

DECLARATION OF PETER JONES

I, Peter M. Jones, declare as follows, except as to those items below which I indicate to be based on information and belief. If called to testify, I would testify as follows:

1. I am an attorney admitted to practice in the State of California.
2. In 2015, I entered my appearance on behalf of the Defendant, Douglas R. Stankewitz, in the matter of *People of the State of California v. Douglas Ray Stankewitz*, Superior Court of Fresno County case number CF78227015.
3. As a component of the defense of Mr. Stankewitz during the preparation for the penalty phase of his anticipated trial in which I served as his appointed counsel, Defendant sought the discovery of evidence related to an uncharged allegation against Mr. Stankewitz by the State involving the attempted murder, kidnapping and robbery of Jesus Meras (hereinafter “Meras allegation”). The State used the Meras allegation as a factor in aggravation in his first and second trials. The Meras crimes were, in my opinion, the most significant factor in aggravation offered by the prosecution to have Mr. Stankewitz sentenced to death.
4. On or about May 5, 2016, after several unsuccessful attempts to contact an attorney in the District Attorney’s Office to submit my discovery requests, I prepared and caused to be served a Subpoena Duces Tecum upon the Fresno County Sheriff’s Office, directly.
5. Said Subpoena sought production of documents, evidence and other records related to the Meras allegation, including reports by investigating officers and criminologists, physical evidence such as shell casings, interview notes, diagrams, and all other records. See attached copy of Subpoena.
6. Prior to August of 2017, the Fresno County Sheriff’s Office failed to comply with the Subpoena on the Meras allegations, as no documents or evidence were produced by the Sheriff’s or District Attorney’s Offices before that date.
7. In August of 2017, Defendant’s counsel was provided a report prepared by W. Sarment (hereinafter “Sarment reports”), a Sheriff’s officer/criminologist investigating and collecting

evidence on the Meras allegation. The Sarment report included a diagram of his work at the Meras crime scene.

8. Pursuant to the Sarment report, three .22 caliber casings had been collected at the crime scene, however, to date, none of those casings have ever been produced to the defense. Also pursuant to the Sarment report, photos were reportedly taken of the recovered .22 casings. No photos have ever been produced to the defense.

9. When the defense viewed the evidence at the Fresno's Sheriff's office on August 24, 2017, for both the Theresa Graybeal homicide and the alleged kidnap, robbery and attempted murder of Jesus Meras, an envelope purporting to contain the .22 caliber casings from the Meras crime scene was discovered, inside of it, however, were three .25 caliber casings, that had been test-fired from a Titan .25 caliber firearm. It appeared that the three .22 caliber casings Meras reported to have been collected at the Meras crime scene, had been removed and disposed of and three .25 caliber casings matching casings fired by the alleged homicide weapon, had been substituted in their place. None of the reports or documents provided to the defense made reference to the recovery of a .22 caliber firearm.

10. On or about May 23, 2016, I was informed that the Court was in possession of a stack of documents six to eight inches thick. These documents were reviewed in court by myself and D.D.A. Noelle Pebet. Some of the reports and documents contained in this material had not previously been provided to the defense.

11. Among the documents was a sealed envelope marked "Confidential", which contents were never revealed. I asked to have duplicated all the documents in the Court's possession with the exception of the contents of the sealed "Confidential" envelope.

12. Given the assertions made in the unadjudicated Meras allegation, and the prosecution's subsequent use as evidence of that allegation to show an alleged pattern of behavior by the Defendant to support the prosecution's depiction of him, all investigative documents and evidence should have been made available pursuant to the Subpoena and subsequent discovery requests in order for the defense to challenge the legitimacy and accuracy of the allegations.

13. As of Mr. Stankewitz's sentencing date in May of 2019, my last day representing him, I was still of the opinion that the Fresno County Sheriff's Office had failed to fully comply with the Subpoena Duces Tecum served upon it and the District Attorney's Office by the Defendant. What had been produced did not include items of evidence which had either been disposed of and no longer existed (for example, the three .22 caliber casings), or were never produced in violation of the Subpoena Duces Tecum.

I declare under penalty of perjury that the foregoing is true and correct.

6/15/2020 Fresno, CA
Date and Place


PETER M. JONES

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Peter M Jones Wanger Jones Helsley PC 265 E. River Park Circle, #310 Fresno, California 93720 TELEPHONE NO.: 559-233-4800 FAX NO. (Optional): 559-233-9330 E-MAIL ADDRESS (Optional): pjones@joneshelsley.com ATTORNEY FOR (Name): DOUG STANKEWITZ	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1100 Van Ness Avenue MAILING ADDRESS: CITY AND ZIP CODE: Fresno, California 93721 BRANCH NAME: Central	
CASE NAME: The People of the State of California vs. Doug Stankewitz	
ORDER TO ATTEND COURT OR PROVIDE DOCUMENTS: Subpoena/Subpoena Duces Tecum	

You must attend court or provide to the court the documents listed below. Follow the orders checked in item 2 below. If you do not, the judge can fine you, send you to jail, or issue a warrant for your arrest.

1. To: (name or business) Fresno County Sheriff's Department, Custodian of Records
2. You must follow the court order(s) checked below:
 - a. Attend the hearing.
 - b. Attend the hearing *and* bring all items checked in c. below.
 - c. Provide a copy of these items to the court (Do not use this form to obtain Juvenile Court records):
 - (1) Any and all photographs of crime scene and (3) shell casings taken by Criminologist W. Sarment
 - (2) FSO, Case #78-1995
 - (3) Any and all evidence log(s) relating to Case #78-1995.
 - If this box is checked, provide all items listed on the attached sheet labeled "Provide These Items."
 - d. If someone else is responsible for maintaining the items checked in c. above, that person (the Custodian of Records) must also attend the hearing.
 - e. If this box is checked and you deliver all items listed above to the court **within 5 days of service of this order**, you do not have to attend court if you follow the instructions in item 5.

Court Hearing Date: Date: <u>May 23, 2016</u> Time: <u>09:00 a.m</u> Dept.: <u>#62</u> Rm.: _____	The court hearing will be at (name and address of court): <u>Superior Court of California, County of Fresno,</u> <u>1100 Van Ness Avenue, Fresno, California 93721</u>
Call the person listed in item 4 below to make sure the hearing date has not changed. If you cannot go to court on this date, you must get permission from the person in item 4. You may be entitled to witness fees, mileage, or both, in the discretion of the court. Ask the person in item 4 after your appearance.	

4. The person who has required you to attend court or provide documents is:
 Name: Peter M. Jones, Attorney at Law Phone No.: 559-233-4800
 Address: 265 E. River Park Circle, #310
 Number, Street, Apt. No.
Fresno, California 93720
 City State Zip

FOR COURT USE ONLY

Date: March 29, 2016 Signature: 
 Name and Title

CASE NAME: The People of the State of California vs. Doug Stankewitz	CASE NUMBER: CF8277015
-------------------------------------------------------------------------	---------------------------

- 5 a. Put all items checked in item 2c and your completed *Declaration of Custodian of Records* form in an envelope. (You can ask the person in item 4 where to get this form.) Attach a copy of page 1 of this order to the envelope.
- b. Put the envelope inside another envelope. Then, attach a copy of page 1 of this form to the outer envelope or write this information on the outer envelope:
- (1) Case name
 - (2) Case number
 - (3) Your name
 - (4) Hearing date, time, and department
- c. Seal and mail the envelope to the Court Clerk at the address listed in item 3 or The court address in the caption on page 1. You must mail these documents to the court within five days of service of this order.
- d. If you are the Custodian of Records, you must also mail the person in item 4 a copy of your completed *Declaration of Custodian of Records*. Do not include a copy of the documents.

— The server fills out the section below. —

Proof of Service of CR-125/JV-525

1. I personally served a copy of this subpoena on:
 Date: _____ Time: _____ a.m. p.m.
 Name of the person served: _____
 At this address: _____
 After I served this person, I mailed or delivered a copy of this Proof of Service to the person in item 4 on (date): _____
 Mailed from (city): _____
2. I received this order for service on (date): _____ and was not able to serve (name of person) _____ after (number of attempts) _____ attempts because:
- a. The person is not known at this address.
 - b. The person moved and the forwarding address is not known.
 - c. There is no such address.
 - d. The address is in a different county.
 - e. I was not able to serve by the hearing date.
 - f. Other (explain): _____
3. Server's name: _____ Phone no. _____
4. The server (check one)
- a. is a registered process server.
 - b. is not a registered process server.
 - c. is a sheriff, marshal, or constable.
 - d. works for a registered process server.
 - e. is exempt from registration under Business and Professional Code section 22350(b).
5. Server's address: _____
 If server is a registered process server:
 County of registration: _____ Registration no.: _____

I declare under penalty of perjury under the laws of the State of California that I am at least 18 years old and not involved in this case and the information above is true and correct.

Date: _____

TYPE OR PRINT NAME OF SERVER

SIGNATURE OF SERVER

MEMORANDUMS

TO : PETE JONES, ATTORNEY AT LAW
WANGER, JONES, HELSLEY PC

FROM : DAVID V. SCHIAVON
D. SCHIAVON INVESTIGATION

DATE : SEPTEMBER 12, 2016

SUBJECT: DOUG STANKEWITZ

RE : FSO CASE #78-1995

Attempts to located and obtain records relating to (3) Shell Casings referenced in Detectives Christensen/Lean report, FSO, Case #78-1995 found the following;

A Subpoena Duces Tecum for Criminologists W. Sarment's report(s) including but not limited to, photographs of incident location, evidence logs indicating the (3) cartridge casings collected at the crime scene were booked into evidence was forwarded to District Attorney's Office.

Recently your office discovered a Forensic Report indicating a comparison of the (3) cartridge casings relating to the Meras matter, FSO Case #78-1995 was made to the cartridge casing relating to Greybeal's matter, FSO Case #78-1809.

The cartridge casing were found not to match.

No other records have been located.

Detective Christensen and Criminologist W. Sarment are now deceased.

Detective Lean is retired and has not yet been located.

DAVID V. SCHIAVON, #PI 13508.

MEMORANDUMS

TO : PETE JONES, ATTORNEY AT LAW
WANGER, JONES, HELSLEY PC

FROM : DAVID V. SCHIAVON
D. SCHIAVON INVESTIGATION

DATE : APRIL 25, 2016

SUBJECT: DOUG STANKEWITZ

RE : SUBPOENA DT RE: FSO CASE NUMBER 78-1995

On May 24, 2016 met with Ms. Yang at FSO HQ Records regarding Subpoena DT that was severed for records on May 5, 2016.

Ms. Yang advised she recalled receiving Subpoena DT from the Court Liaison's Office.

Ms. Yang related after receiving the Subpoena DT, she forwarded the it to Sargent Alvarado.

Ms. Yang said Sargent Alvarado's Office door was closed and she did not know if he was available.

Ms. Yang requested my contact information and mentioned she would forward the Subpoena DT for records to Deputy DA Chris Gularte with the Fresno County District Attorney's Office.

I requested Ms. Yang to inform Deputy DA Gularte to contact me or Attorney Peter Jones's office at phone number listed on the Subpoena DT.

DAVID V. SCHIAVON, #PI 13508.

Superior Court State of California
County of Fresno
1100 Van Ness Ave
Fresno CA, 93724

I, the undersigned, do hereby swear, certify, and affirm that: I, Jacquelin Curry, worked as a law clerk for Peter Jones, on the case of *People v. Stankewitz*. (Case Number CF78227015.) I personally searched every document, in all fifty-eight (58) boxes of known discovery. I created a one hundred and eighty-seven (187) paged index and catalogue of all the documents contained therein. I have no recollection of ever indexing and cataloguing a casings comparison report dated 2/13/78 (Report # 292, Case No. 78-1809/ 78-1995), which was analyzed by I. Bureau Tech Wes Sarment and Preheim.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a dashed horizontal line.

Jacquelin Curry

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed this 14 day of October, 2016 in Fresno California.

CLATSOP COUNTY SHERIFF'S DEPARTMENT
REQUEST FOR EVIDENCE EXAMINATION

202
DATE 2-15-78
TIME 1:00 PM

77-1709 PLEASE TYPE OR PRINT 77-1705

CRIME CLASSIFICATION PC 172.207, 207.207, 207.217, 207.217 DATE COMMITTED 2-2-78
OFFICER [Handwritten Name] CASE NO. 77-1709

ITEM NO.	DESCRIBE EACH ITEM OF EVIDENCE TO BE EXAMINED
(1)	Expanded shell casing found [Handwritten Location] 77-1709
(2)	Expanded shell casing recovered 2-15-78 - call # 77-1705

TYPE OF TESTS, ANALYSIS, OR EXAMINATION REQUESTED
Compare items 1 + 2 to see if they match.

INVESTIGATING OFFICER T. [Handwritten Name]
AGENCY 50

FOR LABORATORY USE ONLY

EXAMINATION RESULTS
NEG 10-20 [Handwritten Signature]

EXAMINER'S SIGNATURE 001827

Marshall, Clements 1-4-80

FRESNO COUNTY SHERIFF'S DEPARTMENT
Division of Identification and Records
Technical Service Report

D & T RPT. TO ID 2-13-78, 1109 Hrs.	SPECIFIC OFFENSE UNDER INVESTIGATION PC 211a, Armed Robbery		CR NO. 78-1995
D & T ID OFF. ARR. 2-13-78, 1115 Hrs.	ID NO.		
D & T OCCURRED-DAY OF WEEK Approx. 2200 Hrs.; Wed.; 2-8-78.		LOCATION OF OFFENSE Hayes Ave. approx. 200 yds north of Calle Ave.	
VICTIM'S NAME Jesus R. Meras	VICTIM'S ADDRESS 3761 S. Golden Rod	RES. PHONE	WEATHER Cold Rain
BUSINESS NAME	BUSINESS ADDRESS	BUS. PHONE	

EVIDENCE: PHOTOS (X) TRACKS () LATENTS () PHYSICAL (X) WHEEL MARKS () DIAGRAMS ()

DETAILS: SYNOPSIS, EVIDENCE OBTAINED & COMMENTS
Synopsis: Follow up to a armed robbery occurring on 2-8-78, Dets. Lean and Christensen located the area where suspect fired a .22 Cal. gun at victim. Recovered three (3) empty .22 Cal. cartridge cases alongside the blacktop on the east side of the roadway.

Evidence:
Photos:
1/2. Views of the cartridge cases recovered.
3. View east of the above location
4. View west of the above location.

Physical:
Three empty cartridge cases; see photo 1/2. (INTD BUIA WS)

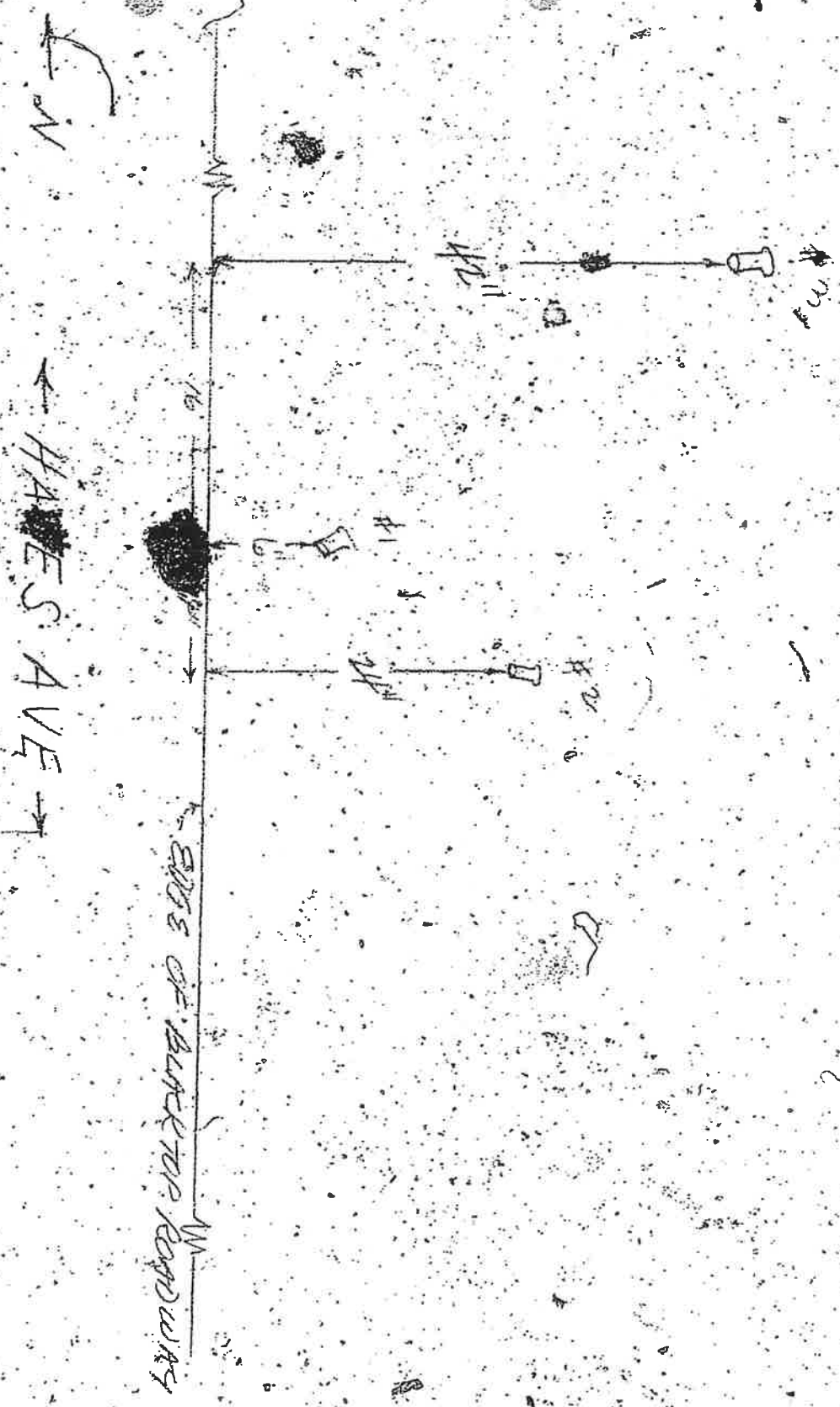
Diagram:
Of the location of the recovery of the above cartridge cases.

Note: Refer to case 77-1809, above cartridge cases may be from the gun involved in this case.

INVESTIGATING OFFICER Dets. Lean & Christensen ID OFFICER W. Sarment, Crim.

SO-85

Arnold, Clements 1-4-80



2-13-78
 PC 211A
 78-1995
 WS

RELATED TO

GARY BEAL CASE

PC 187

CHRIS KEAN

PROPERTY DESCRIPTION	OUT BY	RET BY	LOCATION
[REDACTED]	<i>2-16-78</i>	<i>2-15-78</i>	<i>Evidence</i>
[REDACTED]			<i>From Conv.</i>
[REDACTED]			<i>Cabinet</i>

Rec'd By: _____ Date: _____

Released By: _____ Date: _____

FRESNO COUNTY SHERIFF'S DEPT. - PROPERTY RECORD

RETAIN + EVALUATE: none

DECLARATION OF GARRY SNOW

I, Garry Snow, declare under penalty of perjury the following, except as to those items below which I indicate to be based on information and belief. If called to testify, I would testify as follows:

1. I was employed as a police officer at the Fresno County Police Department (FPD) – 1967 - 2008. I was a homicide detective from 1972 - 1981. After 41 years, I retired as a Sargeant in 2008.

2. In early February, 1978, I was called from home to work on the Theresa Greybeal homicide case. The initial Greybeal investigation was done by FPD. The victim's body was found in Calwa, located in the County jurisdiction, so the Fresno County Sheriff's Department (FCSD) handled most of the investigation.

3. As requested, I went back to FPD Headquarters and interviewed all of the following suspects on the dates listed below, with other officers and Deputy District Attorney. The interviews took place at the FPD Detective Division, FPD Headquarters, Fresno, CA:

Billy Brown 2/9/78 1:35 am with Det. Brown, FPD

Marlin Lewis early morning 2/9/1978 with Det. Brown. FPD

Marlin Lewis 2/11/1978 with Det. Thomas Lean, FCSD & DDA James Ardaiz

Christina Menchaca 2/9/1978 with Det. Brown, FPD

Christina Menchaca 2/11/1978 with Det. Lean, FCSD & DDA James Ardaiz

Douglas Stankewitz early morning 2/9/1978 with Det. Brown, FPD

Teena Topping early morning 2/9/1978 with Det. Brown, FPD

Teena Topping 11:30 am 2/9/78 with Det. Brown, FPD

Teena Topping 2/11/78 with Det. Lean, FCSD & DDA James Ardaiz

4. All of the interviews were recorded using cassette tapes. Our usual practice was to take a suspect's statement, while recording it. I then dictated the reports and they were typed up. Very often, I would listen to their tape as I dictated my report. Then, we would book the tapes into evidence. In this case, I turned the tapes over to Det. Lean, FCSD. I knew Det. Tom Lean and

Det. Art Christensen very well because I worked a number of cases with them over the years.

