a) Deputy Coroners shall conduct a thorough search of the decedent and death location in order to locate pertinent evidence, with consideration to applicable 4th amendment requirements.

1. Deputy Coroners may also be required to search any relevant incident location(s) related to the death in order to locate evidence, with consideration to applicable 4th amendment requirements.

(b) Deputy Coroners shall be responsible for determining the existence of and retrieving any significant ante-mortem specimens from hospitals, laboratories, or other pertinent medical facilities when case circumstances dictate.

1. Ante-mortem specimens may include, but are not limited to, blood, urine, or placenta.

## 1100.4 PHOTOGRAPHING EVIDENCE

Deputy Coroners shall photograph pertinent evidence in its original location prior to collecting the item. Photographs shall be taken in accordance with Policy 1132 of this manual.

## 1100.5 COLLECTION

Evidence as defined in 1100.2 shall be collected by Deputy Coroners as part of the death investigation.

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#### 1100.5.1 USING THE ORANGE COUNTY CRIME LAB FOR EVIDENCE COLLECTION

Evidence relating to a death where there is potential for criminal charges should be collected by members of the Orange County Crime Lab or the investigating law enforcement agency. If members of the Orange County Crime Lab or law enforcement agency are not present or decline to collect evidence, the item(s) shall be collected by the Deputy Coroner.

Deputy Coroners shall request the assistance of the Orange County Crime Lab, or the investigating law enforcement agency's Crime Scene Investigator, for evidence collection on non-criminal cases if he/she is unable to collect the evidence without compromising the integrity of the item.

#### 1100.5.2 COLLECTION OF ILLICIT DRUGS AND MEDICATIONS

Illicit drugs and medications shall be collected by Deputy Coroners if pertinent to identifying the deceased, or determining the circumstances, cause, or manner of death.

(a) If the item is such that it may contain fentanyl or other suspected toxic material/ narcotics, and is packaged or in a closed container, the item shall be collected in accordance with Lexipol Policy 802 – Property and Evidence.

1. Possible fentanyl or other suspected toxic materials/narcotics that are loose or otherwise unpackaged shall only be collected following notification to, and consultation with, a member of the Orange County Clandestine Lab Emergency Action Network (OCCLEAN).

(a) The suspected type of toxic material and case circumstances will determine whether OCCLEAN responds to the scene or authorizes Deputy Coroners to collect the material.

(b) Illicit drugs and medications with no investigative value, but representing a public safety hazard, shall be collected by the law enforcement agency or Deputy Coroner, with preference to the law enforcement agency.

1. Examples of drugs and medications that may constitute a public safety hazard include, but are not limited to, any illicit substance, narcotic medications, or suspected toxic materials.

2. Possible fentanyl or other suspected toxic materials/narcotics shall be treated in accordance with above section 1100.5.2.A.1.a.

(c) Prescription medications with no investigative value and do not pose a public safety hazard need not be collected.

#### 1100.5.3 COLLECTION OF WEAPONS

Weapons shall be collected by Deputy Coroners if pertinent to identifying the decedent or determining the circumstances, cause, or manner of death.

(a) Deputy Coroners shall make every effort to render a weapon safe prior to collection.

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1. If the Deputy Coroner is unable to make a weapon safe, the Watch Commander shall be notified and the weapon shall be transported to the Coroner Division Facility in the trunk of the vehicle or locked container (i.e. gun case), pursuant to Penal Code Section 25610.

#### **1100.6 PRESERVATION**

All evidence shall be preserved in accordance with Policy 802.

#### **1100.7 PACKAGING**

All evidence shall be packaged in accordance with Policy 802.

#### **1100.8 CHAIN OF CUSTODY**

Once evidence is collected, Deputy Coroners shall retain physical control over the item(s) until all item(s) are booked in an evidence locker. All evidence shall be booked and secured in an authorized locker by the end of shift. Placing items in an employee locker, in a personal vehicle, or other location for temporary storage is strictly prohibited. Under extenuating circumstances, a supervisor may authorize temporary storage in an authorized secure area (example: locked office safe, closet, or file cabinet) if that area is only accessible by the deputy or supervisor. This will maintain chain of custody.

(a) For the purposes of drying prior to packaging, temporary storage of wet or soiled evidence items is permitted only in the designated drying closet or drawers. The item shall be packaged, booked, and secured in an authorized evidence locker as soon as possible once drying is complete.

#### **1100.9 TAGGING AND BOOKING**

All evidence shall be tagged and booked at the Coroner Division Facility or approved Department collection site, in accordance with Policy 802.

(a) If fentanyl or other suspected toxic material is collected, the material shall be transported directly to the Brad Gates Building and relinquished only to a member of the Orange County Crime Lab, in lieu of booking at any other Department collection site.

#### **1100.10 DOCUMENTATION**

Any evidence collected by Deputy Coroners shall be documented in the Coroner Investigator (CI) Report, and shall include, at a minimum, the following:

- (a) The item(s) collected.
- (b) The date and time collected.
- (c) Location where the item was found.

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#### **1100.11 DISPOSITION OF EVIDENCE**

Deputy Coroners shall be responsible for determining evidence disposition at the time of case closure or thereafter. Deputy Coroners shall designate the disposition by completing the appropriate "Property Tracking System – Property Disposition Authorization" form and promptly return the form to the Orange County Sheriff's Department Property and Evidence Bureau. If Deputy Coroners authorizes the release of any evidence item, said release shall be facilitated by the Property and Evidence Bureau only.