DPO CORE ACADEMY
CONTRABAND AND EVIDENCE
San Diego County Probation
OBJECTIVES OF TRAINING

• IDENTIFY STEPS TO PRESERVE SCENE AND/OR ANY EVIDENCE
• IDENTIFY UNIVERSAL SAFETY PRECAUTIONS WHEN HANDLING CONTRABAND AND EVIDENCE
• IDENTIFY POTENTIALLY DANGEROUS SITUATIONS
• IDENTIFY SITUATIONS WHERE OFFICERS SHOULD CALL FOR ASSISTANCE WHEN DISCOVERING EVIDENCE OR CONTRABAND
• DRUG PARAPHERNALIA AND PURPOSE
EVIDENCE / CONTRABAND

• Contraband: Illegal or prohibited items

Two types

• Soft: Items that violate Administrative / Institutional rules but would otherwise be legal. *Examples*...

• Hard: Items which are illegal regardless of location or administrative rules. *Examples* .......
NARCOTICS

- PARAPHERNALIA
- CAMERAS
- CELLPHONES
- PAY/OWE SHEET
- CURRENCY
- SCALE
- SURVEILLANCE CAMERAS
- PACKAGING

San Diego County Probation
FIREARMS

- AMMUNITION
- MAGAZINE
- HOLSTERS
- GUN CLEANING EQUIPMENT
- PICTURES
- REGISTRATION

San Diego County Probation
STOLEN PROPERTY

- SERIAL NUMBER
- IDENTIFICATION
- DOCUMENTATION
- SOCIAL MEDIA
- QUESTIONING

San Diego County Probation
TERMS

- **Burden of Proof**: Duty of a party to substantiate an allegation or issue.
- **Persuasion Burden**: The party will not prevail if the Jury or Judge remains in doubt or is not convinced to the degree required.
- **Burden of Evidence**: Duty of Plaintiff to produce sufficient evidence to avoid dismissal, non-suit.
EVIDENCE / CONTRABAND

Continued

- **Evidence**: Means by which an alleged fact is either proved or disproved. (EC sec. 140)

Forms of Evidence

- **Real**: Demonstrative / Physical Objects that can be touched
- **Documentary**: Writings
- **Testimonial**: Oral Evidence under Oath
- **Judicial Notice**: Public Laws
REASONS EVIDENCE IS INTRODUCED IN COURT

- Prove a Crime or Violation
- Impeach a Witness
- Confront testimony of a Witness
- Assist Court in determinations.

San Diego County Probation
Tests Evidence Must Pass

• Relevant to matter at hand.

• Competently presented in Court.

• Legally obtained.
Tests Evidence Must Pass

Continued

Related to Probation

- Relevant to matter at hand:
  Related to Probation Conditions/Crime
- Competently presented in Court:
  Properly seized and maintained
- Legally Obtained:
  Court Order

San Diego County Probation
RULES OF EVIDENCE

- Basic legal principles, not legislature, that are applied to determine whether a trial would be fair with or without a piece of evidence in question.
RULES OF EVIDENCE
Continued

Main Purpose

• Exclude evidence likely to confuse the issue
  (irrelevant or unreliable)
• Prevent introduction of unfairly prejudicial evidence
  (acts unrelated to charges)
• Prevent introduction of evidence unduly time consuming for the Court

San Diego County Probation
CHAIN OF CUSTODY

• Definition:

  “Every person and/or location who has come in contact with a particular item, and its condition and/or storage, from the time of its discovery, until the present.”

San Diego County Probation
CHAIN OF CUSOTDY
Continued

• Basic Principle:

“When a question arises as to the authenticity of an item offered as evidence or its possible alteration or contamination, the location and condition of the item from the time of its discovery can be proved.”
CHAIN OF CUSTODY
Continued

Proof of Chain of Custody Demonstrates........

- Evidence offered is the same evidence found.
- No opportunity to replace or alter.
- Any change in condition can be explained.
- Ensures physical integrity.
- Ensures Legal integrity.