5. I recall that the suspects Topping, Menchaca, Lewis & Brown all told basically the same version of events. They all confessed to a kidnapping, a murder and a robbery. I believed that they were being truthful. The only one that I remember that didn't confess to the shooting was Stankewitz. Stankewitz denied doing the shooting.

6. At the time of his arrest in the Graybeal case, due to their prior criminal activity, I knew the Stankewitz family. I recall that one Stankewitz was arrested for murder in Fresno Chinatown. When I worked the FPD gang operation, one of his brothers had been arrested 3 – 4 times, once for trying to shoot one of our officers. It was a pretty good-sized family. We had been out to the residence on SW 10th St. many times because when I was working the gang operation, their names kept coming up as being associates of some of the gang members. We were familiar with the violent tendencies of the family as a norm.

7. I remember going to trial and testifying in the People v. Stankewitz case.

8. Until now, I have never been contacted by any attorney, investigator or anyone representing Douglas Stankewitz.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed in Clavis, California on 2/20, 2020.


Garry Snow

Declaration of Laura Wass

I, Laura Wass, under penalty of perjury, declare as follows:

1. On or about 1998 to present I worked as the Central California Director of the American Indian Movement. In the course of my profession, I assisted Indigenous Persons with issues pertaining to American Indian rights including but not limited to, land protection, religious and spiritual rights, CDCR Native inmate rights, and Indian Child Welfare.
2. On or about 1998, I assisted Marlin Lewis in securing his tribal membership into the Table Mountain Rancheria Tribe.
3. Between 1998 and 2000, I spoke with and/or met with Marlin approximately 30 times. Throughout this time, as a part of my duties, I gathered a lot of data from Marlin regarding his family history and its relationship with the tribe.
4. My phone calls with Marlin varied in length from several minutes to an hour or so.
5. I met with Marlin in Fresno many, many times over the two-year period. Our meetings lasted from a few hours to a day.
6. The process culminated in Marlin and other family members being accepted as members of the tribe.
7. On or about October 5, 2000, Marlin and his sister, Bernice Grubbs, were invited to attend the General Council meeting at the Table Mountain Tribal Building for the purpose of being formally accepted as members of the tribe, along with a few other families from our group. On information and belief, Marlin and Bernice lived in Sacramento at the time and had no transportation, so I purchased tickets for Greyhound for them to travel to Fresno and brought them to my home to prepare for the meeting.
8. Before the meeting began, I received a phone call from William Stankewitz, Douglas Stankewitz's brother, who was incarcerated. As a part of my professional responsibilities, I assisted William with his criminal case for a few years. I told William that Marlin and Bernice were there, and William asked to talk to Marlin. Based on information and belief, I overheard a good exchange between "Native brothers". Part way through the call, William brought up Douglas's name, and Marlin got a little quieter. After a few more words, Marlin handed me the phone. Then, William, referring to the Graybeal kidnapping, robbery and murder crimes, stated to me that "he knows what he did", and the call ended shortly after. When I hung up, I told Marlin that I didn't know he was that close with William. I also told him that as a part of my professional duties, I'd been working with Douglas on his criminal case. Marlin just stared at me and shrugged his shoulders as I talked. Referring to the Graybeal crimes, I then stated

"you're the one that did it" and Marlin shook his head yes. He then said that he had already paid for his actions, and that he was sorry Doug was still paying for Marlin's actions. I then told Marlin to consider coming forward, that Marlin had done his time, so Doug should not be paying the price for what Marlin did.

9. On information and belief, Douglas's penalty phase was reversed in 2012, and his case was returned to Fresno Superior Court. On or about September 19, 2013, I attended a court hearing in his case and was interviewed by Pablo Lopez, of the Fresno Bee. The article published by the Bee on September 19, 2013, which includes a quotation from me, accurately reflects my statements to Mr. Lopez and is Attached as Exhibit A.

I have given this three-page statement of my own free will. I have had an opportunity to review and revise this declaration. I swear under penalty of perjury that the above statements are true.

Executed on January 8, 2020, at Fresno, California.



Laura Wass

FRESNO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS

INVESTIGATION REPORT

Defendant: DOUGLAS STANKEWITZ

D.A. Case No.: 78F1060

Charge: PC 187

Date of Report: 6/8/83

Originating Agency: FSO

Defendant Local No.: _____

Originating Agency No.: 78-1809

CII No.: _____

FBI No.: _____

Present at the interview was Marlin Edwin Lewis, American Indian, male, adult, In custody serving time at DVI, Tracy, California, ID#C-04025

On June 7, 1983, Investigator Martin and Deputy District Attorney Warren Robinson drove up to DVI in Tracy for the purpose of interviewing Marlin Lewis. At approximately 1:00 p.m., on June 7, 1983, Martin and Robinson contacted Marlin Lewis in the interview area at DVI. Mr. Lewis was observed to be an Indian male of small stature, approximately 5'2" in height. Once in the room we introduced ourselves to Mr. Lewis and advised him that we were from Fresno and investigating the Douglas Stankewitz case. We advised him that we wanted to talk to him about that case. Mr. Lewis said, "I don't want to talk about any of the facts of the case." Question by Mr. Robinson asked, "If you answer by Mr. Lewis, "No." Mr. Robinson asked, "Do you plan to testify for Douglas Stankewitz in the upcoming trial?" Answer by Mr. Lewis, "No." Mr. Robinson asked, "If you were called as a witness and the judge ordered you to testify would you testify?" To which Mr. Lewis said, "No, probably not." Mr. Lewis was asked if he had been in touch with Teena Topping or Christina Stankewitz' attorney regarding testifying, to which he said, "No." Mr. Lewis was asked if he had been in touch with Christina Menchaca, to which he stated that he and Teena have been writing to each other but he has not been in touch with Christina. Question by Investigator Martin, would you lie for Douglas if it would help him and Mr. Lewis' reply was, "Probably." Question by Mr. Martin, why would you not testify against Mr. Stankewitz and why do you feel such a loyalty to him. Mr. Lewis said, "Douglas and I are from the same tribe." "Teena is also from that same tribe." Martin asked him what about Menchaca and he said, "Menchaca is Mexican." Investigator Martin asked him what do you think about Billy Brown and Lewis said, "I did not know Billy before that night." At this point, Mr. Lewis also was shown a typed probation report of the statement he submitted to the probation department prior to his sentencing. He was asked to read the statement which he did. Then the question was asked, is that what you wrote to the probation department, to which Mr. Lewis replied, "It sounds like what I might have said, but I don't remember writing it. It's true in parts." At this point, Mr. Lewis was asked, do you think that

to: _____

Bureau Number _____

Investigator: William A. Martin
Signature: _____

FRESNO COUNTY DISTRICT ATTORNEY
BUREAU OF INVESTIGATIONS

CONTINUATION REPORT

Defendant: DOUGLAS STANKEWITZ

D.A. Case No. 78F1060

Charge: PC 187

you were treated fairly in this case, to which he replied, "Yes." The question was asked of Mr. Lewis, do you think that Douglas should get death or life without parole in this case. Mr. Lewis said, "I did not think Douglas should get death or life without parole but he should be able to get parole." Mr. Lewis went on to say, that "the only reason that they came down so hard on Douglas was that he (Douglas) is Indian and the white man's law does not always treat the Indian fairly." Mr. Lewis stated that he feels that if it had of been a white person charged with this crime the death penalty would not have been sought. Mr. Lewis further said that he felt that Jim Ardaiz was out to get Douglas in the last trial. Mr. Robinson showed Mr. Lewis a Xerox copy of a handwritten letter presumably written by Merlin Lewis. Mr. Lewis looked at the letter and Mr. Robinson asked him did you write that letter, to which Mr. Lewis replied, "No, my handwriting is different than that. I'm left-handed and I write at a slant."

Due to the fact that Mr. Lewis did not want to discuss the facts of the case the interview was terminated.

Investigator: _____

Date: _____

DA 56

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

Fresno PD No. 78-5819

DATE 2-9-78

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

Q. Now, let's see. What's your last name, MARLIN?

A. LEWIS.

Q. LEWIS. Are you from Fresno, or where from?

A. Sacramento.

Q. You have a middle name?

A. EDWIN.

Q. EDWIN? Okay, how old are you?

A. 22.

Q. And your date of birth?

A. 8-8-55.

Q. What's your address?

A. 1410 F Street.

Q. F?

A. Apt. 2.

Q. Is there a phone in there?

A. Huh uh.

Q. Okay. Okay. MARLIN, my name is GARY SNOW, and I work for the police department here doing follow up work in regards to what happened last night, and, uh, uh, you were placed in custody, uh, for being in a vehicle that apparently was, uh, reported stolen and, uh, also the person that owned this vehicle is, uh, was found killed. I, uh, don't

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 0900	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input checked="" type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTN. <input checked="" type="checkbox"/> CC FPD <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER	REVIEWED BY SI		DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD No. 78-5819

-2-

DATE _____

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS 75. PHONE

know all the circumstances from it. I've got some, I've talked to couple of people involved in this thing, and, uh, and have a general idea what's going on. This is Det. BROWN too, he's working on the case. Yeah (unintelligible) having to go across the street. (Unintelligible) and, uh, I don't know, are you on any type of parole?

A. No.

Q. Probation, parole?

A. I may have gone on probation.

Q. Probation? Okay, out of Sacramento?

A. Yeah.

Q. Okay. What I'd like to do is talk to you and find out because we do have a serious charge involved here, uh, a murder charge, uh, uh, the joy riding or auto theft is not any where near serious as when you talk about a murder, and, uh, and that's the reason why I want to talk to you and some questions I want to ask you, and, uh, what I'm going to do first, we're required to do is advise you of your rights, you know, before we go into this thing. I don't, are your folks and everything from Sacramento? You have any people here?

A. I have some relatives here.

Q. Some relatives?

A. He came down from Sacramento.

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 0920	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> SO./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY 82	
			DATE	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD No. 78-5819

DATE _____

-3-

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

Q. Okay. Uh, we'll go on to some of this as far as relatives and what all in a minute. First, before, I'm going to read your rights to you off the card. Okay?

You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. And if you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish. You can decide at any time to exercise these rights and not answer any questions or make any statements.

A. Okay.

Q. Do you understand what I've read to you off this card?

A. Yeah.

Q. Okay. Having those rights in mind, do you want to go over and explain to us what happened here tonight?

A. All I know is that, uh, DAVID and them guys picked me up at the Seven Seas. They didn't tell me anything. (Unintelligible) Then I asked them to take me to Clovis. They said yeah, they had to make a couple of stops first. I said all right. So we got in the car and they asked me if I wanted to go drink some beer. I go all right. So we went out to Clovis, went to Pinedale toward Maroa, then came, came back to Fresno

REPORTING OFFICERS SNOW	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 0950	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> GII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER		REVIEWED BY		DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

DATE _____

-4-

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

downtown where they picked me up, where they picked us up.

Q. You were in the car there then?

A. (Unintelligible) Then he was going to show me his gun and then the cop was behind there so I put the gun under the seat (unintelligible).

Q. Why, because the cop come up? What kind of gun was it?

A. I don't know, it was a 24.

Q. Uh, let me go back a little bit. Where did you first get into this car at?

A. Seven Seas.

Q. Where's the Seven Seas at?

A. On Tulare...

Q. Tulare and E Street?

A. I guess so.

Q. What time was that?

A. I don't know, it was already night. It was about...

Q. How did you happen, how did you happen to get in the car?

A. CHRISTINE came and took me to the Seven Seas.

Q. CHRISTINE? This CHRISTINA MENCHACA, MENCHACHA? She came in the Seven Seas?

A. Yeah.

Q. Who were you with at that time?

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1055	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER _____ <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER _____	REVIEWED BY		DATE

83

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

-5-

DATE _____

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	BUSINESS	75. PHONE

A. I was by myself.

Q. What did CHRIS say to you?

A. I think she and her friend/^{who}came in, I said yeah, she's my cousin, and then I looked out the window and I seen the car it was parked.

Q. What type car was it there?

A. That purple and white one.

Q. White over kind of a maroon or reddish color or purple?

A. It had a white vinyl top and purple bottom.

Q. Okay. Do you know what kind of make it was?

A. Huh uh.

Q. Okay. What did CHRIS tell you?

A. That if I knew TINA and I said yeah. She goes, then I seen TINA in the car and I smiled, you know, I was so happy.

Q. What's TINA'S name?

A. Uhm, TOPPING. (phonetic)

Q. Hmm?

A. TOPPING.

Q. TOPPING? Where was she at?

A. In the car, driver's seat.

Q. Who also was in the car?

A. Uh, DOUG.

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1314	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER		REVIEWED BY		DATE

84

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD No. 78-5819

-6-

DATE _____

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

Q. DOUG and who else?

A. That was it.

Q. DOUG, DOUG STANKEWITZ?

A. Yeah.

Q. (Unintelligible) happened to it, huh?

A. So you know I was smiling, you know, me and her were hugging each other.

Q. You and TINA?

(Unintelligible, both talking at the same time.)

A. She goes want to go riding around, I go yeah, so I took, me and TINA took the back seat.

Q. And who all was in the car? You and TINA and DOUG and who else?

A. That was it.

Q. Okay, where did you go? What happened to CHRIS?

A. She's with us.

Q. She's with you. The four of you? CHRIS, CHRIS, TINA, you and DOUG.

A. Yeah.

Q. Was there anybody else in the car?

A. No. Well, there was a little guy.

Q. You know what his name is?

A. No, I don't.

Q. Okay.

REPORTING OFFICERS Snow	REGORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1335	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> GII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER	REVIEWED BY [Signature]		DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

DATE _____

-7-

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

A. Cause I was just with him last night.

Q. You don't know his name? Where's he live?

A. Out in Pinedale.

Q. Okay. When after, after this, you got in the car, uh, where did you go to from there?

A. We took him home to Pinedale?

Q. Took who?

A. That little guy.

Q. Who was doing the driving?

A. Uhm, TINA was driving then, and we stopped at the liquor store, I think, on Tulare. We bought, let's see, two cans of beer and a coke and we just went riding around, driving around.

Q. Whose gun was this?

A. I guess it was DOUG'S, I don't know.

Q. Do you know where DOUG got it at?

A. No, and I don't know nothing about it.

Q. Where did you finally stop the car, right there across from the hotel?

A. Yeah, and CHRISTINE said, wait a moment, we changed drivers somewhere along the way and then CHRISTINE went up to the hotel and said she'd be right back. TINA was going to go wait and I guess there was a cop right up there and TINA had to come back to the car. CHRISTINE went up to the

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1400	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER	REVIEWED BY <i>SG</i>	DATE

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

FPD No. 78-5819

69. CASE NO.
78-1809

-8-

DATE _____

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

hotel.

Q. Okay. The officers place you in custody, you and DOUG, while you were in the car there?

A. Yeah. Me, DOUG and TINA.

Q. Just before the officers come up there what did you do with the gun and the knife?

A. I was looking at it.

Q. Where was it?

A. DOUG told me why don't you hold it for me. I go all right.

Q. DOUG said to hold this for you?

A. Yeah. Then I was checking it over. About that time the cops came. I got nervous and I put it under the seat.

Q. Put it under the seat. All right, what was DOUG wearing at that time?

A. Levis.

Q. T-shirt or what?

A. I don't remember.

Q. All right. You remember when you got in that car earlier tonight, uh, a gal being in there with reddish hair?

A. Not that I know of.

Q. The gal would have been, she's a white gal, uh, she, uh, kind of noticeable because she would have had red hair, and there's not, you

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1442	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> G11 <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./PD. <input type="checkbox"/> OTHER	REVIEWED BY 87		DATE

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

FPD No. 78-5819

DATE _____

-9-

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

know, that's kind of unusual.

A. (Unintelligible)

Q. What's the most serious thing you've ever been involved in?

A. Burglary.

Q. Just a burglary, but when?

A. Two years ago. I haven't been in trouble since.

Q. How long you've known this STANKEWITZ, DOUG?

A. About maybe couple years.

Q. Couple of years. I want to point out a couple of things to you, MARLIN, you know. Uh, I know just in my field at this time you're not being completely truthful with me. A lot that you're telling me here is true. Okay? Uh, listen to what I have to say here for a couple of minutes, okay? I don't, there's only one person that shot this gal tonight and, uh, we know who did the shooting. All right? And I don't know if the rest of the people knew that this shooting was going to go down, but they definitely were there when it happened and I want to explain to you, and I'm being completely truthful with you, is that we'll know exactly what happened. We know, uh, where the car was picked up at, we know who picked the car up and there's nothing wrong, I mean it's wrong, but it's nothing as serious of getting a ride. You need a ride to get a car. It happens every day and, uh, no more serious

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1455	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY SP	
			DATE	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD No. 78-5819

DATE _____

-10-

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

than a burglary that, you know, we run across day in and day out. The serious part comes when you have somebody killed and you're talking about a murder, and, uh, MARLIN, I don't, at least I don't know too much of your background, but in talking to you here in just a short time I don't think you're the type that, uh, would want to go here and blow somebody away, and I don't think that you're the one that pulled that trigger tonight, but I want to tell you something, we know exactly what happened and we've talked to different people involved. Okay? And I don't, like I told you, I don't feel that you're the one that pulled the trigger on this thing, and the person that pulled the trigger is going to have to answer to it. Uh, and I know that, uh, DOUG'S a friend of yours. Right now you're in one heck of a predicament. Uh, we got a girl that's dead right now, okay, and I'll tell you we've, you were in the car, the murder weapons there, it's right next to you. Okay? Somebody points a finger at you and says hey, MARLIN, pull the trigger, uh, I don't think you need that type of activity on you, and I don't think you're the one that pulled the trigger on this thing. I'll let you know that I'm, you know, I'm not, I'm not just trying to give you a bunch of malarky. Uh, we've talked to this young man that was with you at the time, this BILLY, and we've talked to TINA and we've talked to uh, uh, CHRIS that was in the car, and we know what happened. Okay? I

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1505	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY <i>Sej</i>	
Petition for Writ of Habeas Corpus - EXHIBITS			DATE	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD No. 78-5819

DATE _____

-11-

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

would hope, you know, I, I'm coming right out, I hope that you come right out and be truthful. If you're not the one who did the triggering tell us what happened. Did you know it was going to come down that way?

A. I didn't even know.

Q. Did you think he was going to do it to him, to her?

A. No, cause I didn't...

Q. You're not that kind of a guy, MARLIN.

A. I know, but it was, I just didn't know it was going to happen. It scared the shit out of me. I didn't even know what to do. Shoot her for what?

Q. Why, why did DOUG do it.

A. I don't know.

Q. Did you tell him to do it?

A. No. I could just see her laying there. She was a nice girl, too.

Q. I mean she didn't, did she do anything to DOUG to make him do it?

A. No.

Q. How many times did DOUG shoot her?

A. Just that once.

Q. What he say to her before he did it?

A. I don't know what the conversation was cause I'm, we were not, it was

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1600	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> C11 <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER		REVIEWED BY		DATE
Petition for Writ of Habeas Corpus - EXHIBITS 90				

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD No. 78-5819

DATE _____

-12-

70. CODE SECTION 187 PC	71. CRIME Murder	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

me, DOUG, that little guy. TINA and CHRIS they had some business, told us to wait at the corner for them. We had the door open and TINA got in the car. DOUG and the rest of them stepped in a puddle. I jumped over it. Just when I did the gun went off and I had to see what was going on right there. I've been going over in my mind.

Q. What did DOUG say after he shot her?

A. I wasn't even listening.

Q. I'll tell you what, why don't we start from the beginning as to how this thing started. I know you guys needed a ride, you know. It was raining outside and, uh, apparently you got stranded somehow and you hitch hiked. Didn't you hitch hike a ride to, to Modesto?

A. Yeah.

Q. Who all was there? Just you, BILLY and DOUG, and TINA? Was it just to get a ride, uh, uh...

A. That's all it was supposed to have been.

Q. All right. How did, how did it happen when, where did you see this gal at first of all?

A. At the K-Mart Plaza.

Q. In Modesto?

A. Yeah, I guess they even had her scoped up. You know me, personally, I wanted to hit her cold down and I didn't want DOUG and TINA and BILL

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY vk	DATE AND TIME 2-9-78 1545	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER		REVIEWED BY		DATE

Petition for Writ of Habeas Corpus - EXHIBITS

91

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

FPD 78-5819

69. CASE NO.

78-1809

-13-

DATE _____

70. CODE SECTION

187 PC

71. CRIME

72. CLASSIFICATION

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

GREYBEAL, Theresa

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

there.

