

OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 2

February 17, 2006

**SUBJECT: REDUCING QUANTITY OF EVIDENCE BOOKED IN
MISDEMEANOR AND INFRACTION CASES**

EFFECTIVE: IMMEDIATELY

PURPOSE: The shortage of available storage space within Department property rooms has become an increasing problem with the quantity of evidence booked in relation to misdemeanor and infraction cases throughout the City. The booking of mass quantities of evidence in many of these cases is unnecessary for a successful case prosecution. This Order delineates the new procedures for reducing the quantity of items booked as evidence relative to misdemeanor and infraction cases, and specifically, the quantity of evidence booked for sidewalk sales violations. This Order also establishes notification procedures for informing Property Division, of large quantities of alcohol seizures, provides for the disposal of batteries booked into Property Division and discusses procedure for handling electric and gas powered type scooters. This Order supercedes Office of Operations Order No. 4, dated February 13, 1990, *Reducing Quantity of Evidence Booked in Misdemeanor and Infraction Cases*.

PROCEDURE: Sidewalk sales arrests shall be processed via established Non-traffic Notice to Appear, Form 5.2.2, procedures as outlined in Department Manual Section 4/216.65 when the arrest is for, but not limited to:

- * Section 42.00(b) of the Los Angeles Municipal Code (LAMC), "Sidewalk Sales;" or,
- * Section 80.73(b) LAMC, "Catering Trucks" or,
- * Section 22520.5 of the California Vehicle Code, "Vending on or Near Freeways."

Note: Non-contraband items and all equipment used in the sales violation and possessed by the arrestee **shall not** be taken from the arrestee. These items shall be described in the arrest narrative and photographed, whenever possible, the photographs **shall** be booked as evidence.

In cases where the arrestee cannot provide satisfactory evidence of their identity or is arrested for outstanding warrants, the arresting officer shall advise the arrestee of their opportunity for an immediate cash bail out. If the arrestee cannot bail out, the arresting officers shall, prior to booking, make every

effort to release the arrestee's property to any person designated by the arrestee. If no designee can be contacted, the arresting officers shall book the property as non-evidence and shall complete, in duplicate, a Receipt for Property Taken into Custody, Form 10.10. The original Receipt for Property Taken into Custody, Form 10.10, shall be included as a page of the Arrest Report, Form 5.2.0, and the copy of the Receipt for Property Taken into Custody, Form 10.10, shall be issued to the person relieved of the property.

The arresting officer shall also complete a Property Disposition Request, Form 10.06, marked "Release To," for the vending cart (if one exists) and non-perishable items, and advise the arrestee of the importance of picking up the items when released. The completed Property Disposition Request, Form 10.06, shall be submitted to the approving supervisor along with the original report. **Property Division will not accept vending carts or non-perishable items without a completed Property Disposition Request at the time of booking.**

Note: All vending carts shall be booked at Central Property Section or Valley Property Section. These items **shall not** be booked at the concerned Area property rooms.

Evidentiary perishables shall be listed on the appropriate report and disposed of in the trash facilities for proper removal by the Bureau of Sanitation. Property Division will not accept perishables. Money shall be maintained with the arrestee's personal property by Jail Division.

Alcoholic Beverages

Officers involved in investigations of violations of Section 23300 of the Business and Professions Code, "Sales Without A License," or any other section for which a large seizure of alcoholic beverages may occur, shall notify Property Division as soon as possible.

Note: A "large seizure" is defined as consisting of 15 or more cases at 24 bottles per case.

Batteries

Due to health and storage hazards caused by leakage, and the possibility of explosion, vehicle batteries shall be handled in the following manner when taken into police custody:

When an owner is immediately identified, officers shall take a photograph of the owner with the recovered battery. The battery shall then be returned to the owner. Officers shall print the connecting Division of Record (DR) number on the photograph and book it as evidence.

When the owner cannot be immediately identified, officers shall take a photograph of the recovered battery. Officers shall print the connected DR number on the photograph and book it as evidence. The battery shall also be booked as evidence and a Property Disposition Request authorizing immediate disposition shall be completed by the booking officer and submitted with the battery and the required reports to the Area property officer, or Property Division officer. If the Area property room is closed, all items shall be placed in the appropriate interim storage area.

Note: Property Division will not accept batteries without a completed Property Disposition Request.

Motorized Scooters

Electric and gas powered type scooters shall not be booked for riding infractions or misdemeanors. They shall be released to the owner after being photographed. The photographs shall be booked as evidence. If the scooter(s) cannot be released to the owner or other designated party, they shall be booked as toys, non-evidence, and a Property Disposition Request, Form 10.06, authorizing disposition shall be completed and submitted by the booking officer.

Any questions concerning this Order should be directed to Property Division, at (213)485-5360.

GEORGE GASCÓN, Assistant Chief
Director, Office of Operations

DISTRIBUTION "D"