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17-052  
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## **Issuance of Property Receipt for Items Seized Under Warrant** (Supersedes DB 17-005)

Members of the Department must be aware that they are required by Department policy and California law to issue a property receipt upon the seizure of property following the execution of a search warrant. Officers may satisfy this requirement by issuance of either a "property receipt" form (SFPD 315) **OR** a return on the search warrant to the person from whom property was taken. This bulletin replaces Department Bulletin 17-005.

Filing a return on a search warrant with a magistrate is not a substitute for an officer's duty to issue a property receipt to the person from whom the property was taken.

### **A. California Law Requires Issuance of a Property Receipt**

California Penal Code section 1535 states: "When the officer takes property under the warrant, he must give a property receipt for the property taken (specifying it in detail) [1] to the person from whom it was taken by him, or [2] in whose possession it was found; or, [3] in the absence of any person, he must leave it in the place where he found the property."

Thus, officers are required **by law** to leave a receipt as described above when seizing property pursuant to the execution of a search warrant. Additionally, officers shall retain a duplicate copy of the property receipt, as mandated by Department General Order 6.15(III)(A)(1). The property receipt should be issued on the proper form (SFPD 315). If that form is not used, state why in the incident report.

### **B. Filing a Return with a Magistrate Is Not a Substitute for Leaving a Property Receipt**

Filing a return to the search warrant **with a magistrate** does not relieve the officer of his/her obligation to leave a property receipt as described in section A.

Penal Code section 1535 mandates that a property receipt be left with the appropriate person or, if no such person is present, at the place where the property was taken, regardless of whether an officer files a return. Moreover, Department General Order 6.15(II)(A)(1) requires an officer to issue a receipt upon seizing property.

The requirement to leave a property receipt may be satisfied by issuing a copy of the search warrant return detailing all items taken as detailed in Section A. Officers who issue a search warrant return in lieu of a Property Receipt form must state so in their incident report.

In circumstances where a suspect is in custody and a search warrant is executed at a third party location, officers must leave a property receipt with both a person at the third-party location *and* the suspect. If no person is present at the third-party location, officers shall leave a copy of the property receipt at the premises.

  
WILLIAM SCOTT  
Chief of Police

*Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.*