Q. Uh huh, what happened when you got to K-Mart; what, what they, you guys just plan on getting somebody in his car there?

A. I guess so, cause...

Q. Tell me what happened, in your own words.

A. We was there by the K-Mart Plaza, by the phone booth. First, I called up my cousin Jeanette to see if she can come and get us, see that'd be about an hour. About that time K-Mart closed, and people were coming out, so I guess Doug and those guys already had her scoped out, only thing I didn't know it.

Q. Doug what?

A. Had the girl, had the girl scoped out.

Q. Scoped up the girl?

A. No, scoped out. You know. She already done, you know.

Q. Oh, he found a target he was going to get.

A. Yeah

Q. The female? And, what did he say?

A. He said, he told Tina to keep watch for that girl.

Q. He told who, Tina?

A. Yeah, Tina. When she comes out I'm going to follow her. I was looking around, and said what girl? Tina goes, right there at the counter, No. 6.

REPORTING OFFICERS

Snow

RECORDING OFFICER

TYPED BY

pag

DATE AND TIME

2-9-78 1545

ROUTED BY

FURTHER ACTION

YES

NO

COPIES TO:

DETECTIVE

JUVENILE

DIST. ATTNY.

SO./P.D.

CII

PATROL

OTHER

OTHER

REVIEWED BY

91

DATE

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

FPD 78-5819

69. CASE NO.

78-1809

DATE _____

-14-

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYREAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
75. PHONE				

A. Yeah. I say, all right, I go along with the plan.

Q. OK, what were they going to do, er, what was the plan to do?

A. Just take her riding.

Q. Yeah, but what did he say they were going to do when she was at that checkout stand? Were they going to follow her and do what to her?

A. Unintelligible

Q. I mean, what was Tina supposed to do?

A. She was supposed to just have her move over. The girl moved over and..

Q. Did Tina push her down?

A. No, she just caught the door before she closed it, and they started fighting in the car, then ...

Q. Fighting in the car?

A. Yeah, then she said, the girl said unintelligible, you know, this don't open. So, Tina opened the car for Doug and that was when Bill got in.

Q. OK, what happened after that?

A. Took a ride to Fresno. I thought we were just going to...

Q. Tell me...

A. after we seen all the lounges, we'd get to Fresno, he'd drop us off, and just, go, go on home.

Q. OK

A. And that's what he...

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2100	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> S.O./P.D. <input type="checkbox"/> OTHER		REVIEWED BY 92		DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

FPD 78-5819

69. CASE NO.

78-1809

-15-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

Q. OK Did you have the gun at that time? When, when this gal was pushed over, pushed down by Tina?

A. I had the gun in my pocket, but he said the gun on her, I just used the case.

Q. The case knife? Or the...

A. Just the gun case.

Q. The gun case?

A. T, I didn't want to use the gun.

Q. You were just trying to scare her with the gun case?

A. Yeah

Q. OK, then

A. I had the gun in my pocket all the time.

Q. All right, who used the knife?

A. Who used the knife?

Q. Didn't you take out a knife on her while she was in the car?

A. Let me think.

Q. According to what I was told, was that you had a knife and that Doug had the gun.

A. I don't know unintelligible the gun case.

Q. Who was pointing the gun at the girl when she was in the car, when you first got the girl in the car?

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2115	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY 93	
Petition for Writ of Habeas Corpus - EXHIBITS			DATE	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD 78-5819

-16-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	BUSINESS	75. PHONE

A. Doug was

Q. Doug was? OK. And, did you have this knife out?

A. No, just in the case.

Q. Just in the case?

A. Yeah

Q. The knife was in the case. OK. Was that just to scare the gal?

A. Yeah. We weren't going to harm her; at least that's what I thought.

Q. Now, I want you to be truthful with me and come down the line as to what property you took from this gal. How much money did you get?

A. I didn't take her money. Tina did, unintelligible \$31.00.

Q. How much did you get?

A. Nothing

Q. You didn't get any money? What did you get?

A. Nothing

Q. Who got the money?

A. Doug

Q. Doug did? What else did they take from her?

A. Let's see, I think a watch that was unintelligible for \$200.00, but it didn't work.

Q. A watch? OK, did she have something else. Where did she get these items, out of her purse, or what?

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2130	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> SO./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY	
Petition for Writ of Habeas Corpus - EXHIBITS			94	DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

FPD 78-5819

-17-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

A. Unintelligible Tina. I wasn't even paying no attention to the conversation, I was looking out the window watching the traffic.

Q. But Tina or Doug told her to give her the money?

A. Unintelligible what they were saying.

Q. Let me check... (room noises)

Q. Weren't you guys, was anything else being taken from her besides the watch. How about the rings?

A. Mm, I didn't know nothing about that?

Q. You just pointed the knife while it was still inside this case, at her?

A. Uh huh

Q. And Doug had a gun on her? Was that when you took the money from her?

A. I don't know if he had the gun on her then or not.

Q. OK Was she scared?

A. Yeah, she was kind of scared but then, she kind of, you know,

Q. Relaxed?

A. Relaxed then.

Q. Was she crying at first?

A. No, not that I know of.

Q. Did you, did one of you in the car tell her, tell her to keep quiet and she wouldn't get hurt?

A. Yeah, Doug said, we wouldn't, weren't going to harm you, all we just

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2135	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> OTHER <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER	REVIEWED BY 95		DATE

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD 78-5819

-18-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
		75. PHONE		

wanted was a ride. She said, "All right, I'll give you guys a ride," you know.

Q. OK Then after, er, you guys, did you drive all the way from Modesto to Fresno. Where did you stop at when you got in Fresno?

A. Where did we stop at?

Q. What time of day do you think, first of all, excuse me, what time of day do you think you picked her up at K-Mart? Closing time?

A. Closing time. That was about what?

Q. Five or six?

A. Five, six.

Q. OK, then you drove directly to Fresno? Right?

A. Yeah

Q. Where did you stop at when you got to Fresno?

A. Where did we stop at?

Q. Did you rob her while she was en route? Between Modesto and Fresno?

A. Yeah

Q. OK. OK, what happened after you got to Fresno, where you stopped first? Did you stop at a...bar?

A. I think we stopped at...yeah, we stopped at the Olympic Hotel, and the two of them went up. I don't know what they did. But when they came up, came back, they didn't have no money.

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2150	ROUTED BY
----------------------------	-------------------	-----------------	------------------------------	-----------

FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII
	<input type="checkbox"/> NO		<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL
			<input type="checkbox"/> DIST. ATTN.	<input type="checkbox"/> OTHER
			<input type="checkbox"/> SO./PD.	<input type="checkbox"/> OTHER

REVIEWED BY

96

DATE

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD 78-5819

-19-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

Q. Who went up there?

A. Doug and Tina

Q. Doug and Tina?

A. Yeah, just Doug and Tina.

Q. Where did you pick up Chris at?

A. Pick up Chris? He was picked up at Seven Seas.

Q. Before you went to the Olympic?

A. Yeah, then we went to the Olympic. The three of them went up.

Q. Doug, Tina, ...

A. Chris

Q. and Chris. Then, they came back down and didn't have any money?

A. Uh, uh, I don't know what they did with it.

Q. Who was driving? then?

A. Tina was

Q. OK

Q. Who stayed in the car while they went up the motel? You and ...

A. Me and that girl and

Q. Billie?

A. Yeah, Billie.

Q. Did you still have the gun at that time?

A. No, everything was just going smooth and, she said she had to get home.

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2155	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY 97	
Petition for Writ of Habeas Corpus - EXHIBITS			DATE	

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD 78-5819

-20-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

she said she didn't know Fresno, and we were unintelligible you know,
we told her we'd show her where we took the Freeway back down. But then

Q. After you left the hotel, who drove?

A. Tina

Q. OK, and where were you sitting?

A. I was sitting in the back seat with..

Q. OK

A. smoking a cigarette.

Q. OK, what weapon did you have then?

A. I just had the knife that was in my pocket.

Q. OK, then what, where was Doug sitting?

A. He was sitting, where was he sitting? Passenger side.

Q. Front seat?

A. Yeah.

Q. Where was this redheaded girl sitting?

A. She was sitting between me and Billie.

Q. In the back seat? OK, and where was Chris sitting?

A. She was sitting in the front seat.

Q. You guys drove around a little bit; what happened then, after you drove around?

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2215	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER	REVIEWED BY 98	DATE

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD 78-5819

-21-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

A. Well, Chris said she had to make a couple of stops in Calwa.

Q. Uh huh

A. And so, we kept going left, right, left, right ...

Q. Did Chris know that this girl had been picked up in Modesto?

A. I guess so.

Q. I mean, did you guys tell her?

A. No. But then I don't what they said in the motel cause...

Q. Yeah

A. That's where that gang, you know, has headquarters. So, me and Billie had to stick it in the car.

Q. OK, when you went out to Calwa, and Chris said she had a couple of stops to make, what happened after you got out to Calwa?

A. Well, me, Billie, Doug and her got out of the car, cause Chris was seeing when they had to go score—they couldn't have a whole carload

Q. Uh huh

A. So, I didn't know what was going on.

Q. Who got out of the car? You and Doug, Billie

A. and that girl. Then, just after that, Tina motions for us to get back in the car, and Doug pushed me and I almost walked into that, er, big old mudpuddle and the minute I jumped over it, that's when I heard the gun, you know. I turned around and that's when I seen her, shsh,

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2300	ROUTED BY
----------------------------	-------------------	-----------------	------------------------------	-----------

FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII
	<input type="checkbox"/> NO		<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL
			<input type="checkbox"/> DIST. ATTNY	<input type="checkbox"/> OTHER
			<input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> OTHER

REVIEWED BY	DATE
	99

Petition for Writ of Habeas Corpus - EXHIBITS

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

FPD 78-5819

69. CASE NO.

78-1809

DATE _____

-22-

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	BUSINESS	75. PHONE

I jumped in the car

Q. Where did he shoot her at?

A. He said ~~the temple.~~

Q. ~~Temple.~~ Why, did he say, he shot her?

A. He didn't say

Q. What did he say right afterwards? In other words, did...

A. Everybody was talking and my mind was somewhere else—not listening to them.

Q. Did you hear him say something to her, right before he shot her?

A. No.

Q. Did you see him point the gun at her?

A. I didn't even see that. So, then when he shoved me, I jumped over that water puddle to keep from slipping; it was pretty deep.

Q. All right. What did he say after he shot her. Did he say words to the effect that, "I sure dropped her?" Do you remember his saying that?

A. I don't know, man. I was...my mind kind of went blank. I didn't know what to do. I was going to get off at my aunt's; I goes, No, I can't do that.

Q. Did all of you get back in the car, then?

A. Yeah

Q. You, and Doug, Chris, Tina and Billie?

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2300	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTN. <input type="checkbox"/> OTHER <input type="checkbox"/> SO./P.D. <input type="checkbox"/> OTHER		REVIEWED BY		DATE

Petition for Writ of Habeas Corpus - EXHIBITS

100

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.
78-1809

FPD 78-5819

-23-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	RESIDENCE	BUSINESS 75. PHONE

Q. And you drove this car where to?

A. We drove it to, I think some liquor store in Tulare. I guess it was Tulare. After we went back up here and you saw us.

Q. Tell me this, were you drunk when this thing happened?

A. No

Q. OK. How about Doug? Was he sober?

A. I can never really tell with him.

Q. I mean, could he walk or talk all right?

A. Oh, yeah.

Q. OK Had you guys been drinking?

A. No.

Q. Had you guys been shooting any heroin?

A. Wait a minute. I guess that's where the \$31.00 went. I don't know.

Q. I mean, when he came out of the hotel, did he act all right, in what...

A. Yeah, he acted all right. All three of them acted all right.

Q. Do you remember going back out to Clovis after you got through this thing?

A. Yeah. I went out to my aunt Louise COX.

Q. That in Clovis?

A. Uh huh

Q. OK, and what did you do there?

A. Talked to my aunt

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2315	ROUTED BY
----------------------------	-------------------	-----------------	------------------------------	-----------

FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> CII
	<input type="checkbox"/> NO		<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL
			<input type="checkbox"/> DIST. ATTN.	<input type="checkbox"/> OTHER
			<input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> OTHER

REVIEWED BY _____ DATE _____

Petition for Writ of Habeas Corpus - EXHIBITS

10/

FRESNO COUNTY SHERIFF'S DEPARTMENT
Fresno, California

69. CASE NO.

78-1809

FPD 78-5819

-24-

DATE _____

70. CODE SECTION 187 PC	71. CRIME	72. CLASSIFICATION		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.) GREYBEAL, Theresa		74. ADDRESS	BUSINESS	75. PHONE

Q. Did you pick up some bullets?

A. No, not that I know of.

Q. Did you tell your aunt what happened?

Q. OK, then what did you do--take Billie home then?

A. Yeah.

Q. OK

REPORTING OFFICERS Snow	RECORDING OFFICER	TYPED BY pag	DATE AND TIME 2-9-78 2319	ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> DETECTIVE <input type="checkbox"/> JUVENILE <input type="checkbox"/> DIST. ATTNY. <input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> CII <input type="checkbox"/> PATROL <input type="checkbox"/> OTHER _____ <input type="checkbox"/> OTHER _____	REVIEWED BY 102	DATE

Petition for Writ of Habeas Corpus - EXHIBITS

1 J. TONY SERRA, SBN 32639
CURTIS L. BRIGGS, SBN 284190
2 3330 Geary Blvd, 3rd Floor East
San Francisco, CA 94118
3 Tel 415-986-5591
Fax 415-421-1331
4

5 Attorneys for Defendant
DOUGLAS STANKEWITZ
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 IN AND FOR THE COUNTY OF FRESNO
9

10 PEOPLE OF THE STATE OF CALIFORNIA,

Case No. CF78227015

11 Plaintiff,

SUPPLEMENTAL DECLARATION OF
ROGER CLARK IN SUPPORT OF
MOTION FOR DNA TESTING

12 vs.

13 DOUGLAS STANKEWITZ,

14 Defendant.
15

16 I, Roger Clark, declare under penalty of perjury the
17 following, except as to those items below which I indicate to
18 be based on information and belief. If called to testify I
19 would testify as follows:
20

21 1. This declaration supplements my declaration in this
22 case dated April 23, 2019.

23 2. On March 21, 2019, I personally inspected all of the
24 evidence in this case held at the Fresno County
25 Sheriff's Department, Fresno, CA and Fresno Superior
26 Court, Fresno, CA.
27
28

1 3. I have attached a list of all of the evidence that I
2 inspected at each location. See Exhibit 1 attached.
3 The evidence located at the Sheriff's Department does
4 not have evidence numbers, so I have listed it by box
5 number and described it. I have also given it item
6 numbers.
7

8 4. The evidence that should be tested for the victim
9 Theresa Graybeal's DNA is located at the Fresno County
10 Sheriff's Department and is as follows:
11

12 a. Clothing of defendant Douglas R. Stankewitz,
13 contained in Box 5B in a bag labeled 'Stankewitz,
14 Douglas', consisting of blue corduroy pants and
15 white tank tee shirt. (Item #3)
16

17 b. Clothing of defendant Christina Menchaca,
18 contained in Box 7, in a brown paper bag labeled
19 'Menchaca', consisting of a rust sweatshirt. (Item
20 #19)
21

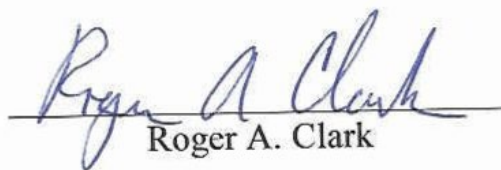
22 c. Clothing of defendant Teena Topping, contained in
23 Box 7, in a brown paper bag labeled 'Topping',
24 consisting of blue levi's jeans and pink sweater.
25 (Item #18)
26

27 d. Clothing of defendant Marlin Lewis, contained in
28 Box 7, in a brown paper bag labeled 'Lewis,

1 Marlin', consisting of blue and red long sleeve
2 shirt and brown shoes. (Item #15)

3 5. The DNA on the above clothing of each defendant,
4 Douglas Stankewitz, Marlin Lewis, Teena Topping and
5 Christina Menchaca should be compared to the DNA on
6 the clothing of the victim, Theresa Graybeal, used as
7 victim's sample, contained in Box 5B, specifically her
8 gray coat (Item #13) and blue sweater (Item #14),
9 contained in a brown paper bags, to determine whether
10 the DNA on the co-defendants' clothing is the DNA of
11 the victim.
12
13

14 I declare under penalty of perjury that the foregoing is true
15 and correct to the best of my knowledge. Executed in Santee,
16 California, on November 12, 2019.
17

18
19 
20 Roger A. Clark
21
22
23
24
25
26
27
28

SUPPLEMENTAL DECLARATION OF CHRIS COLEMAN

I, Chris Coleman, am a Senior Forensic Scientist at the Forensic Analytical Crime Laboratory, and do declare:

1. I am presently employed as a Senior Forensic Scientist at Forensic Analytical Crime Lab in Hayward, California. I have over twenty-four years of experience in forensic science with city and county law enforcement agencies, including nine years as the supervisor of the Firearms Unit with the Contra Costa County Sheriff's Crime Laboratory from 2007 to 2016. From 2016 to 2017 I was employed as a Contract Firearms Examiner at Ron Smith & Associates in Washington D.C. I currently examine cases for both the prosecution and defense.
2. My education background is as follows: I received my B.S. in Forensic Science from California State University, Sacramento in 1993; I studied chemistry and criminal justice at Casper College in Casper, Wyoming from 1988 to 1991; I studied criminalistics at California State University, Los Angeles from 1995 to 1996.
3. I am an expert in firearms examination, shooting reconstruction, blood spatter interpretation and crime scene processing. I have previously been court qualified in each of those fields. I am a member in good standing of the American Academy of Forensic Sciences, the Association of Firearms and Toolmark Examiners, and the California Association of Criminalists. I am a fellow of the American Board of Criminalistics and I have held certifications in firearms, toolmark, distance determination, and gunshot residue by the Association of Firearms and Toolmark Examiners. I have published and taught various firearms-related subjects to law enforcement, medical, and legal groups, including a recurring class on shooting incident reconstructions for the California Criminalistics Institute, the training division of the California Department of Justice. I am a California Peace Officers Standards and Training (POST) certified firearms instructor, range master, and armorer as well as a recent past president of the California Association of Criminalistics.
4. I have taken many proficiency tests throughout my career, including ones by CTS, Forensic Assurance (DFS-FEU), FAID2012, as well as tests prepared in-house. I have also participated in many empirical and validation studies of firearms over the years.
5. On Thursday, March 21, 2019, I examined all the physical evidence in this case at the Fresno County Sheriff's Office (FSO) and the Fresno County Superior Court. A list of the evidence viewed is attached at Exhibit 1 hereto. I have also examined the crime scene photos and autopsy photos.
6. During my examination of the physical evidence at FSO, I observed blood stains on the clothing of Marlin Lewis, Christina Menchaca, and Teena Topping.
7. In order to render an informed opinion regarding the identity of the blood in this case, it is necessary to get DNA testing of the clothing worn by the four defendants and the cigarette found near the victim, Theresa Graybeal, and her clothing in evidence, to determine if the blood is hers.

8. Specifically, the pink sweater and jeans worn by Teena Topping:



9. The shoes and shirt of Marlin Lewis:



10. The sweatshirt of Christina Mencha:



11. The shirt and jeans of Douglas Stankewitz:



12. Theresa Graybeal's clothes, sweater and coat, which are contained in the evidence, can be used to provide our victim standard:



13. The cigarette found next to Theresa at the crime scene should also be tested:



14. I declare under penalty of perjury, under the laws of the State of California and of the United States, that I have read the foregoing and that it is true and correct to the best of my knowledge, and that it was executed on Nov. 20th, 2019 in Hayward CA.



