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**NEVADA COUNTY  
SHERIFF'S OFFICE**



**CORONER'S DIRECTIVE**

**24**

**Effective Date 05/30/99**

**2/6/18**

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**SUBJECT                      CORONER'S PROPERTY**

**POLICY**                      It is the policy of the sheriff-coroner to safeguard the property in all coroner cases until a determination of proper next-of-kin has been made

**PURPOSE**                      To provide the deputy coroner with a procedure for identifying, seizing, handling, and releasing coroner's property

**CODE REFERENCE**

**CASE LAW**

**DEFINITIONS**

**PROCEDURE**

A.      Storing Coroner's Property

1. In cases where there is no authorized person to receive the property at the scene, use the following procedure:
  - a. When possible, leave all bulky articles in the decedent's house/room; seal all passageways with coroner seals. Make a notation in the report that the room was sealed.
  - b. Take only jewelry, money, bonds, certificates, guns, will(s) or trust documents, et cetera, as property. Place the items in a properly marked envelope and store in the evidence room (coroner's property). Give the will(s) or trust documents to the coroner to forward to County Counsel's Office with a note as to where they were found.
2. When it is not practical to store bulky articles in a room or when there is no room, tag and book the property at the Sheriff's Property Unit (SPU)  
Remember, the deputy coroner is responsible for the loss of any property coming into his/her custody or of which he/she has knowledge.

3. Routine pathological tissue samples from autopsy will be stored for a period of six (6) months from the date of death and then destroyed.
4. Homicide and "John and Jane Doe" pathological tissue samples will be separated from the bulk tissue samples and booked into the Sheriff's Property Unit to be retained indefinitely.

B. Release of Coroner's Property

1. Only the personal representative of the decedent's estate (executor or court-appointed administrator) is permitted to retrieve property of the decedent in cases falling under the jurisdiction of the coroner (Government Code §27491.3). If there is no formal probate proceeding, the person who is entitled to the property pursuant to a Probate Code §13101 affidavit may retrieve the property 40 days or more after death. If there is no inquest or criminal investigation, the decedent's property can be released to relatives in the following order pursuant to Probate Code §330 (in cases where the officer knows, or has reason to believe there is a dispute over the right to possession of the property, the property shall not release the property):
  - a. Surviving spouse (legally married)/separated (but not divorced);
  - b. Adult Child;
  - c. Parent
  - d. Sibling;
  - e. Conservator or guardian of the estate, acting in that capacity at the time of death;
  - f. Public Administrator
2. If within 90 days after the inquest, no legal representative makes a demand upon the coroner for the money or property found upon the body of the decedent, or at the property, the coroner shall deliver the property to the public administrator for disposition pursuant to Probate Code §7660.