

ALAMEDA COUNTY SHERIFF'S OFFICE DETENTION AND CORRECTIONS POLICY AND PROCEDURE	NUMBER: 11.38	PAGES: 1 of 2
	RELATED ORDERS: None	
	ISSUED DATE: July 1, 1989	
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CHAPTER: Intake, Transfer, Release and Records	SUBJECT: Obtaining Evidence From Inmate's Person or Property	

- I. **PURPOSE:** To set policy and procedure for physical examination, handling, and obtaining evidence from an inmate's person or personal property.

- II. **POLICY:** In accordance with County Council legal analysis and direction, case law – People v. Smith (1980) 103 Cal. App. 3d 840, 163 Cal. Rptr. 322, People v. Laiwa (1983) 34 Cal. 3d 711, 195 Cal. Rptr. 503, and State of California Attorney General Opinion No. 93-610, no inmate personal property and/or clothing will be released to any law enforcement agency or court officer for viewing, handling, or taking for physical examination or evidentiary purposes without a lawful written order of the court, or a properly executed search warrant.

- III. **PROCEDURE:**
 - A. Prior to releasing an inmate's property to another law enforcement agency for viewing, handling, or releasing for physical examination or evidentiary purposes, the following must occur:
 1. The ITR Sergeant and/or Watch Commander will be notified.
 2. The representative of the requesting agency must present either a lawful written court order or a properly executed search warrant.
 3. The representative must be present upon removal of the evidence. No evidence will be retrieved, seized, or otherwise removed from storage and sent to the representative.

 - B. Upon any evidence being seized:
 1. A written inventory of those articles seized will be prepared and signed by the person seizing the evidence.

2. A copy of the warrant, court order and receipt will be placed in the property envelope or bag. A copy of the receipt will be sent to the inmate and a copy placed in the inmate's class file.
- C. If evidence is to be obtained from a defendant's body and the inmate refuses to cooperate, a court order and/or search warrant must be obtained, and the facility Commanding Officer's authorization received, prior to using force to obtain the evidence.