Chris Coleman,
Senior Forensic Scientist
Forensic Analytical Crime Laboratory

People v. Stankewitz, Fresno Superior Court Case No. CF78227015

**Exhibit 1 to Supplemental Declarations of Roger Clark and Chris Coleman
Evidence List from viewing at Fresno SO and Courts 3/21/2019**

Fresno Co. SO – morning

From Box 5

- Item #5 – 3 photographs of Stankewitz’s left arm
- Item #4 – 4 photographs of Stankewitz’s left arm, 2 of his right
- Item #6 – Cassette tape of Billie Brown
- Item #7 – 2 cassette tapes (D. Stankewitz, T. Garey)

From Box 5B

- Item #8 – Keys (various), medication bottles, 8-track tape, broken necklace, ring, keychain/nail clipper
- Item #9 – Receipt, brown paper bag puppet, drawing, sunglasses
- Item #13 – Theresa’s gray coat (bloodstains observed on back, shoulders, collar, and inside)
- Item #10 – Contents of center console (lifesavers, receipts, glass case, brush, etc.)
- Item #12 – Neutron Activation Analysis kits
- Item #11 – Pepsi can (printed), Virginia Slim cigarette pack
- Item #14 – Theresa’s clothes: blue jeans, blue sweater, red shirt, light green panties, blue socks, brown shoes
- Item #3 – Stankewitz’s clothing: blue pants, white t-shirt, green socks, underwear, black shoes
- Item #2 – Test fired cartridge cases from Titan .25 Auto pistol, S/N: 146425 (HS: “R-P 25 AUTO)

From Box 7

- Item #17 – Head and pubic hair samples from autopsy (Theresa Graybeal)
- Item #18 – Topping’s clothing: blue jeans (blood stains?), pink sweater (blood stains?), shoes
- Item #1 – Dagger from trunk
- Item #16 – Contents of ashtray (ashes)
- Item #19 – Menchaca clothing: brown shoes, rust slacks, blue shirt, rust sweater (blood stains?)
- Item #15 – Lewis’ clothing: brown shoes (blood drop?), blue jeans, blue shirt (blood stains?), socks and underwear
- No Item # – Multiple evidence receipts

End of Fresno SO evidence.

Fresno Co. Superior Court – afternoon

- Exhibit A – All in large manila envelope: Newspaper articles, plastic bag w/ personal items (glove box?), Comb, #2 cigarette supposedly from Theresa’s mouth when shot
- Def. Ex A – Paper with drawing of trajectory thru Theresa’s head (Right to left, slightly up, front to back)
- Def Ex B – Change of venue paperwork
- Def Ex C – Change of venue paperwork
- Def Ex D – News story scripts

Def Ex E – Subpoena Duces Tecum
Def Ex F – Subpoena Duces Tecum
Def Ex H – Radio story scripts
Def Ex A – New stories from 1978
Def Ex B – Coroner’s receipt 1983
Peo Ex 50 – Death certificate 1983 Theresa Graybeal
Peo Ex 16 – Photograph – Marlin booking?
Peo Ex 70 – Photograph – booking ?
Peo Ex 71 – Photograph – D. Stankewitz booking
Peo Ex 72 – Evidence card
Peo Ex 73 – Fingerprint care
Peo Ex 79 – Drs. Note for Billie Brown
Peo Ex 78 – Finger print cards comparison
Peo Ex 68 – Photograph – booking ?
Peo Ex 67 – Photograph – Douglas Stankewitz booking
Peo Ex 66 – Photograph – booking ?
Peo Ex 54 – Photograph of Floorboard of 57 chevy
Peo Ex 52 – Photograph of trunk of 57 Chevy
Peo Ex 53 – Photograph of damage to patrol car
Peo Ex 77 – Letters (two)
Peo Ex 51 – Payroll check Jesus Meras
Peo Ex 80 – Photograph of Sheriff
Peo Ex 13 – Envelope w/grocery list on it
Peo Ex 31 – Fingerprint card of Douglas
Peo Ex 32 – Manila envelope w/ letters
Peo Ex 75A&B – Manila envelope w/ Prison documents
Peo Ex 34 – Order for handwriting sample Douglas
Peo Ex 35 – Order for handwriting sample Marlin Lewis
Peo Ex 36 – Order for handwriting sample Christina Mechaca
Peo Ex 37 – Order for handwriting sample Teena Topping
Peo Ex 49 – Blotter paper distance determination target #12 3”
Peo Ex 49A – Blotter paper distance determination target #11 3”
Peo Ex 49B – Blotter paper distance determination target #1 6”
Peo Ex 49C – Blotter paper distance determination target #10 3”
Peo Ex 49D – Blotter paper distance determination target #2 6”
Peo Ex 49E – Blotter paper distance determination target #3 6”
Peo Ex 49F – Blotter paper distance determination target #13 9”
Peo Ex 49G – Blotter paper distance determination target #14 9”
Peo Ex 49H – Blotter paper distance determination target #15 9”
Peo Ex 49I – Blotter paper distance determination target #4 12”
Peo Ex 49J – Blotter paper distance determination target #5 12”
Peo Ex 49K – Blotter paper distance determination target #6 12”
Peo Ex 49L – Blotter paper distance determination target #9 18”
Peo Ex 49M – Blotter paper distance determination target #8 18”
Peo Ex 49N – Blotter paper distance determination target #7 18”
Peo Ex 64 – Photograph of 57 Chevy

FILED

MAY 11 2020

FRESNO COUNTY SUPERIOR COURT
By _____
DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CENTRAL DIVISION

PEOPLE OF THE STATE OF)
CALIFORNIA,)
)
Plaintiff,)
)
v.)
)
DOUGLAS RAY STANKEWITZ,)
)
Defendant.)

Nos. CF78227015
**ORDER GRANTING AMENDED MOTION
FOR DNA TESTING
[PENAL CODE SECTION 1405]**

Having been convicted by jury of the first-degree murder, robbery, and kidnapping of Theresa Greybeal, with personal use of a firearm during the commission of the offenses, and currently serving a term of life without the possibility of parole, Defendant DOUGLAS RAY STANKEWITZ (Defendant) has filed through counsel an Amended Motion pursuant to subdivision (d) of Penal Code section 1405, for performance of forensic deoxyribonucleic acid (DNA) testing (Amended Motion).

Having read and considered Defendant's Amended Motion and the supporting and supplemental declarations of Defendant, Roger Clark, and Chris Coleman, and there having been no opposition filed by the

1 Offices of the Fresno County District Attorney or the California
2 Attorney General, this Court finds as follows:

3 1. Defendant's verified Amended Motion includes:

4 A. states that Defendant is innocent and not the
5 perpetrator of the crime;

6 B. explains why the identity of the perpetrator was, or
7 should have been, a significant issue in the case;

8 C. makes a reasonable attempt to identify both the
9 evidence to be tested and the specific type of DNA testing
10 sought;

11 D. explains, in light of all the evidence, how the
12 requested DNA testing would raise a reasonable probability
13 that the convicted person's verdict or sentence would be more
14 favorable if the results of DNA testing had been available at
15 the time of conviction;

16 E. reveals that no DNA or other biological testing was
17 conducted previously by either the prosecution or defense, to
18 Defendant's knowledge; and

19 F. states that no other motion for testing under this
20 section previously has been filed.

21 2. No hearing on the Amended Motion is necessary.

22 3. The evidence to be tested is available and in a condition
23 that would permit the DNA testing requested in the Amended Motion.

24 4. The evidence to be tested has been subject to a chain of
25 custody sufficient to establish it has not been substituted,
26 tampered with, replaced, or altered in any material aspect.

27 5. The identity of the perpetrator of the crime was, or
28 should have been, a significant issue in the case.

1 6. Defendant has made a *prima facie* showing that the evidence
2 sought to be tested is material to the issue of Defendant's
3 identity as the perpetrator of, or accomplice to, the crime,
4 special circumstance, or enhancement allegation that resulted in
5 the conviction or sentence.

6 7. The requested DNA testing results would raise a reasonable
7 probability that, in light of all the evidence, the convicted
8 person's verdict or sentence would have been more favorable if the
9 results of DNA testing had been available at the time of
10 conviction. The Court reaches this determination without deciding
11 whether Defendant is entitled to some form of ultimate relief.

12 8. The evidence sought to be tested was not tested
13 previously.

14 9. The testing requested employs a method generally accepted
15 within the relevant scientific community.

16 10. The Amended Motion is not made solely for the purpose of
17 delay.

18 11. Forensic Analytical Crime Lab, Hayward, CA, the
19 laboratory mutually agreed upon by the Office of the Fresno County
20 District Attorney and the Defendant in this noncapital case, is
21 not a National DNA Index System (NDIS) participating laboratory
22 that takes or retains ownership of the DNA data for entry into the
23 Combined DNA Index System (CODIS), according to page 7 of 99 of
24 the FBI Quality Assurance Standards Audit for Forensic DNA Testing
25 Laboratories report which accompanied Exhibit C, the Declaration
26 of Chris Coleman, to the Points and Authorities in support of
27 Defendant's Amended Motion.

28

1 Based on the above findings, the Court grants Defendant's
2 Amended Motion and orders that:

3 1. The following specific items of evidence be tested for the
4 presence of the DNA of victim Theresa Graybeal:

5 A. The clothing of Defendant, contained in Box 5B in a
6 bag labeled "Stankewitz, Douglas," consisting of blue
7 corduroy pants and a white T-shirt. (Item #3);

8 B. The clothing of defendant Christina Menchaca,
9 contained in Box 7, in a brown paper bag labeled "Menchaca,"
10 consisting of a rust sweatshirt (Item #19);

11 C. The clothing of defendant Teena Topping, contained in
12 Box 7, in a brown paper bag labeled "Topping," consisting of
13 blue Levi's jeans and a pink sweater (Item #18);

14 D. The clothing of defendant Marlin Lewis, contained in
15 Box 7, in a brown paper bag labeled "Lewis, Marlin,"
16 consisting of a blue and red long-sleeve shirt and brown
17 shoes (Item #15); and

18 E. The clothing of victim Theresa Graybeal, contained in
19 Box 5B, in a brown paper bag, specifically consisting of a
20 gray coat (Item #13) and a blue sweater (Item #14), to
21 determine whether the DNA on the co-defendants' clothing is
22 the DNA of the victim.

23 2. The testing of the above-listed items be conducted by
24 Forensic Analytical Crime Lab using the PCR-Based short tandem
25 repeat (STR) DNA analysis that incorporates the twenty (20) core
26 CODIS genes, as soon as is practicable.

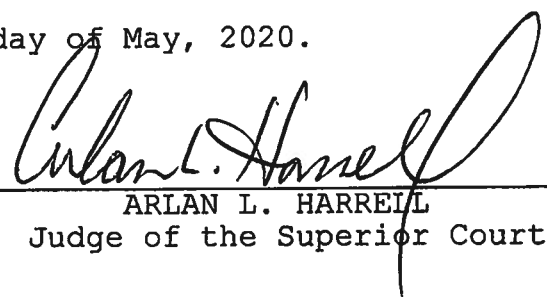
27 3. Forensic Analytical Crime Lab shall not initiate analysis
28 until documented approval has been obtained from an appropriate

1 NDIS participating laboratory's technical leader of acceptance of
2 ownership of the DNA data from the selected laboratory that may be
3 entered into or searched in CODIS.

4 4. Forensic Analytical Crime Lab may communicate with either
5 party, upon request, during the testing process. The result of any
6 testing shall be fully disclosed to Defendant, the offices of the
7 Fresno County District Attorney, and the California Attorney
8 General.

9 5. The cost of DNA testing ordered shall be borne by the
10 state.

11 DATED this 11th day of May, 2020.



ARLAN L. HARRELL
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division 1100 Van Ness Avenue Fresno, California 93724-0002 (559) 457-1801	FOR COURT USE ONLY FILED MAY 11 2020 FRESNO COUNTY SUPERIOR COURT By _____ DEPUTY
TITLE OF CASE: The People of the State of California v. Douglas Ray Stankewitz	CASE NUMBER: CF78227015
CLERK'S CERTIFICATE OF MAILING	

I certify that I am not a party to this cause and that a true copy of the **Order Granting Amended Motion For DNA Testing** was placed in a sealed envelope and:

- Deposited with the United States Postal Service, mailed first class, postage fully prepaid, addressed as shown below.
- Placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Place of mailing: **Fresno, California 93724-0002** on:

Date: **May 11, 2020**

Clerk, by T. VanZuyen, Deputy
T. VanZuyen

<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Peter Jones P.O. Box 28340 Fresno, CA 93729 </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Douglas Ray Stankewitz In Care Of: Tony Serra & Curtis Briggs 3330 Geary Blvd., 3rd Floor East San Francisco, CA 94118 </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> 5th District Court of Appeal Re: Case No. CF78227015/F079923 2424 Ventura Street Fresno, CA 93721 </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Tony Serra & Curtis Briggs 3330 Geary Blvd., 3rd Floor East San Francisco, CA 94118 </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Fresno County District Attorney's Office Attn: Amythest Freeman 2220 Tulare St., Suite 1000 Fresno, CA 93721 </div>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Clerk's Certificate of Mailing Additional Address Page Attached

Summary Laboratory Report

Hon. Arlan L. Harrell Fresno County Superior Court Criminal Department, Central Division 1100 Van Ness Avenue Fresno, CA 93724	Report Date: September 2, 2020 FACL Case #: 20190105 Client #: 21201 Client Case #: CF 78227015
Curtis Briggs, Esq. Pier 5 Law Offices 3330 Geary Boulevard San Francisco, CA 94118	
Alexandra Cock, Esq. 2171 Francisco Boulevard, Suite D San Rafael, CA 94901	
Amythest Freeman, ADA Fresno County District Attorney's Office 2220 Tulare Street, Suite 1000 Fresno, CA 93721	

Case Name: CA v Douglas Stankewitz

Report Type: Evidence Examination and DNA Analysis

Purpose of Investigation

Pursuant to Mr. Stankewitz's request and subsequently, Judge Arlan Harrell's Order of May 11, 2020 certain items of clothing of defendants Douglas Stankewitz, Christina Menchaca, Teena Topping, and Marlin Lewis were examined for blood in an attempt to determine whether any of the specified items were stained with blood of victim Theresa Graybeal.

Summary of Results

There is no support for the presence of blood from the victim on any of the defendants' clothing tested. However, it is unclear whether DNA from human blood was recovered from any of the apparent bloodstains tested from the defendants' clothing. Most of the defendants'

clothing stains tested were presumptively negative for blood and no human hemoglobin was detected from any of them.

All of the defendants' clothing test results from apparent bloodstains also revealed little to no DNA was recovered and the recovered DNA was extremely degraded. Dried human bloodstains contain high levels of DNA which when stored at controlled temperatures will persist for decades and the blood DNA will degrade predictably. These results may reflect deleterious environmental long-term evidence storage conditions.

Items of Physical Evidence

The following items of physical evidence were submitted to FACL by Investigator Danielle Isaac of the Fresno County, California, District Attorney's Office on June 6, 2020 via Federal Express courier:

1. Theresa Graybeal's gray coat (Item #13).
2. Theresa Graybeal's clothing (Item #14) including a blue sweater.
3. Douglas Stankewitz' clothing (Item #3) including a white t-shirt and blue corduroy pants.
4. Teena Topping's clothing (Item #18) including a pink sweater and Levi's blue jeans.
5. Christina Menchaca's (Item #19) clothing including a rust sweatshirt (sweater).
6. Marlin Lewis' clothing (Item #15) including a blue/red shirt and brown shoes.

Evidence Examination

Table 1 below summarizes the sampling and the recovery and utilization of DNA from each specimen examined in this investigation.

Graybeal's Clothing: #1 Gray coat (Item #13) and #2-1 blue sweater (Item #14)

Cuttings from concentrated bloodstains on the Graybeal gray coat inside upper back lining (#1A) and blue knit cowl-neck sweater inside upper back (#2-1A) were utilized as secondary reference blood specimens for the victim. DNA from the blood from the Graybeal sweater was taken forward though analysis. A profile expected to be unique to one person who has ever lived was developed from this DNA.

#3 Douglas Stankewitz' Clothing (Item #3): #3-1 White t-shirt and #3-2 blue corduroy jeans

Twenty-one red/brown and rust colored stains scattered over the t-shirt were directly tested¹ with *ortho*-tolidine and hydrogen peroxide, a sensitive presumptive test for blood; of these, six stains along the right front and back side gave positive indication as blood. About half of three of these six (#3-1A/B/D) and most of a fourth (#3-1C) were sampled as cuttings for additional testing. Due to little or no DNA recovery, samples #3-1A,B, and D on the t-shirt were abandoned. The remainder of t-shirt area C was removed and combined with the initial sample (#3-1C) as #3-1.

Fifteen red/brown and rust colored stains scattered over the blue corduroy jeans were directly presumptively tested for blood; of these, a stain on the right lower leg (#3-2A) and a smear on the right rear pocket (#3-2B) gave positive indication as blood. About half of area A and all of area B were sampled as cuttings for additional testing. Due to no detectable DNA recovery sample #3-2B was abandoned. The remainder of jeans area A was sampled and combined with the initial sample (#3-2A) as #3-2.

#4 Teena Topping's Clothing (Item #18): #4-1 Pink sweater and #4-2 Levi's blue jeans

Three of a cluster of red/brown colored stains on the left sleeve, an orange-colored stain on the inside front chest area, and two small dingy stains on the lower outside left front of the sweater were directly presumptively tested for blood with negative results. Two of the darkest/most concentrated-appearing stains of the left sleeve cluster (#4-1A and B) were sampled as cuttings. Due to very low DNA recovery, most of the remainder of this stain cluster was sampled and combined with the initial samples (#4-1A/B) as #4-1.

A large (ca 2cm x 2cm) red/brown stain on the outside right front upper thigh area (#4-2A) and a small drop-like red/brown stain on the outside right front leg (#4-2B) of the blue jeans were directly presumptively tested for blood with negative results. About half of each stained area was sampled as cuttings for additional testing. Due to very low DNA recovery and small portion of area B stain remaining, sample #4-2B was abandoned. Due to very low DNA recovery a second large portion of the remainder of jeans area A was sampled and combined with the initial sample (#4-2A) as #4-2.

¹ Direct presumptive testing means a small portion of the stain itself is excised and tested; indirect testing means the stain is swabbed/scraped with filter paper and whatever is transferred to the paper is tested and is considered to be representative of the stain.

#5 Christina Menchaca’s Clothing (Item #19): #5-1 Rust-colored sweatshirt/sweater

Three dark stains and one dirty smear on the sweater were directly presumptively tested for blood with negative results. Of the three dark stained areas, a portion of a large stain on the right shoulder (#5-1A), and all of smaller stains on the left upper sleeve (#5-1B) and the left lower sleeve (#5-1C) were sampled as cuttings for additional testing. Due to very low DNA recovery and no remaining stain material, samples #5-1B/C were abandoned. A second large portion of the remainder of sweater area A was sampled and combined with the initial sample (#5-1A) as #5-1.

#6 Marlin Lewis’ Clothing (Item #15): #6-1 Blue/red shirt and #6-2 brown shoes

A large dark brownish stain on the outside front center area (#6-1A) of the shirt was directly presumptively tested for blood with negative result. A large portion of this stain was sampled as a cutting for additional testing. Due to very low DNA recovery, another large portion of stain area A from the shirt was sampled and combined with the initial sample (#6-1A) as #6-1.

A dark brown drop stain on the top of the right shoe toe area (#6-2-1A) was directly presumptively tested for blood with negative results. A similar but smaller dark brown drop stain on the top of the left shoe toe area (#6-2-2A) was not presumptively tested. All of both stains was sampled as cuttings for additional testing. Due to no detectable DNA recovery, samples #6-2-1A and #6-2-2A were abandoned.

Table 1. Recovery and Utilization of DNA from Clothing Samples

FACL Item No.	Item and Sample Description	Presumptive indication of blood	Human hemoglobin detected ²	Human DNA recovered, ng	DNA Typing Assay, ng
1A	Graybeal gray coat lining, saturating bloodstain	strong	yes, trace	2.5	not attempted
2-1A	Graybeal blue sweater, saturating bloodstain	strong	yes, weak	196.5	1.5
3-1	D. Stankewitz white t-shirt, all of stain area C	slow/weak	no	0.053	all
3-2	D. Stankewitz blue pants, right lower leg, all of stain area A	slow/weak	no	0.006	not attempted

² Human hemoglobin is assayed with a sensitive commercial immunochromatographic test card by generating an aqueous extract of the sample before digestion for DNA recovery.