San Diego County Probation
CHAIN OF CUSTODY
Continued

Elements of chain of Custody

- Photography: Location / Condition / Photographer
- Documentation: Location / Finder / Witnesses / Identification #’s
  Storage / Handlers / Date and Time
- Storage: Sealed / Secured to prevent contamination or alteration location

San Diego County Probation
Forms

- Contraband Receipt
- Evidence Log
- Property Release Form
- Different procedures for each office
- In the process of creating a uniformed contraband / evidence collection standard
Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule: A Guide for Law Enforcement

What is the HIPAA Privacy Rule?

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule provides Federal privacy protections for individually identifiable health information, called protected health information or PHI, held by most health care providers and health plans and their business associates. The HIPAA Privacy Rule sets out how and with whom PHI may be shared. The Privacy Rule also gives individuals certain rights regarding their health information, such as the rights to access or request corrections to their information.

Who must comply with the HIPAA Privacy Rule?

HIPAA applies to health plans, health care clearinghouses, and those health care providers that conduct certain health care transactions electronically (e.g., billing a health plan). These are known as covered entities. Hospitals, and most clinics, physicians and other health care practitioners are HIPAA covered entities. In addition, HIPAA protects PHI held by business associates, such as billing services and others, hired by covered entities to perform services or functions that involve access to PHI.

Who is not required to comply with the HIPAA Privacy Rule?

Many entities that may have health information are not subject to the HIPAA Privacy Rule, including:

- employers,
- most state and local police or other law enforcement agencies,
- many state agencies like child protective services, and
- most schools and school districts.

While schools and school districts maintain student health records, these records are in most cases protected by the Family Educational Rights and Privacy Act (FERPA) and not HIPAA. HIPAA may apply however to patient records at a university hospital or to the health records of non-students at a university health clinic.
### Diseases of High-Consequence Pathogens and Pathology

#### Prion and Public Health Office
- Bovine Spongiform Encephalopathy (BSE) (Mad Cow)
- Sporadic, Genetic, and Transmissible Creutzfeldt-Jakob Disease (CJD)
- Chronic Wasting Disease
- Subacute Sclerosing Panencephalitis

#### Bacterial Special Pathogens Branch
- Anthrax
- Brucellosis
- Buruli Ulcer
- Capnocytophaga
- Gas gangrene (Bursheldia mallei)

#### Chronic Viral Diseases Branch
- Myalgic Encephalomyelitis
- Chronic Fatigue Syndrome
- Post-Infectious Fatigue
- Human Papillomavirus (HPV) Testing

#### Viral Special Pathogens Branch
- Ebola Virus
- SARS Virus
- Bunyavirus
- Hantavirus
- Influenza
- Rabies Virus

#### Poxvirus and Rabies Branch
- Family Poxviridae
- Family Rhabdoviridae
- Family Paramyxoviridae
- Family Filoviridae

#### Infectious Diseases Pathology Branch
- Autopsy Medical Examiner
- Pathology and Telepathology
- Histopathology Laboratory
- Tissue Culture Laboratory
- Immunohistochemistry Laboratory

---

San Diego County Probation
ACTIVITY #2

- **GROUP 1**
  - IDENTIFY DANGEROUS SITUATIONS THAT CAN OCCUR WHEN DEALING WITH CONTRABAND AND/OR EVIDENCE

- **GROUP 2**
  - IDENTIFY WHEN IT WOULD BE IMPORTANT TO UTILIZE UNIVERSAL
• DISCUSS DANGEROUS SITUATIONS WHEN DEALING WITH EVIDENCE AND CONTRABAND
IDENTIFY SITUATIONS WHERE OFFICERS SHOULD CALL FOR ASSISTANCE

- CHILD PROTECTIVE SERVICES
- LAW ENFORCEMENT AGENCIES
- CODE ENFORCEMENT
- MENTAL HEALTH
- MEDICAL

San Diego County Probation
Current trends in seizing narcotics

- Changes to the way we seize and process narcotics
- Review current policy
- Department wide memos directing new procedures in the way we deal with locating narcotics in the field
San Diego County Probation