FACL Item No.	Item and Sample Description	Presumptive indication of blood	Human hemoglobin detected ²	Human DNA recovered, ng	DNA Typing Assay, ng
4-1	Topping pink sweater, left sleeve, most of stain cluster area A	no	no	0.020	all
4-2	Topping blue jeans, large upper right leg stain area A	no	no	0.140	all
5-1	Menchaca blue sweater, right shoulder stain area A	no	no	0.024	all
6-1	Lewis blue/red shirt, most of front center stain area A	no	no	0.018	all
6-2-1A	Lewis right brown shoe stain A	no	not tested	undetected	not attempted
6-2-2A	Lewis left brown shoe stain A	not attempted	not tested	undetected	not attempted

Genetic Analysis of DNA

In this case several loci, or genetic markers, were amplified using the polymerase chain reaction [PCR] and subsequently typed using the **Investigator 24plex QS** genotyping system. The STR loci typed with 24plex are known as **TH01, D3S1358, vWA, D21S11, TPOX, DYS391, D1S1656, D12S391, SE33, D10S1248, D22S1045, D19S433, D8S1179, D2S1338, D2S441, D18S51, FGA, D16S539, CSF1PO, D13S317, D5S818, D7S820**, and amelogenin, a gene for sex determination. This system also includes one Y-STR marker, **DYS391**, to aid in determining the number of males in a mixed result.

Genetic analysis of the specimens in this case involved the following essential steps:

1. Evidence samples were digested with SDS and proteinase K.
2. DNA was extracted from sample digests with the EZ1 Advanced XL robot and concentrated via centrifugal filtration.
3. The various genes described above were amplified using the Polymerase Chain Reaction [PCR].
4. The STR genes and amelogenin were typed using capillary electrophoresis.

Interpretation of evidence profiles was assisted/supplemented with STRmix™ probabilistic genotyping software. STRmix™ uses laboratory specific parameters (STR kit, amplification protocols and capillary electrophoresis platform) and the quantitative allele peak data from an

electropherogram in a Markov Chain Monte Carlo (MCMC) analysis to interpret contributor profiles in a DNA result. During MCMC analysis the likely genotypes of the individual contributors to a DNA profile are determined and given a weight of probability. The more likely genotypes of the contributors to a DNA profile, as determined by this analysis, will have higher weights.

Comparison of a reference profile to an interpreted (or deconvoluted) evidence profile is performed using a likelihood ratio (LR), which assesses the probability of two alternative hypotheses. Typically, the hypothesis of the prosecution (H_p) includes the person of interest (POI) whereas the alternative hypothesis (H_d) attempts to explain the data in the absence of the POI as a contributor. The LR of any given proposition will indicate which hypothesis has more support.³ In general, a $LR > 1$ favors H_p and a $LR < 1$ favors H_d .

FACL likelihood ratio range:

<u>Likelihood ratio</u>	<u>Verbal equivalent</u>
≥ 1 million	Very strong support for POI inclusion
10,000 to 999,999	Strong support for POI inclusion
1000 to 9,999	Moderate support for POI inclusion
2 to 999	Limited support for POI inclusion
1	Uninformative
> 0.001 to < 1 ($1/LR = 2$ to 999)	Limited support for POI exclusion
0 to ≤ 0.001 ($1/LR \geq 1000$)	POI is excluded

Results

1. A single source DNA STR profile comprised of at least sixteen genotypes was developed from DNA from blood on the Theresa Graybeal sweater. This profile is expected to be unique.
2. Weak, partial, and highly degraded mixture profiles were obtained from the #3-1 Stankewitz t-shirt area C, the #4-1 Topping sweater area A, the #4-2 Topping jeans area A, the #5-1 Menchaca sweater area A, and the #6-1 Lewis red shirt area A samples. Each of these results were analyzed with STRmix testing the proposition that Theresa Graybeal

³ The FBI expanded CODIS core STR loci frequency data for the populations used in the LR calculations at FACL, provided with STRmix™, is described in: Population data on the expanded CODIS core STR loci for eleven populations of significance for forensic DNA analyses in the United States. *Forensic Science International: Genetics* 25 (2016) 175-181. The ABI STR loci frequency data used for LR calculations at FACL is from the Applied Biosystems GlobalFiler™ PCR Amplification Kit User Guide, Publication Number 4477604, Revision E.

is a contributor. These comparisons provided no support for this proposition. The resultant likelihood ratios are either neutral in this regard (LR = 1) or provide some support for the proposition that Graybeal is not a contributor to any of these results.

3. The STRmix analyses are summarized in Table 2 below. For example, the DNA recovered from the #3-1 Stankewitz t-shirt area C stain was determined to originate from at least three⁴ contributors. This typing result was analyzed with STRmix assuming three contributors. The calculated contributor proportions are approximately 42%, 38%, and 20%. Theresa Graybeal was compared to this result as a potential contributor.
4. Assuming only three contributors and Keel as one of the contributors, the DNA typing result from the #3-1 Stankewitz t-shirt area C stain is approximately seven times more likely if the DNA originated from Keel and two unknown persons than if the DNA originated from Keel, Graybeal, and an unknown person. This analysis provides limited support that Graybeal is not a contributor to this result.
5. Similarly, the DNA recovered from the #4-2 Topping jeans area A stain was determined to originate from at least two contributors. This typing result was analyzed with STRmix assuming two contributors. The calculated contributor proportions are approximately 93% and 7%. Theresa Graybeal was compared to this result as a potential contributor.
6. Assuming only two contributors, the DNA typing result from the #4-2 Topping jeans area A stain is approximately 10 trillion times more likely if the DNA originated from two unknown persons than if the DNA originated from Graybeal and an unknown person. This analysis eliminates Graybeal as a contributor to this result.
7. The remaining samples results may be described similarly using the assumed number of contributors and likelihood ratios provided in Table 2.

⁴ The #3-1 Stankewitz t-shirt sample was inadvertently contaminated with a low-level of biology/DNA from the analyst Alan Keel during processing (LR = 200 billion). The STRmix result assessing Graybeal as a contributor includes Keel as a known contributor and reflects deletion of alleles at higher molecular weight genes (\geq approximately 250 base pairs) wherein only alleles possessed by Keel were detected.

Table 2. Summary of STRmix analyses testing the proposition that Theresa Graybeal is a contributor to the mixtures of DNA recovered from the various stains on the defendants' clothing

Item #	Assumed number of contributors	Likelihood Ratio	Supports the Proposition for	Verbal Equivalent
3-1 Stankewitz t-shirt	3	1/LR = 7	Keel and two unknown contributors	Limited support for Graybeal elimination
4-1 Topping sweater	2	LR = 1	Uninformative	No support for Graybeal inclusion or exclusion
4-2 Topping jeans	2	1/LR = 10 trillion	Two unknown contributors	Graybeal eliminated
5-1 Menchaca sweater	3	1/LR = 40	Three unknown contributors	Limited support for Graybeal elimination
6-1 Lewis shirt	2	1/LR = 95	Two unknown contributors	Limited support for Graybeal elimination

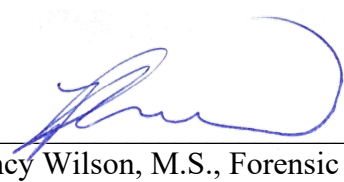
8. Reference specimens from persons of interest may be submitted for comparison to these defendants' clothing sample results.

Disposition of Evidence

All evidence items will be returned to the submitting agency.

Prepared by:


 Alan Keel, Senior Forensic Scientist


 Nancy Wilson, M.S., Forensic Scientist

The investigation described and documented herein was completed in compliance with the current ISO/IEC 17025 International Standard and FBI QAS accreditation requirements as defined by the ANSI-ASQ National Accreditation Board Forensic Testing Certificate and Scope of Accreditation (FT-0328).

DECLARATION OF ALEXANDRA COCK

I, Alexandra Cock, declare and state as follows:

1. I am an attorney, duly licensed to practice law in the State of Washington. All of the facts contained in this declaration are known to me personally and if called as a witness, I could and would testify thereto.
2. On December 16, 2015, I reviewed the Fresno Superior Court case docket for case #CF22701505, which started with 3/13/1978. On or about the same date, I reviewed the existing case file.
3. Starting in 2016, when J. Tony Serra and Curtis L. Briggs began representing Mr. Stankewitz, I have assisted them as paralegal.
4. From early 2017 – present, I have done the following:
 - a. Read 3,961 pages provided in discovery in 2012, including Fresno Police Department and Fresno County Sheriff's Department police reports. Prepared a list of all evidence referred to in the police reports. Read and reviewed the discovery materials provided to the defense in August, 2017 and described in the Discovery Receipt prepared by the District Attorney's Homicide Unit.
 - b. Arranged for the defense to view and was present to view the evidence in the possession of Fresno County Sheriff's Department and Fresno Superior Court on August 24, 2017, and May 25, 2018.
 - c. Arranged for and viewed evidence in the possession of Fresno County Sheriff's Department and Fresno Superior Court with defense experts on March 21, 2019.
 - d. Starting in May, 2019 – present, assisted with researching and preparing the Petition for Writ of Habeas Corpus in the above referenced case. During this time, I extensively reviewed the files and records provided by previous defense counsel of approximately 52 bankers boxes.
 - e. Prepared the Table of Missing Evidence attached as an exhibit to the Petition. In addition to reviewing the police reports described above, my preparation included reviewing all of the property record cards viewed at the

Fresno County Sheriff's Department. On information and belief, the Chart of Missing Evidence lists all evidence that is known to be lost in this case.

- f. Prepared the list of second trial testimony where Billy Brown refers to his first trial testimony.
 - g. On December 7, 2019, prepared and submitted a California Public Records Act request to the Fresno County Sheriff's Department, which is attached hereto. I received a response on December 16, 2019, stating that they would need at least 10 days to respond. I received an additional response on January 27, 2020, stating that they were still researching my request. These three documents are attached as Exhibit A hereto. To date, I have never received any documents in response to my request.
 - h. On December 7, 2019, prepared and submitted a California Public Records Act request to the Fresno Police Department, which is attached hereto. On June 1, 2020, I received a response stating that they were unable to locate any responsive records for the years 1973 – 1987. These two documents are attached as Exhibit B hereto.
 - i. On May 6, 2020, I prepared and submitted a request for jury questionnaires for individuals summoned to jury duty in Petitioner's second trial to the Superior Court of Fresno. I received a response dated 5-15-2020 stating that the Fresno court has no records responsive to my request.
 - j. Transcribed the March, 2020 voicemail from Det. Thomas Lean III, Retired, left for Jonah Lamb, defense investigator.
5. Regarding specific items of evidence:
- a. There are no documents provided in discovery that state that the vehicle involved in the crimes was searched at the time of the arrests.
 - b. The photos taken by R. Smith, Criminologist, are listed on the Court's First Trial Exhibit Record as Exhibits 46A through 46F, however, they are no longer contained in either the court evidence nor the FCSD evidence.
 - c. There are no documents provided in discovery that discuss whether Jesus Meras received anything of value for his interview or whether he had ever been arrested or convicted of a crime.
 - d. The reports discovered to the defense do not document that a search was conducted at the Meras crime scene for a gun or other evidence. There are no reports discovered to the defense which indicate that the police did a follow up investigation regarding the Meras crimes, including interviewing witnesses at the bar in Rolinda. The codefendants' police statements do not confirm that the Meras crimes occurred. There are no records of search

warrants issued nor any search conducted of Christina's Menchaca's residence at the Olympic Hotel, for a gun or other evidence of the Meras crimes.

- e. No police or district attorney reports indicate that Billy Brown's parents were present for any of his interviews.
- f. I have listened to the Billy Brown police interview taped on 2-11-78. Throughout Brown's February 11, 1978 interview, someone can be heard writing.
- g. Billy Brown's Motion and Order of Immunity are not contained in either the Fresno Superior Court file nor the Clerk's Transcripts for either the first or second trial.
- h. No records of weekend meetings of Billy Brown with DDA Ardaiz have been discovered to the defense.
- i. The Superior court records show that Fresno Municipal Court case #F32495 was transferred to Fresno Superior Court on 3-3-1978. I searched the Fresno Superior court file for the Douglas Stankewitz case. No copy of said Order for Stankewitz Blood Sample signed by Judge Armando Rodriguez can be found. I reviewed Clerk's Transcript for 1978 trial, Volumes I & II, and the Clerk's Transcript for 1983 trial, Volumes I & II – no Order was found.
- j. The only report which documents the storage of Stankewitz's blood sample is FCSD Request for Evidence Examination #271, dated 2-10-78. There are no other reports which document the storage of the February 9, 1978 blood sample. The sample is not found in either court evidence or FSO evidence. The piece from Petitioner's t-shirt documented in the same FCSD Request for Evidence Examination #271 is not in evidence.
- k. I have searched the case files referred to above and have not found any documentation that either of Stankewitz's trial counsel attempted to seek an independent examination of Petitioner's blood sample.
- l. This are no Property Record Card showing that Teena Topping's blood was drawn. No court order for Topping's blood draw can be found.
- m. There are no reports to indicate that the police or prosecution did any testing of clothing, prior to the second trial.
- n. Deputy District Attorney James Ardaiz's name appears on at least 15 FPD and FCSD investigation reports.
- o. There is no spent bullet in either the court evidence or the FSO evidence.

p. A review of the police case files supplied by DDA Pebet in 2017, for both the Graybeal homicide and Meras crimes shows that they only contain 222 pages and 5 pages, respectively.

I declare under penalty of perjury that the foregoing is true and correct.

September 18, 2020
San Rafael, CA



Alexandra Cock

December 7, 2019

Fresno County Sheriff's Office
P.O. Box 1788
Fresno, CA 93717

Re: Access to Public Records

TO WHOM IT MAY CONCERN:

This letter is to request access to records in your possession for the purpose of inspection and copying pursuant to the California Public Records Act (Government Code Section 6250 et seq.).

The information I seek to inspect is as follows:

1. any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding departmental processing, storage, retention of evidence in effect from 1972 - present, including any information related to whether officers mark or initial evidence, by law enforcement agents in the course of their employment.
2. any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for arrest and interrogation of suspects in effect from 1972 - present by law enforcement agents in the course of their employment.
3. any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for homicide investigations. in effect from 1972 - present by law enforcement agents in the course of their employment.
4. any and all policies on recorded interviews. in effect from 1972 - present by law enforcement agents in the course of their employment.
5. any and all policies on witness statements. in effect from 1972 - present by law enforcement agents in the course of their employment.

This request reasonably describes identifiable records or information produced therefrom, and I believe that no express provisions of law exempt the records from disclosure. Pursuant to Government Code Section 6253(b), I ask that you make the record(s) "promptly available," for inspection and copying, based on my payment of "fees covering direct costs of duplication, or statutory fee, if applicable." Accordingly, I hereby authorize up to \$50 for reasonable fees and kindly request that you mail the documents to my law offices at 2171 Francisco Blvd. E, Suite D, San Rafael, CA 94901 (or notify me as to any costs so I may arrange for payment or viewing and copying).

EXHIBIT A

Fresno County Sheriff's Office
Public Records Act Request
12-7-2019
Page 2

If a portion of the information I have requested is exempt from disclosure by express provisions of law, Government Code Section 6253(a) additionally requires segregation and deletion of that material in order that the remainder of the information may be released. If you determine that an express provision of law exists to exempt from disclosure all or a portion of the material I have requested, Government Code Section 6253(c) requires signed notification to me citing the legal authorities upon which you rely and of the reasons for the determination, not later than 10 days from your receipt of this request.

Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act "to delay access for purposes of inspecting public records."

To expedite compliance, I am sending a copy of this request to the office of your legal adviser.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 415-457-8936 or Alexandraatty@wealthplusinc.com.

Thank you for your time.

Very truly yours,



Alexandra Cock

cc: Daniel C. Cederborg
Fresno County Counsel
2220 Tulare St. Fifth Floor
Fresno, CA 93721

Alexandra Cock
Attorney
Washington Bar #11775
2171 Francisco Blvd. E., Suite D
San Rafael, CA 94901
(415) 457-8936



December 16, 2019

Alexandra Cock
Attorney-Washington Bar #11775
Wealth Plus Inc.
2171 Francisco Blvd. E., Suite D
San Rafael, CA 94901

Email: Alexandraatty@wealthplusinc.com

RE: FSO PRA 19-153

Dear Alexandra Cock,

The Fresno County Sheriff's Office is in receipt of your Public Records Act Request pursuant to California Public Records Act California Government Code 6250, now internally identified as FSO PRA 19-153, for the information listed below:

1. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding departmental processing, storage, retention of evidence in effect from 1972 – present, including any information related to whether officers mark or initial evidence, by law enforcement agents in the course of their employment.
2. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for arrest and interrogation of suspects in effect from 1972 – present by law enforcement agents in the course of their employment.
3. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for homicide investigations. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.
4. Any and all policies on recorded interviews. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.
5. Any and all policies on witness statements. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.

Please be advised SB 978 requires all agencies to conspicuously post all of their current standards, policies, practices, operating procedures and their education and training materials on their website. This information will be located on our webpage at www.fresnosheriff.org after January 1, 2020.

As your request is very broad and the information you are requesting is voluminous, be advised your request will require some time to process, which will exceed 10 days. If there is something you are looking for specifically, please advise us of that information so we can narrow our search and expedite your request.

Dedicated to Protect & Serve

Sincerely,



Lieutenant Frances Devins
Records Unit Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 Fax
frances.devins@fresnosheriff.org

From: [Devins, Frances](#)
To: "[alexandra cock](#)"
Subject: RE: Request for Information-FSO PRA 19-153
Date: Monday, January 27, 2020 2:18:11 PM

Dear. Ms. Cock,

We are still researching/reviewing your request as it is a voluminous request and we are searching various locations within the agency to see what we have.

As soon as we have collected the information, we will process it and be in contact with you regarding the cost.

For reference, our current policy is online and available on our website.

Thank you,

Lt. Frances Devins
Records Unit Commander
ICS Team Commander
Fresno County Sheriff's Office
(559) 600-8617 Office
(559) 488-1899 FAX
Frances.Devins@fresnosheriff.org

From: alexandra cock <alexandraatty@wealthplusinc.com>
Sent: Monday, January 13, 2020 7:50 PM
To: Devins, Frances <Frances.Devins@fresnosheriff.org>
Subject: RE: Request for Information-FSO PRA 19-153

**** EXTERNAL EMAIL ** Use caution opening attachments or clicking on links from unknown senders. ****

Dear Lt. Devins,

I am following up regarding your email and letter dated 12-16-2019. Can you please tell me when you will complete processing my request?

Thanks

Alexandra

Alexandra Cock, Attorney
2171 Francisco Blvd. E, Suite D
San Rafael, CA 94901
(415) 457-8936

CONFIDENTIALITY NOTICE: Privileged/Confidential information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver the message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email.

From: Devins, Frances <Frances.Devins@fresnosheriff.org>

Sent: Monday, December 16, 2019 4:59 PM

To: 'alexandraatty@wealthplusinc.com' <alexandraatty@wealthplusinc.com>

Subject: Request for Information-FSO PRA 19-153

Dear Alexandra Cock,

The Fresno County Sheriff's Office is in receipt of your Public Records Act Request pursuant to California Public Records Act California Government Code 6250, now internally identified as FSO PRA 19-153, for the information listed below:

1. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding departmental processing, storage, retention of evidence in effect from 1972 – present, including any information related to whether officers mark or initial evidence, by law enforcement agents in the course of their employment.
2. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for arrest and interrogation of suspects in effect from 1972 – present by law enforcement agents in the course of their employment.
3. Any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding procedures for homicide investigations. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.
4. Any and all policies on recorded interviews. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.
5. Any and all policies on witness statements. [sic] in effect from 1972 – present by law enforcement agents in the course of their employment.

Please be advised SB 978 requires all agencies to conspicuously post all of their current standards, policies, practices, operating procedures and their education and training materials on their website. This information will be located on our webpage at www.fresnosheriff.org after January 1, 2020.

As your request is very broad and the information you are requesting is voluminous, be advised your request will require some time to process, which will exceed 10 days.

If there is something you are looking for specifically, please advise us of that information so we can narrow our search and expedite your request.

A paper copy of this acknowledgement letter will be sent via USPS mail.

Thank you,

Lt. Frances Devins

Records Unit Commander

ICS Team Commander

Fresno County Sheriff's Office

(559) 600-8030 Office

(559) 488-1899 FAX

Frances.Devins@fresnosheriff.org

December 7, 2019

Fresno Police Department
2323 Mariposa
Fresno, CA 93721

Re: Access to Public Records

TO WHOM IT MAY CONCERN:

This letter is to request access to records in your possession for the purpose of inspection and copying pursuant to the California Public Records Act (Government Code Section 6250 *et seq.*).

The information I seek to inspect is as follows: any and all training manuals or instructions; policies; protocol; memoranda; bulletins; notices; or procedures, however described, regarding the following:

1. departmental processing, storage, retention of evidence in effect, including any information related to whether officers mark or initial evidence, from 1972 – present;
2. departmental policies on recorded interviews in effect from 1972 – present;
3. departmental policies on witness statements in effect from 1972 – present;
4. departmental procedures for arrest and interrogation of suspects in effect from 1972 – present; and
5. departmental procedures for homicide investigations in effect from 1972 – present;

by law enforcement agents in the course of their employment.

Also, a copy of the police file for Case #75-41415.

This request reasonably describes identifiable records or information produced therefrom, and I believe that no express provisions of law exempt the records from disclosure. Pursuant to Government Code Section 6253(b), I ask that you make the record(s) "promptly available," for inspection and copying, based on my payment of "fees covering direct costs of duplication, or statutory fee, if applicable."

Accordingly, I hereby authorize up to \$50 for reasonable fees and kindly request that you mail the documents to my law offices at 2171 Francisco Blvd. E, Suite D, San Rafael, CA 94901 (or notify me as to any costs so I may arrange for payment

Fresno County Sheriff's Office
Public Records Act Request
12-7-2019
Page 2

or viewing and copying).

If a portion of the information I have requested is exempt from disclosure by express provisions of law, Government Code Section 6253(a) additionally requires segregation and deletion of that material in order that the remainder of the information may be released. If you determine that an express provision of law exists to exempt from disclosure all or a portion of the material I have requested, Government Code Section 6253(c) requires signed notification to me citing the legal authorities upon which you rely and of the reasons for the determination, not later than 10 days from your receipt of this request.


Government Code Section 6253(d) prohibits the use of the 10-day period, or any provisions of the Public Records Act "to delay access for purposes of inspecting public records."

To expedite compliance, I am sending a copy of this request to the office of your legal adviser.

If I can provide any clarification that will help expedite your attention to my request, please contact me at 415-457-8936 or Alexandraatty@wealthplusinc.com.

Thank you for your time.

Very truly yours,



Alexandra Cock

cc: Douglas T. Sloan
Fresno City Attorney
2220 Tulare St.
Fresno, CA 93721

Alexandra Cock
Attorney
Washington Bar #11775
2171 Francisco Blvd. E., Suite D
San Rafael, CA 94901
(415) 457-8936

From: [Kathleen Abdulla](#)
To: [alexandra cock](#)
Cc: [Francine Kanne](#); [Romi Morgan](#)
Subject: RE: PRA Response to Alexandra Cock - FPD Policies and Procedures
Date: Monday, June 1, 2020 9:21:20 AM

Ms. Cock,

The City was unable to locate responsive records for the years 1973-1987, or for 1989-2002. The City located and produced responsive records for the years 1988, and 2003-present. The City has no additional records to produce.

Thank you.

Kathleen Abdulla
Paralegal
Fresno City Attorney's Office
2600 Fresno Street
Fresno, CA 93721-3602
(559) 621-7525
Kathleen.Abdulla@fresno.gov

From: alexandra cock <alexandraatty@wealthplusinc.com>
Sent: Saturday, May 30, 2020 12:36 PM
To: Kimberly Hernandez <Kimberly.Hernandez@fresno.gov>
Cc: Francine Kanne <Francine.Kanne@fresno.gov>; Romi Morgan <Romi.Morgan@fresno.gov>; Jennifer Davis <Jennifer.Davis@fresno.gov>; Ricardo Farfan <Ricardo.Farfan@fresno.gov>; Kathleen Abdulla <Kathleen.Abdulla@fresno.gov>
Subject: RE: PRA Response to Alexandra Cock - FPD Policies and Procedures

External Email: Use caution with links and attachments

Hi Kimberly,

I notice that the documents that you sent are from 1988. As I requested, will you be sending the procedures from 1973 – 1988?

Thanks

Alexandra

Alexandra Cock, Attorney
2171 Francisco Blvd. E, Suite D
San Rafael, CA 94901
(415) 457-8936

CONFIDENTIALITY NOTICE: Privileged/Confidential information may be contained in this message. If

you are not the addressee indicated in this message(or responsible for delivery of the message to such person), you may not copy or deliver the message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email.

From: Kimberly Hernandez <Kimberly.Hernandez@fresno.gov>
Sent: Thursday, April 02, 2020 4:37 PM
To: alexandraatty@wealthplusinc.com
Cc: Francine Kanne <Francine.Kanne@fresno.gov>; Romi Morgan <Romi.Morgan@fresno.gov>; Jennifer Davis <Jennifer.Davis@fresno.gov>; Ricardo Farfan <Ricardo.Farfan@fresno.gov>; Kathleen Abdulla <Kathleen.Abdulla@fresno.gov>
Subject: PRA Response to Alexandra Cock - FPD Policies and Procedures

Please see attached response and exhibits.

Here is a link to Exhibit "A":

<http://m3.fresno.gov/upload/files/43741529/122802A.pdf>

Here is a link to Exhibit "B":

<http://m3.fresno.gov/upload/files/113345865/122772B.pdf>

NOTE: The above link will be valid for 72 hours. If you are unable to access the documents by following the link, please notify the office

Thank you,

Kimberly Hernandez
Executive Assistant
Fresno City Attorney's Office
(559) 621-7500
Kimberly.Hernandez@fresno.gov

This e-mail message is intended only for the named addressee(s) and may contain privileged and confidential information that is protected pursuant the attorney-client privilege and the attorney work-product doctrine. Any dissemination, distribution or copying is strictly prohibited. If you received this e-mail message in error, please destroy the message, and notify the sender immediately by replying to this e-mail or by calling Kimberly Hernandez at the number provided above. Thank you.

THE BIOLOGICAL EVIDENCE PRESERVATION HANDBOOK:

Best Practices for Evidence Handlers

Technical Working Group on Biological Evidence Preservation



Susan Ballou
Phylis S. Bamberger
Larry Brown
Rebecca Brown
Yvette Burney
Dennis Davenport
Lindsay DePalma
Cynthia Jones
Ralph Keaton
William Kiley
Margaret Kline
Karen Lanning
Gerry LaPorte
Joseph Latta
Linda E. Ledray
Randy Nagy
Brian E. Ostrom
Lisa Schwind
Stephanie Stoiloff
Mark Stolorow
Melissa Taylor
Shannan Williams



NIST
National Institute of
Standards and Technology
Petition for Writ of Habeas Corpus - EXHIBITS
U.S. Department of Commerce

NIJ
National
Institute
of Justice

**The Biological Evidence Preservation Handbook:
Best Practices for Evidence Handlers**

Technical Working Group on Biological Evidence Preservation

Susan Ballou

Mark Stolorow

Melissa Taylor

Law Enforcement Standards Office

Office of Special Programs

Phylis S. Bamberger

Task Force on Wrongful Convictions

New York State Bar Association

Larry Brown

Los Gatos/Monte Sereno Police Department

Rebecca Brown

Innocence Project

Yvette Burney

Scientific Investigation Division

Los Angeles Police Department

Dennis Davenport

Commerce City Police Department

Lindsay DePalma

Shannan Williams

Booz Allen Hamilton

Cynthia Jones

American University

Ralph Keaton

American Society of Crime Laboratory Directors/

Laboratory Accreditation Board

William Kiley

Joseph Latta

International Association for Property and Evidence

Margaret Kline

Biomolecular Measurement Division

Material Measurements Laboratory

Karen Lanning

Evidence Control Unit

Federal Bureau of Investigation

Gerry LaPorte

Office of Investigative and Forensic Sciences

National Institute of Justice

Linda E. Ledray

Sexual Assault Nurse Examiners/

Sexual Assault Response Team

Randy Nagy

LGC Forensics

Brian E. Ostrom

Portland Metro Forensic Laboratory

Oregon State Police

Lisa Schwind

Office of the Public Defender

State of Delaware

Stephanie Stoiloff

Forensic Services Bureau

Miami-Dade Police Department

<http://dx.doi.org/10.6028/NIST.IR.7928>

April 2013



U.S. Department of Commerce
Rebecca Blank, Acting Secretary

National Institute of Standards and Technology
Patrick D. Gallagher, Under Secretary of Commerce for Standards and Technology and Director

CONTENTS

Introduction.....	iiiv
I. Retaining Biological Evidence	I
II. Biological Evidence Safety and Handling	6
III. Packaging and Storing Biological Evidence	9
IV. Tracking Biological Evidence Chain of Custody	25
V. Biological Evidence Disposition	37
Summary of Recommendations	43
Appendix A: Evidence Tracking and Management Systems: Functions, Capabilities, and Reports to be Considered when Acquiring a New System	46
Appendix B: List of Evidence Retention Laws.....	51
Appendix C: Sample Chain-of-Custody Report	55
Glossary	57
Works Cited.....	61

FIGURES

- Figure I-1: Collection of evidence from large/bulky items.
- Figure II-1: Biohazard label.
- Figure III-1: Metal lockers used for evidence drying.
- Figure III-2: Fiberglass shower enclosure.
- Figure III-3: Room designated for drying evidence.
- Figure III-4: Commercial drying unit.
- Figure III-5: Evidence stored in bags.
- Figure III-6: Evidence stored in envelopes.
- Figure III-7: Evidence syringe tube.
- Figure III-8: Storage for tubes or vials.
- Figure III-9: Sexual assault kits stored in boxes.
- Figure III-10: Sexual assault kits stored in envelopes.
- Figure III-11: Commercially manufactured evidence lockers.
- Figure III-12: Repurposed lockers.
- Figure III-13: Evidence cages for large items.
- Figure III-14: Modified residential refrigerator.
- Figure III-15: Under-the-counter refrigerator.
- Figure III-16: Commercial evidence refrigerator.
- Figure III-17: Commercial refrigeration units.
- Figure III-18: Labeled residential refrigerator/freezer.
- Figure III-19: Commercial walk-in refrigeration unit.
- Figure III-20: Sample property/evidence room layout.
- Figure V-1: Example of a final disposition review request form.
- Figure V-2: Summary of process steps involved in biological evidence disposition.
- Figure V-3: Biohazard disposal bag.

TABLES

- Table I-1: Examples of Sources of Biological Evidence
- Table I-2: Summary of Biological Evidence Retention Guidelines for Crime Categories
- Table III-1: Short-Term Storage Conditions Matrix
- Table III-2: Long-Term Storage Conditions Matrix
- Table IV-1: Notification Schedule for Pursuing Overdue Evidence
- Table V-1: Recommendations for Property Manual Standard Operating Procedures

INTRODUCTION

Across the nation, headlines tell the story of evidence that has been mishandled, misplaced, lost, or destroyed. Often the blame for these mishaps is directed toward property and evidence custodians housed in law enforcement agencies nationwide. Many law enforcement agencies do not properly address, recognize, or support the efforts of their property rooms. Although these agencies bear ultimate responsibility for maintaining the integrity of the evidence, the real problem lies with a systemic failure to properly account for evidence from collection through final disposition. This failure reduces the public's confidence in the criminal justice system to produce just results in criminal and civil proceedings.

Biological evidence refers to samples of biological material—such as hair, tissue, bones, teeth, blood, semen, or other bodily fluids—or to evidence items containing biological material (DNA Initiative 2012). This biological evidence, which may or may not have been previously analyzed at a forensic laboratory, should be retained in an appropriate storage facility until needed for court or for forensic testing. Such evidence is frequently essential in linking someone to or excluding someone from crime scene evidence. The criminal justice system depends on presenting evidence to judges and jurors to help them reach a conclusion about the guilt or innocence of the defendant. All criminal justice stakeholders, including law enforcement officers, lawyers, forensic analysts, and fact finders, should be certain that the biological evidence they are considering has been properly preserved, processed, stored, and tracked to avoid contamination, premature destruction, or degradation. In addition, individuals who come into contact with biological evidence, such as evidence custodians, need to be confident that it has been packaged and labeled in a way that will allow them to efficiently locate relevant evidence for a case. To establish this confidence, all handlers of biological evidence should follow well-defined procedures for its optimal preservation.

The Biological Evidence Preservation Handbook offers guidance for individuals involved in the collection, examination, tracking, packaging, storing, and disposition of biological evidence. This may include crime scene technicians, law enforcement officers, healthcare professionals, forensic scientists, forensic laboratory managers, evidence supervisors, property managers, storage facility personnel, lawyers, testifying experts, court staff members, and anyone else who may come in contact with biological evidence. While many of the recommendations relate to the physical storage, preservation, and tracking of evidence at the storage facility, this handbook also covers the transfer of the material between the storage facility and other locations and discusses how the evidence should be handled at these other locations.

This report is divided into five main sections that detail issues and make recommendations related to biological evidence storage, tracking, preservation, and disposition. A glossary, which provides standard definitions of the technical terms used in this report, follows these sections.

RETAINING BIOLOGICAL EVIDENCE

While most states have established their own statutes and/or policies for biological evidence retention, some have not. It is imperative that high-level guidance be given to biological evidence handlers regarding the circumstances under which evidence must be kept. This section defines recommended best practices for retaining biological evidence, including the length of time such evidence should be kept. It also provides guidance on identifying what biological evidence should be retained.

BIOLOGICAL EVIDENCE HAZARDS AND HANDLING

Contact with bodily fluids can spread disease such as those caused by bloodborne pathogens, and individuals handling biological evidence should treat it as hazardous to ensure safety. This section offers recommendations on various aspects of biological evidence handling, including the use of personal

protective equipment (PPE), Federal standards, the management of spills or accidents, and biological waste disposal.

PACKAGING AND STORING BIOLOGICAL EVIDENCE

The use of well-defined procedures for packaging, storing, and tracking can maintain biological evidence integrity for testing. Personnel involved in managing biological evidence often face challenges because of the size and location of the storage facility, supplies available for packaging, adequacy of tracking systems and resources, and other issues. This section identifies current best practices to maintain evidence integrity from initial packaging to final disposition.

CHAIN OF CUSTODY AND EVIDENCE TRACKING

Providing an accurate and complete chain of custody record ensures that the evidence that arrives in court is what was collected at the crime scene. An accurate chain of custody identifies and tracks the evidence from the time it was collected—including the method by which it was obtained—through final disposition for each individual who had possession and responsibility. This section discusses various evidence tracking systems and recommends procedures to improve all aspects of chain-of-custody recordkeeping.

EVIDENCE DISPOSITION

Jurisdictions face limitations because of storage space and preservation requirements and must make choices about when to keep or how to dispose of certain evidence. This section makes recommendations for best practices, policies, and procedures to decide what evidence needs to be retained and the length of time it needs to be retained in accordance with applicable statutes.

TECHNICAL WORKING GROUP ON BIOLOGICAL EVIDENCE PRESERVATION

The recommendations in this document are not mandated by any governing body; they are provided as recommended best practices developed and agreed upon by the Technical Working Group on Biological Evidence Preservation. This working group consists of experts in all aspects of biological evidence preservation (see following list) who have devoted time to researching and documenting the best advice that current technology allows.

The Technical Working Group on Biological Evidence Preservation convened in August 2010 with the goal to provide guidance to evidence custodians who have been traditionally plagued by the lack of such guidance. Little attention has been paid to how handlers of biological evidence should properly store it after collection and through post-conviction. Although storage conditions alone are a major issue, the group quickly discovered that obstacles with biological evidence that need to be addressed to ensure integrity include packaging, proper maintenance and tracking throughout its chain of custody, appropriate disposition, and policies at the state, local, and departmental levels.

Through these analyses and discoveries, the Technical Working Group developed its charge: “To create best practices and guidance to ensure the integrity, prevent the loss, and reduce the premature destruction of biological evidence after collection through post-conviction proceedings.”

The working group met nine times over two years. The working group developed this handbook through a consensus process in which each member had an opportunity to influence the recommendations and writing. Despite the diversity of backgrounds and views, the working group was able to reach substantial agreement on most issues, including formal recommendations.

Overall, the document is the working group’s best attempt at providing practical guidance while addressing some of the broader issues in evidence management. The storage of biological evidence is

THE BIOLOGICAL EVIDENCE PRESERVATION HANDBOOK

just one consideration, albeit a critical one, in a larger system of evidence storage; therefore, the group has put forward some recommendations that can also be applied to other forms of evidence preservation management. The scope of this report, however, is limited to biological evidence only.

The working group hopes that this document is useful in addressing the needs of its readers and will spark an ongoing dialogue about more ways to improve evidence management systems. Please visit <http://www.nist.gov/oles/> to obtain more resources to help your organization better preserve its biological evidence.

MEMBERSHIP

Susan Ballou, Program Manager of Forensic Sciences, Law Enforcement Standards Office (OLES), National Institute of Standards and Technology (NIST)

Phylis S. Bamberger, Judge (Retired), Task Force on Wrongful Convictions, New York State Bar Association

Larry Brown, Property Manager, Los Gatos/Monte Sereno Police Department

Rebecca Brown, Director of State Policy Reform, Innocence Project

Yvette Burney, Commanding Officer, Scientific Investigation Division, Los Angeles Police Department

Dennis Davenport, Senior Crime Scene Investigator, Commerce City Police Department

Lindsay DePalma, Contractor, Office of Investigative and Forensic Science, National Institute of Justice (NIJ)

Cynthia Jones, Associate Professor of Law, American University

Ralph Keaton, Executive Director, American Society of Crime Laboratory Directors/Laboratory Accreditation Board

William Kiley, Deputy Police Chief (Retired), Immediate Past President, International Association for Property and Evidence (IAPE)

Margaret Kline, Research Biologist, Biomolecular Measurement Division, NIST

Karen Lanning, Chief, Evidence Control Unit, Federal Bureau of Investigation

Gerry LaPorte, Program Manager, Office of Investigative and Forensic Sciences, NIJ

Joseph Latta, Police Lieutenant (Retired), Executive Director, Lead Instructor, IAPE

Linda E. Ledray, Director, Resource Center, Sexual Assault Nurse Examiners/Sexual Assault Response Team

Randy Nagy, U.S. Market Development Manager, LGC Forensics

Brian E. Ostrom, Criminalist 4, Portland Metro Forensic Laboratory, Oregon State Police

Lisa Schwind, Unit Head, Forensic Service and Education, Office of the Public Defender, State of Delaware

Stephanie Stoiloff, Senior Police Bureau Commander, Forensic Services Bureau, Miami-Dade Police Department

Mark Stolorow, Director, OLES, NIST

STAFF

Shannan Williams, Project Leader, Associate (Booz Allen Hamilton), OLES, NIST

Melissa Taylor, Study Director, OLES, NIST

Jennifer L. Smither, Technical Editor, Science Applications International Corporation

John Swarr, Research Assistant, Booz Allen Hamilton

ACKNOWLEDGEMENTS

The Technical Working Group on Biological Evidence Preservation gratefully acknowledges the following individuals for their contributions to the development and review of this handbook. Reviewers provided constructive suggestions but were not asked to approve or endorse any conclusions or recommendations in the draft handbook. Responsibility for the final content of this handbook rests with the members of the working group.

Kathleen Brown*, Nurse Professor, University of Pennsylvania, School of Nursing

Rockne Harmon, Forensic/Cold Case Consultant, DNARock

Ted Hunt*, Chief Trial Attorney, Jackson County Prosecutor's Office

Jeff Irland, Subject Matter Expert in Automated Identification Technologies (AIT), Booz Allen Hamilton

John Paul Jones*, Working Group Program Manager for Forensic Sciences, OLES, NIST

Dan Katz*, Deputy Director, Maryland State Crime Lab

David Loftis, Managing Attorney, Innocence Project

Anuj Mehta, Subject Matter Expert in AIT, Booz Allen Hamilton

Kenneth Melson, Professional Lecturer in Law, George Washington University Law School

Mitch Morrissey*, District Attorney, Denver Justice Council

Jeffrey Nye*, Biological Program Coordinator, Michigan State Police

Altaf Rahamatulla, Policy Analyst, Innocence Project

Peter Vallone*, Research Chemist, Biomolecular Measurement Division, NIST

* Reviewer

SPONSORSHIP

The NIJ is the research, development, and evaluation agency of the U.S. Department of Justice and is dedicated to researching crime control and justice issues. NIJ provides objective, independent, evidence-based knowledge and tools to meet the challenges of crime and justice. The Office of Investigative and Forensic Sciences is the Federal Government's lead agency for forensic science research and development as well as for the administration of programs that provide direct support to crime laboratories and law enforcement agencies to increase their capacity to process high-volume cases, to provide needed training in new technologies, and to provide support to reduce backlogs. Forensic science program areas include Research and Development in Basic and Applied Forensic Sciences, Coverdell Forensic Science Improvement Grants, DNA Backlog Reduction, Solving Cold Cases with DNA, Post-Conviction DNA Testing Assistance, National Missing and Unidentified Persons System, and Forensic Science Training Development and Delivery.

A non-regulatory agency of the Department of Commerce, the National Institute of Standards and Technology (NIST) promotes U.S. innovation and industrial competitiveness by advancing measurement

science, standards, and technology in ways that enhance economic security and improve our quality of life. It accomplishes these actions for the forensic science community through the Law Enforcement Standards Office (OLES) Forensic Science Program, which directs research efforts to develop performance standards, measurement tools, operating procedures, guidelines, and reports that will advance the field of forensic science. OLES also serves the broader public safety community through the promulgation of standards in protective systems; detection, enforcement, and inspection technologies; public safety communication; and counterterrorism and response technologies.

I. RETAINING BIOLOGICAL EVIDENCE

This section provides guidance on preventing the premature destruction of biological evidence. This section focuses on criminal proceedings; however, the retention of biological evidence may be applicable to civil cases and proceedings. This section includes the following:

- guidance regarding biological evidence identification
- recommendations on the retention of biological evidence for certain crime categories
- recommendations on the retention of biological evidence for different case statuses

Preserving and readily retrieving biological evidence from adjudicated and unsolved cases has benefits for all members of the criminal justice system. As the identification power of DNA evidence is recognized, it is clear that crime-solving potential resides latent in biological evidence from crime scenes. Therefore, each state should consider the legal and policy issues that address the retention of biological evidence and should establish procedures that describe the type and length of time for which evidence should be retained for each type of crime. Although most states already have legislation that dictates which categories of crime qualify for long-term storage of biological evidence, some jurisdictions have problems interpreting and implementing policies within property and evidence rooms. For those states and localities in which there is limited or vague guidance or in which stakeholders are reconsidering requirements, the working group recommends the following retention considerations and requirements.

Recommendation I-1:

All persons who have responsibility for the intake and/or storage and disposition of biological evidence should take online, in-classroom, or other forms of training on evidence management.

IDENTIFYING BIOLOGICAL EVIDENCE

Existing state laws vary in their definitions of what constitutes biological evidence in the context of evidence retention. A review of the National Institute of Justice's (2002) list of items from which biological evidence can be found for criminal cases illustrates the variety of items that can be successfully tested with current technology. Further, touch DNA, or DNA contained in shed skin cells that transfer to surfaces that humans touch, can be sampled from countless objects and surfaces (Daly, Murphy, and McDermott 2012).

However, requiring the retention of all physical evidence that can potentially contain DNA would result in the retention of all evidence collected unless it was screened to determine the possible presence of genetic material. Therefore, this handbook's recommendations attempt to balance the interests of justice with practicable storage concerns and to offer a minimum threshold for biological evidence retention. The table below describes different types of evidence that can contain biological evidence, which, in turn could be tested for DNA.

Table I-1: Examples of Sources of Biological Evidence (National Institute of Justice 2002)

Evidence	Likely Location of DNA on the Evidence	Source of DNA
Baseball bat or similar weapon	Handle, end	Sweat, skin, blood, tissue
Hat, bandanna, or mask	Inside	Sweat, hair, dandruff
Eyeglasses	Nose or ear piece, lens	Sweat, skin
Facial tissue, cotton swab	Surface area	Mucus, blood, sweat, semen, ear wax
Dirty laundry	Surface area	Blood, sweat, semen
Toothpick	Tip	Saliva
Used cigarette	Cigarette butt	Saliva
Stamp or envelope	Licked area	Saliva
Tape or ligature	Inside/outside surface	Saliva, skin
Bottle, can, or glass	Side, mouthpiece	Saliva, sweat
Used condom	Inside/outside surface	Semen, vaginal or rectal cells
Blanket, pillow, sheet	Surface area	Sweat, hair, semen, urine, saliva
“Through and through” bullet	Outside surface	Blood, tissue
Bite mark	Person’s skin or clothing	Saliva
Fingernail, partial fingernail	Scrapings	Blood, sweat, tissue

Potential sources of biological evidence can include, but are not limited to, the types of evidence listed in Table I-1. In some cases, even these evidence types may not contain DNA or may provide information of no probative value. Therefore, an official with experience, training, and insight into the context of the individual case should ultimately determine if an item could contain biological evidence and should be retained as such. These officials may include detectives, attorneys, investigators, crime scene technicians, and/or crime laboratory staff members. Property and evidence custodians, however, rarely have the expertise or insight into the context of a specific case to make initial determinations of what should be kept and whether it is biological evidence.

Recommendation I-2:

Prior to a property and evidence custodian accepting biological evidence, it should be clearly marked and labeled by the submitter as biological evidence, allowing it to be tracked within the evidence management system and stored appropriately from intake through disposition.

BULKY EVIDENCE: CONSIDERATIONS FOR LONG-TERM EVIDENCE RETENTION

To facilitate forensic testing for trial and post-conviction proceedings, it is essential to store and track as much of the evidence as necessary. However, it may be extremely difficult to maintain large or bulky items of evidence from which biological material is derived. Figure I-1 depicts the collection of biological material from a large bulky item—such as a couch—for forensic testing. For the long term, agencies might find it sufficient to retain samples taken from a large item (see B. and C. in figure I-1) as opposed to the large item on which biological evidence may have been located (see A. in figure I-1). Other examples of bulky evidence include a car, the wall/ceiling of a house, carpet, or another large piece of furniture such as a bed. If the origin of a sample is well documented (such as through photographs or case files), it may not be necessary to store the entire couch for testing and future re-testing.

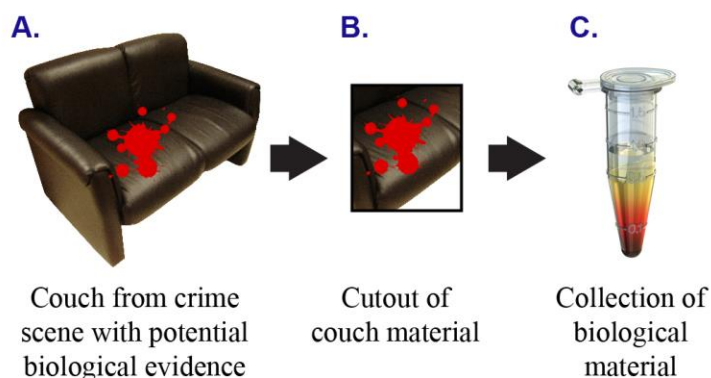


Figure I-1: Collection of evidence from large/bulky items.

Recommendation I-3:

Property and evidence custodians should consult with investigators, laboratory analysts, and, when appropriate, prosecutors to determine whether only representative sample(s) should be retained in situations in which samples are too large or too costly to store. Property and evidence custodians, investigators, laboratory analysts, and prosecutors should discuss situations in which prosecutors should be consulted. These decisions should not be made exclusively by property and evidence custodians.

RECOMMENDED CRIME CATEGORIES FOR WHICH EVIDENCE SHOULD BE PRESERVED

In addition to defining what should be retained, the category of crimes for which biological evidence should be retained must also be prescribed. Individual state laws vary greatly in this regard (see appendix B for a listing of existing state laws regarding biological evidence retention).

EFFECT OF “CASE STATUS” ON THE RETENTION OF BIOLOGICAL EVIDENCE

When determining the duration of time that biological evidence must be held, it is essential to understand what is meant by “case status” for criminal cases. Generally, there are four categories of case status:

- Open Cases (i.e., no suspect, but investigation continuing)
- Charges Filed (i.e., suspects charged and court proceedings active)
- Adjudicated (i.e., conviction, dismissal, or acquittal)
- Unfounded/Refused/Denied/No Further Investigation

This section provides an overview of each of these categories and discusses the implications of biological evidence disposition for each. For the purposes of illustration, this handbook uses the crime categories that are used in the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS). This system classifies 22 types of offenses as Group "A" crimes and 11 types of lesser offenses as Group "B" crimes. Table I-2 uses the NIBRS crime categories.

OPEN CASES

Open cases are those in which one or more suspects have not yet been identified or charged, a suspect has been identified but not yet charged, or the investigation is ongoing. As a standard practice, it is recommended that the evidence be maintained by the holding agency for as long as the statute of limitations for the crime or as applicable by law.

Recommendation I-4:

Biological evidence that is collected in the course of an open investigation should be retained indefinitely for homicides and, at a minimum, for the length of the statute of limitations for all other offenses.

CHARGES FILED

Standard practice dictates that all evidence in any case being prosecuted is maintained in the event that the evidence is needed for laboratory analysis or court proceedings. When charges are filed, a person has been charged and court proceedings have been or will be initiated. Evidence custodians should be notified if charges have been filed to (1) communicate case status for evidence release requests and (2) assist evidence custodians in determining disposition status.

Recommendation I-5:

A communications link should be established between investigators, prosecutors, and the responsible custodial agency to be able to determine if charges are filed.

ADJUDICATED

A case is adjudicated when a final judgment has been rendered in a legal proceeding. The disposition of evidence in adjudicated cases varies according to the crime category. Knowledge of the retention statutes in one's state is essential. Additional guidance is provided in table I-2. Appendix B identifies evidence retention laws in the United States as a reference.

Recommendation I-6:

Biological evidence should be preserved through, at a minimum, the period of incarceration in the following crime categories, as defined in NIBRS, regardless of whether or not a plea was obtained: homicides, sexual assault offenses, assaults, kidnapping/abductions, and robberies. For all other Group A and B offenses, biological evidence may be disposed of upon receipt of authorizations.

UNFOUNDED/REFUSED/DENIED/NO FURTHER INVESTIGATION

In cases categorized as unfounded, refused, or denied, or for which no further investigation will be conducted, evidence can be disposed of upon receipt of disposition approval from the assigned investigator unless such disposal is prohibited by law. This category includes instances in which the

victim chooses not to press charges, the prosecutor decides not to file charges, the investigator determines no arrest will be made, or the case is exceptionally cleared.

Recommendation I-7:

After it is determined that charges will not be sought or filed, evidence, including any biological evidence, need not be retained unless destruction is prohibited by statute.

CRIME CATEGORY/CASE STATUS/PERIOD OF RETENTION CHART

In the exercise of his/her duties, the property and evidence custodian may determine the status of cases in his/her custody and may decide whether contact should be made with the investigating officer or prosecutor. Crime categories/classifications vary from state to state; therefore, *knowledge of the specific categories in one’s own state is crucial*. Table I-2 provides guidance.

Table I-2: Summary of Biological Evidence Retention Guidelines for Crime Categories

Crime Categories (NIBRS*)	CASE STATUS			
	Open†	Charges Filed	Adjudicated	Unfounded/Refused/Denied/No Further Investigation
Homicide Offenses	Retain indefinitely	Retain indefinitely	At a minimum, retain for the length of incarceration‡	Dispose of upon receipt of authorization§
Sexual Offenses	At a minimum, retain for the length of the statute of limitations§	Retain pending adjudication§	At minimum, retain for the length of incarceration‡	Dispose of upon receipt of authorization§
Assault Offenses, Kidnapping/Abduction, Robbery			Dispose of upon receipt of authorization§	
All Other Group A & B Offenses			Dispose of upon receipt of authorization§	

* The Federal Bureau of Investigation’s National Incident-Based Reporting System (NIBRS) classifies 22 types of offenses as Group “A” crimes and 11 types of lesser offenses as Group “B” crimes. Table I-2 uses the NIBRS crime categories.

† Cases in which someone was found not guilty after criminal proceedings and additional suspects have not yet been identified or charged should follow the same guidance as open cases.

‡ Statutes regarding the disposition of biological evidence from homicide, sexual offenses, and other crime categories vary from state to state. Almost all states that have statutes require that such evidence be held for the period of incarceration; a few states require that the evidence be held for the period of probation, parole, or registration as a sex offender. Custodians should check their state statutes. Written authorization for disposal should be obtained from the assigned case investigator. (Note: If the assigned investigator is no longer employed by the agency, a designated investigator should give written approval.)

§ Section V provides further guidance regarding the disposition process.

II. BIOLOGICAL EVIDENCE SAFETY AND HANDLING

PURPOSE

This section provides guidance on biological evidence safety and handling concerns and includes:

- discussion of universal precautions
- guidance regarding the use of personal protective equipment (PPE)
- guidance regarding exposure control plans
- guidance on the disposal of regulated waste

Individuals handling any evidence should assume that all of it may contain potentially hazardous biological material. Anyone handling biological material may be exposed to harmful infectious diseases. The following section discusses procedural implications related to the safe handling of biological evidence and guidance on the way individuals should protect themselves.

UNIVERSAL PRECAUTIONS

The U.S. Occupational Safety and Health Administration (OSHA) developed universal precautions to protect workers from exposure to human blood or other potentially infectious materials. It is not possible to determine if every bodily fluid or stain collected from crime scenes is contaminated with a bloodborne pathogen; therefore, all bodily fluids and tissues are presumed to be contaminated. When individuals handle any type of biological evidence, procedures need to be in place to reduce or eliminate the risk of exposure to bloodborne pathogens that can transmit disease (OSHA 2012). Common diseases/viruses caused by exposure to bloodborne pathogens include hepatitis and human immunodeficiency virus (HIV). These raise the most concern because of the potential for lifelong infection and the risk of death associated with infection once an individual is exposed.

PERSONAL PROTECTIVE EQUIPMENT

The appropriate use of PPE is intended to protect the individual and the evidence from cross-contamination. PPE includes disposable gloves, disposable overalls, laboratory coats, masks, and eye protection. Every agency should prepare a written policy or directive informing evidence handlers of biological safety concerns and PPE requirements. Directives should include the following universal precautions and work practices, as identified by OSHA (2012), or state regulations derived from OSHA.

- **PPE should be used in every situation in which there is a possibility of exposure to blood or infectious diseases.** Gloves and protective clothing should be worn when providing first aid or medical care, handling soiled materials or equipment, and cleaning up spills of hazardous materials. Face protectors, such as splash goggles, should be worn to protect against items that may splash, splatter, or spray.
- **PPE must be clean and in good repair.** PPE that is torn or punctured, or that has lost its ability to function as an effective barrier, should not be used. Disposable PPE should not be reused under any circumstances. While using PPE, individuals should not touch their eyes or nose with gloves.
- **PPE must be removed when it becomes contaminated and before leaving the work area.** Used protective clothing and equipment must be placed in designated areas for storage, decontamination, and disposal.
- **Dried blood or other dry potentially infectious material should not be assumed to be safe.** PPE should be used when handling these items.

- **When wet material is spilled**, the area containing blood or other potentially infectious material should be covered with paper towels or rags, doused with a disinfectant solution (10 % bleach solution), left for at least 10 minutes, and removed. Materials should then be placed in a waste disposal bag designated for biohazardous material. Appropriate PPE should be used throughout this process.
- **Hazardous biological evidence packages must be appropriately labeled with biohazard labels and signage.** Without the biohazard label (see figure II-1) other employees could inadvertently be exposed to risk or could contaminate the evidence. The labeling and signage guidance also applies to any shelves or rooms where these items are being stored. Additionally, a ventilation system may be required to ensure that employees are working in a safe workplace.



Figure II-1:
Biohazard
label.

Occupational Safety and Health Administration (OSHA)

OSHA, established by the Occupational Safety and Health Act of 1970, authorizes the Secretary of Labor to develop and promulgate occupational safety and health standards, to develop and issue regulations, to conduct investigations and inspections, to determine the status of compliance with safety and health standards and regulations, and to issue citations for noncompliance with safety and health standards and regulations. The Act also requires that states with an approved state plan provide for the development and enforcement of safety and health standards. Twenty-one states operate their own job safety and health programs (three additional states cover only state and local government employees). States with approved programs must set job safety and health standards that are "at least as effective as" comparable Federal standards. In most cases, states adopt standards identical to Federal ones (OSHA 2012).

OSHA's *Bloodborne Pathogen Standard* is designed to protect the millions of workers in healthcare and related occupations from the risk of exposure to bloodborne pathogens, such as HIV and the hepatitis B virus (HBV). The standard creates numerous requirements for workplaces where workers handle blood or other potentially infectious materials, including bodily fluids.

EXPOSURE CONTROL PLAN

Crime laboratories, property and evidence rooms, and other locations where biological evidence is stored should have exposure control plans in place that are designed to minimize or eliminate occupational exposure to bloodborne pathogens. An exposure control plan is an employer's written policy that outlines the protective measures the employer takes to eliminate or minimize employee exposure to blood and potentially infectious diseases. At a minimum, the plan must contain the following:

- an exposure determination that identifies job classifications and, in some cases, tasks and procedures that involve occupational exposure to blood and potentially infectious diseases
- procedures for evaluating the circumstances surrounding an exposure incident
- a schedule of how and when other provisions of the standard will be implemented, including methods of compliance, communication of hazards to employees, and recordkeeping (OSHA 2012)

Each employee handling biological evidence must be trained on all related requirements and exposure risks.

Agencies should strictly limit the number of employees with exposure to these types of hazardous materials, either through staffing or segregation of biohazardous materials. (See section III for more information.)

BIOLOGICAL EVIDENCE DISPOSAL

REGULATED WASTE

The OSHA standard also defines wastes that should be regulated and monitored. Regulated waste, as defined in *Bloodborne Pathogen Standard*, is liquid or semi-liquid blood or other potentially infectious materials, contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed, items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling, contaminated sharps, and pathological and microbiological wastes containing blood or other potentially infectious materials (OSHA 2012).

Regulations governing the disposal of regulated waste or waste that requires special handling exist at the state level, most often from the state's department of health. Generally, state laws require that regulated waste be rendered non-infectious prior to disposal. Once the biohazard is decontaminated, it can be disposed of like any other solid waste.

STAGING FOR DESTRUCTION/DECONTAMINATION

Items to be destroyed or decontaminated must be removed from the active inventory and staged in an area for "bio items" that are scheduled for "destruction" and appropriate disposal.

There are several methods that can be used to destroy or decontaminate biohazardous material.

- **Incineration.** Incineration involves the actual burning of the waste. This method both destroys and decontaminates the evidence. Although effective, incineration is associated with serious air quality concerns. Evidence handlers should consult local and state laws for guidance.
- **Thermal Treatment.** Similar to incineration, thermal treatments use heat to destroy any pathogens present in biological material. There are several types of thermal treatments, such as autoclaves, microwaves, and dry heat systems. Each of these can be used to render biological evidence safe prior to disposal.
- **Chemical Treatment.** The most common method of decontamination is the use of chlorine either in the form of sodium hypochlorite solution (commonly known as bleach) or in the form of the more powerful (and correspondingly more hazardous) gas, chlorine dioxide. These compounds are relatively cheap and effective (HERC 2012).

Individuals responsible for destroying or decontaminating evidence should consult state regulations and the crime laboratory before deciding on an appropriate and safe method for destroying or decontaminating evidence. More information on biological evidence disposition requirements is provided in section V.

III. PACKAGING AND STORING BIOLOGICAL EVIDENCE

PURPOSE

This section provides guidance on the proper packaging and storage of evidence containing biological material. This section includes the following:

- guidance on packaging different types of biological evidence
- high- and low-tech methods to dry wet evidence
- best practices regarding the use of containers and individual item packaging
- guidance on the appropriate conditions for biological evidence storage
- a discussion on storage location considerations
- a list of references for further guidance and training

The packaging and storage of evidence is of paramount importance in forensic investigation. However, requests to produce evidence have demonstrated inadequacies in the packaging and storage of some evidence (Greene and Moffeit 2007; Kiley 2009). Further, studies call for greater care when packaging and storing evidence to prevent contamination and to ensure reliable analysis in the future (Goray, van Oorschot, and Mitchell 2012).

Multiple underlying factors affect law enforcement's ability to appropriately store evidence for optimum preservation, including limitations in the management and capacity of the storage facility, insufficient materials available for packaging, inadequate or improper temporary storage, changes in technology, and the lag between evidence collection and transport of the evidence to the evidence storage facility (Kiley 2008).

The following information will assist those individuals responsible for packaging and storing biological evidence in performing their duties at a level required for optimum preservation of evidence. Nonetheless, jurisdictions should place greater emphasis on the needs of their property rooms and staff members. The jurisdiction must ensure that the agency has sufficient resources and must apply appropriate methods and procedures to ensure that evidence is maintained in a condition suitable for future analysis.

Recommendation III-I:

In tandem with state or local legislatures, managers in law enforcement and relevant stakeholders should advocate for additional resources and funding to ensure the integrity of biological evidence through prioritizing the packaging, storage, maintenance, and security of the evidence in their jurisdictions.

PACKAGING DIFFERENT FORMS OF BIOLOGICAL EVIDENCE

Biological evidence exists in several different forms, each of which must be packaged, handled, and stored uniquely. Numerous studies have been conducted analyzing the stability of biological material and extracted DNA with varying results. The following guidance uses the expertise of the working group and scientific research to recommend storage conditions and methods that are fit for purpose in light of existing resources available to law enforcement agencies. As technologies advance and DNA testing sensitivities change, more stringent guidelines may be required.

WET VERSUS DRY EVIDENCE

There are two physical states in which biological evidence is submitted: wet and dry. Certain types of evidence, such as blood-draw samples or some of the contents of a sexual assault kit, must remain in liquid form. In most cases, these types of evidence are obtained from the crime laboratory or medical facility. All other evidence that is wet should be dried to be properly stored and tested in the future. Drying wet items of evidence, such as a blood-soaked garment, should be the first task of anyone handling wet biological evidence once it has been collected.

Temporary Storage of Wet Items

At times, the evidence handler may have to temporarily store evidence in its wet state because the facilities or equipment necessary to dry it properly are not available. In such a case, the handler should place the evidence in an impermeable and nonporous container (i.e., packaging through which liquids or vapors cannot pass), such as a metal can or glass jar, and should place the container in a refrigerator that maintains a temperature of 2°C to 8°C (approximately 35°F to 46°F) and that is away from direct sunlight. The handler may leave the evidence there until it can be air dried or submitted to the laboratory.

Plastic bags can be used temporarily to store wet evidence but must not be used for long-term storage because of the possibility of bacterial growth or mold. Exceptions include plastic bags that contain desiccant, a drying agent that prevents condensation and the subsequent growth of fungi or bacteria, and breathable plastic bags (Tyvek) that can be used for damp items and swabs.

Methods for Drying Wet Evidence

If evidence with wet biological material is not correctly air-dried, there is a high probability that the biological material will be destroyed by bacterial growth. This could potentially preclude generation of DNA results (National Institute of Justice 2002). Here are a few examples of low-tech and high-tech methods for properly drying evidence.

Low-Tech

Agencies that do not have sufficient funds or a need (i.e., they do not handle a significant volume of wet evidence) for equipment specifically designed for drying evidence generally use low-tech methods. In these cases, it is recommended that an isolated and secure area—such as a locker, shower stall, or room—be designated for this purpose. For example, a metal locker specifically labeled for biohazards is commonly used to dry evidence. Figure III-1 shows where the submitting officers have attached packaging materials to the outside doors of metal lockers. These materials will be used for repackaging the evidence once it has dried. Wet garments should hang with sterilized paper beneath and between them to minimize contamination while drying. After the drying process, the paper should be packaged separately and submitted with the garment, as it may contain trace evidence.

A shower stall is also an excellent, inexpensive way for departments with limited resources to dry evidence. Departments can create this system with a prefabricated fiberglass shower enclosure elevated on a wooden frame to make room for controlled drainage. (See figure III-2.) If possible,



Figure III-1: Metal lockers used for evidence drying.



Figure III-2: Fiberglass shower enclosure.

there should be an adjacent water faucet on which to attach a cleaning hose for washing the enclosure during decontamination.

Any room dedicated to drying evidence should have surfaces that allow for easy decontamination. For example, figure III-3 shows a fully tiled room outfitted with stainless steel hanging rods. The locking mechanism on the door handle prohibits access to all except the assigned personnel.

Adding complex features to the room, such as a ceiling air filtration system, would move this unit into the “high-tech” category. The drying room should be under negative pressure, with 12 to 15 air changes per hour, and the air should be vented to the exterior of the building (National Institute of Justice and Office of Law Enforcement Standards 1998).

In general, when the low-tech method is used, it is imperative that the area designated for drying biological evidence *not* be in direct sunlight. Additionally, the temperature and humidity should be controlled as much as possible so that the temperature variation is limited to between 15.5 °C and 24 °C (60 °F and 75 °F) and the relative humidity does not exceed 60 percent. Any adjacent areas (e.g., walls, ceiling, and the area below the evidence) should be made of materials that enable decontamination after every use of the drying area.



Figure III-3: Room designated for drying evidence.

Decontamination

Decontamination of surfaces or items can be accomplished by using a freshly made solution of 10 percent bleach or a suitable substitute. Individuals responsible for decontamination should consult with the laboratory for suitable substitutes (Centers for Disease Control and Prevention 2012). Refer to discussion on chemical treatment in section II for more information.

Recommendation III-2:

To optimize a sterile environment without commingling items of evidence, property and evidence management should establish a policy or procedure requiring documentation of who is responsible for cleaning the drying area, how the area is to be cleaned and decontaminated, how the decontamination process is documented, and how long the documentation is to be retained.

High-Tech

One of the most acceptable methods for drying biological evidence is the use of a commercially manufactured evidence drying cabinet. The cabinet allows an item to be secured while air is circulated through an activated high-efficiency particulate air (HEPA) filter that draws out any airborne particles. In such cases, the HEPA filter may become evidence as well. This type of equipment generally is found in larger departments and agencies where there is a daily need for drying evidence. (See figure III-4.)

Regardless of the type of drying cabinet or locker used, evidence handlers should always place paper under the item to capture any trace evidence that may fall off as it dries. This paper should be packaged separately and submitted with the item. Hangers should not be reused.



Figure III-4: Commercial drying unit.

If an item cannot be dried, the crime laboratory should provide further guidance.

Dry Storage

In most cases, nucleic acids, such as DNA, are best preserved in an air-dried, water-free environment. Water can cause instability and breakage in strands that bind DNA, which would degrade the ability to properly test. Further, the presence of water encourages the growth of yeast, mold, and bacteria, which can also degrade DNA (Kansagara, McMahon, and Hogan 2008). The use of desiccants has become more widespread. Consult the local laboratory for more information about the use of desiccants.

General Evidence Packaging

If the collected evidence is dry or has been dried, the evidence handler should place each item into a separate, previously unused paper bag or other breathable container. The size and type of container depends on the type of biological evidence. Generally, the bag or container should be securely sealed to ensure that no evidence will be lost (some containers come with manufacturer's seals that do not require tape). As mentioned earlier, all containers should indicate that biohazardous material is stored within the package.

Each package should be labeled with information essential to efficient evidence processing, filing, and retrieving. More information on labeling evidence for tracking purposes is discussed later in this section.

Because packaged evidence may be accessed for testing or examination in the future, materials used to package evidence of different sizes and types should be customized and standardized to properly fit the available storage spaces.

Recommendation III-3:

Each law enforcement agency should develop a protocol for standardizing evidence packaging materials and customizing shelving to allow for more efficient retrieval of evidence stored in property rooms.

Evidence Bags

Homicides, sexual assaults, aggravated assaults, robberies, and burglaries frequently involve bulky evidence, such as clothing and bedding, which presents storage challenges. Figure III-5 illustrates a method that allocates specific shelving for selected sizes of bags and makes each bag easily retrievable. The shelves are no deeper than the longest dimension of the bags, eliminating the possibility of something being hidden behind other evidence. The shelves are designed for two sizes of bags, which are stored by case number.



**Figure III-5:
Evidence stored in
bags.**

Evidence Boxes

Another storage option for departments is the use of different boxes sized for the dimensions of the storage shelf. This system uses space efficiently and reduces retrieval time. Evidence stored in boxes with holes (such as handle cutouts in banker's boxes) should be packed in sealed packages. If the evidence is not in a sealable package, the holes of the box in which it is stored should be closed to prevent transfer of any material to another box.

In some cases, firearms are analyzed for biological evidence. Custodians who need to store this kind of evidence should unload the weapon to make it safe and then place it into a new cardboard gun box. The submitting individual must ensure that the box is sealed and must indicate on the exterior of the box that the weapon was unloaded and made safe and may contain biological material. Shelving should be deep enough for only a single box so that one cannot become hidden behind another.

Evidence Envelopes

Small items of evidence (e.g., trace evidence, cigarette butts, fibers, etc.) may be stored in small envelopes. Different sizes of envelopes can be selected based on the dimensions of the shelf or drawers, ensuring efficient use of space and reducing retrieval time.



Figure III-6: Evidence stored in envelopes.

Liquid Evidence, Tissue Samples, Extracted DNA, and Other Types of Evidence Packaging

As stated earlier, certain types of evidence will remain in liquid form or contain fluids. These types require different types of packaging materials as well. Specific storage conditions regarding these and other types of evidence will be discussed later in the section.

Recommendation III-4:

For the safety of employees, agencies should always attempt to segregate types of biohazardous evidence, such as liquid evidence, tissue samples, and extracted DNA, in one centralized location for easy identification and safe storage.

Blood Samples

Generally, blood draw tubes and vials are collected and submitted in some type of container recommended by the crime laboratory and/or hospital. If the department receives a vial or tube that is not packaged in a readily identifiable manner, it should be placed in an envelope that is easily recognizable, clearly marked as to its contents, and bearing a visible biohazard label.

Glass vials of blood should never be frozen because the vial might explode or crack. The Stabilizing Solutions call-out box on page 14 provides guidance on handling and storing vials that contain preservatives.

Hypodermic Needles

Department packaging protocols should require that any type of needle or other sharp object entering the property room be stored in a container that is closeable, puncture-resistant, leak-proof on the sides and bottom, labeled or color-coded, and breathable. An example is shown in figure III-7. These items should not be commingled in a package with other evidence. Sharps containers also must be maintained upright throughout use (OSHA 2012).



Figure III-7: Evidence syringe tube.

For employee safety, syringes should be stored in an area designated for such evidence. Commingling packaged syringes with other evidence creates a special safety hazard because syringes can accidentally deliver infectious agents directly into the bloodstream (HERC 2012). Filing drawers, bins, or boxes (see figure III-8) can be used for storing these items.



Figure III-8: Storage for tubes or vials.

Breathable Storage Containers

Throughout this section, breathable storage containers are mentioned as a preferred method for packaging. Breathable containers are important because they prevent condensation, which can encourage the growth of bacteria that can attack and degrade DNA samples. Oxygen can provide a protective barrier against these types of bacteria (Seah and Burgoyne 2001). Contact the crime laboratory for further details on the use of breathable containers.

Urine Samples

If an agency receives a vial or tube that is not clearly labeled as containing urine, it should be labeled or packaged in an identifiable envelope or box that is clearly marked as to its contents. Employee safety mandates that this type of biohazard, similar to blood, tissues samples, and extracted DNA, be segregated in one centralized location for easy identification and safe storage. Urine should not be frozen in glass jars or vials.

Sexual Assault Kits

State or local crime laboratories, local hospitals, or evidence supply vendors generally supply law enforcement agencies with their sexual assault kits. The sexual assault kit packages can be boxes (figure III-9) or envelopes (figure III-10). The contents of these kits can vary by agency. An itemized list of collected items should be submitted with the kit. Boxes and envelopes of uniform size make storage and retrieval efficient, as shown. Given the importance of biological evidence in these cases, sexual assault kits are often retained for decades and must be stored in a manner that prevents degradation and facilitates easy retrieval and identification. Depending on the contents of the kits, a temperature- and humidity-controlled facility may be appropriate.



Figure III-9: Sexual assault kits stored in boxes.

Extracted DNA

Preservation of genomic DNA extracted from biological evidence is an important consideration for any handling, storage, and retrieval procedures, as this DNA may be the only source of material for future testing. Historically, extracted DNA has been stored in a preservative and then frozen or refrigerated. The stability and recovery of DNA extracts is dependent on the quantity and quality of the extracted DNA prior to storage as well as the type of tube used for storage. However, maintaining freezers and refrigerators is costly, which has led to research on room temperature storage of DNA extracts. (Bonnet et al. 2010; Fripiat et al. 2011; Lee et al. 2012; Lee et al. 1991; Smith and Morin 2005; Lee, Crouse, and Kline 2010; Wan et al. 2010). While the Working Group does not endorse a specific method for room temperature storage of DNA extracts, it encourages the audience to consider such methods as more information becomes available regarding the utility of room temperature storage methods. Contact the crime laboratory to identify what it recommends or requires.



Figure III-10: Sexual assault kits stored in envelopes.

Stabilizing Solutions

In many cases, stabilizing solutions that may eliminate the need to freeze or refrigerate evidence are available on the market to enable easier and more cost effective storage and transportation of DNA samples and other types of biological evidence (Swinfield et al. 2009; Lee et al. 2012; Zhu et al. 2007; Roberts and Johnson 2012). Most crime laboratories use preservatives or stabilizing solutions in biological samples prior to or after testing. Contact the crime laboratory to identify which solution it uses and how this affects the agency's storage requirements.

Tissue Samples

At times, preservation of tissue samples for the long term may be handled by a property and evidence custodian after the tissue has been sampled and analyzed by a crime laboratory or medical examiner. Tissue samples that are submitted for DNA analysis are usually stored at -20 °C as rapidly as possible to halt the degradation process. In cases of mass casualty disasters, freezing or refrigeration may not be immediately available. The use of preservation reagents used to stabilize tissue samples temporarily at room temperature may be advantageous (Graham, Turk, and Rutty 2008; Kilpatrick 2002; Michaud and Foran 2011; Caputo, Bosio, and Corach 2011). The Working Group does not endorse a specific method for packaging or preserving tissue samples because storage methods and preservation reagents vary widely among laboratories. Contact the crime laboratory to identify what it recommends or requires.

Other Items

Items such as a used condom or a fetus (or other product of conception) may be placed in plastic, sealed, and frozen. In all cases where there is some ambiguity in proper storage, evidence custodians should contact the local crime laboratory for further guidance. According to the National Institute of Justice (2002),

Some methods of collection and storage may promote the growth of bacteria and mold on the evidence. Bacteria can seriously damage or degrade DNA contained in biological material and inhibit the ability to develop a DNA profile; however, evidence can still sometimes yield DNA results. For example, PCR [polymerase chain reaction] technology can allow the laboratory to develop profiles from some moldy biological samples, whereas other evidence may fail to yield a usable DNA profile, even when no mold is visible. Therefore, close consultation with the laboratory is important to determine the type of DNA testing most likely to yield results on the available evidence.

Packaging Best Practices Summary

Agencies should encourage the following best practices in biological evidence packaging.

Containers

- ✓ Use paper bags, manila envelopes, cardboard boxes, and similar porous materials for all biological evidence. (See page 10 for specific guidance on wet items.)
- ✓ Use butcher or art paper for wrapping evidence, for padding in the evidence container, and/or as a general drop cloth to collect trace evidence.
- ✓ Package evidence and seal the container to protect it from loss, cross-transfer, contamination, and/or deleterious change.
- ✓ For security purposes, seal the package in such a manner that opening it causes obvious damage or alteration to the container or its seal.

Item Packaging

- ✓ Package each item separately; avoid comingling items to prevent cross-contamination.
- ✓ Use a biohazard label to indicate that a potential biohazard is present.
- ✓ Plastic bags are not preferred for storage because of the possibility of bacterial growth or mold.
- ✓ If drying wet evidence is not possible, place the evidence in an impermeable, nonporous container and place the container in a refrigerator that maintains a temperature of 2 °C – 8 °C (approximately 35 °F to 46 °F) and that is located away from direct sunlight until the evidence can be air dried or until it can be submitted to the laboratory.
- ✓ Seal each package with evidence tape or other seals, such as heat seals and gum seals; if possible, do not use staples. Mark across the seal with the sealer's identification or initials and the date.
- ✓ Unload, make safe, and place all firearms submitted into evidence for biological testing into a new cardboard gun box. As the submitting individual, seal the box and indicate on the exterior of the box that the weapon was unloaded, made safe, and may contain biological material.
- ✓ Label items according to agency policy and procedures. At a minimum, mark each package with a unique identifier, the identification of the person who collected it, and the date of collection. The unique identifier should correspond to the item description noted on the property/evidence report (e.g., evidence tag, property sheet, property receipt, or property invoice). More information on evidence labeling can be found on pages 29 – 30.
- ✓ Maintain the integrity of the item through the package documentation, including all markings, seals, tags, and labels used by all of the involved agencies. Preserve and document all packaging and labels received by or returned to the agency, because this information is critical.

BIOLOGICAL EVIDENCE ENVIRONMENTAL CONDITIONS

The proper drying and packaging of biological evidence is the first step toward achieving optimal preservation. The next step is storing it in the proper environmental conditions. Biological evidence must be stored in a fashion that not only safeguards its integrity but also ensures its protection from degradation. The storage of biological evidence may include, but is not limited to, the use of temperature- and humidity-controlled areas or freezers and refrigerators. In all cases, it should be understood that conditions of storage should include protection from moisture, excessive heat, and protection from sunlight.

Biological evidence should be stored in one of the following conditions, depending on the type of evidence, and if known, the type of analysis that will be conducted:

- **frozen:** temperature is maintained thermostatically at or below -10°C (14°F)
- **refrigerated:** temperature is maintained thermostatically between 2°C and 8°C (36°F and 46°F) with less than 25 % humidity
- **temperature controlled:** temperature is maintained thermostatically between 15.5°C and 24°C (60°F to 75°F) with less than 60 % humidity
- **room temperature:** temperature is equal to the ambient temperature of its surroundings; storage area may lack temperature and humidity control methods

Because of the nature of the evidence storage and management process, it is necessary to distinguish temporary storage from long-term storage. In many cases, evidence is stored temporarily because the facility handling it does not have the proper conditions to ensure its integrity for a long time. Temporary storage spaces include medical facilities and hospitals, small property rooms at law enforcement headquarters, or vehicles that transport evidence from the crime scene to long-term evidence management facilities. Throughout this handbook, we define temporary storage to include any location where evidence may be stored for 72 hours or less. Long-term storage is defined as any location where evidence may be stored for more than 72 hours.

Biological evidence stored in a space temporarily has slightly different environmental guidelines than evidence kept in long-term storage because the biological material can degrade over time because of factors that might be less likely to take effect within 72 hours.

The following matrices outline acceptable environments for biological evidence types; however, readers should defer to their crime laboratory's policy. For most situations, the working group strongly urges the use of the guidelines presented here, as they are backed by a comprehensive review of current literature.

Table III-I: Short-Term Storage Conditions Matrix¹

Type of Evidence ²	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood ³	Never	Best	Less than 24 hours	
Urine	Best	Less than 24 hours		
Dry Biological Stained Item ⁴			Best	Acceptable
Wet Bloody Items (if cannot be dried)	Best	Acceptable	Less than 24 hours	
Bones	Acceptable		Acceptable	Acceptable
Hair			Best	Acceptable
Swabs with Biological Material		Best (wet)	Best (dried)	
Vaginal Smears			Best	
Feces	Best			
Buccal Swabs			Best	Less than 24 hours

¹ Refer to the previous section on “Packaging Different Forms of Biological Evidence” for best practices on packaging types of evidence.

² Sources: *Liquid Blood*—Farkas et al. 1996; Austin et al. 1996; Visvikis, Schlenck, and Maurice 2005; Gino, Robino, and Torre 2000; Ross, Haites, and Kelly 1990. *Urine*—Gino, Robino, and Torre 2000; Prinz, Grellner, and Schmitt 1993; Benecke 2004; Elliott and Peakman 2008. *Dry Biological Stained Items*—Gino, Robino, and Torre 2000; Kobilinsky 1992; Lund and Dissing 2004; Sjöholm, Dillner, and Carlson 2007; Aggarwal, Lang, and Singh 1992. *Wet Bloody Items*—Kanter et al. 1986. *Bones*—Kobilinsky 1992. *Hair*—Steinberg et al. 1997. *Vaginal Smears*—Gill, Jeffreys, and Werrett 1985. *Feces*—Benecke 2004. *Buccal Swabs*—Steinberg et al. 1997; Sigurdson et al. 2006.

³ See call-out box on Stabilizing Solutions for guidance on vials containing preservatives.

⁴ This category includes blood, semen, saliva, and vaginal swabs that are dry.

Table III-2: Long-Term Storage Conditions Matrix¹

Type of Evidence ²	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood	Never	Best		
Urine	Best			
Dry Biological Stained Items			Best	
Bones			Best	
Hair			Best	Acceptable
Swabs with Biological Material			Best (dried)	
Vaginal Smears			Best	
Feces	Best			
Buccal Swabs			Best	
DNA Extracts	Best (liquid)	Acceptable (liquid)	Acceptable (dried)	

¹ Refer to the previous section on “Packaging Different Forms of Biological Evidence” for best practices on packaging types of evidence.

² Sources: *Liquid Blood*—Farkas et al. 1996; Austin et al. 1996; Visvikis, Schlenck, and Maurice 2005; Gino, Robino, and Torre 2000; Ross, Haites, and Kelly 1990. *Urine*—Gino, Robino, and Torre 2000; Prinz, Grellner, and Schmitt 1993; Benecke 2004. *Dry Biological Stained Items*—Gino, Robino, and Torre 2000; Kobilinsky 1992; Lund and Dissing 2004; Sjöholm, Dillner, and Carlson 2007; Aggarwal, Lang, and Singh 1992; McCabe et al. 1987; Kline et al. 2002. *Bones*—Kobilinsky 1992. *Hair*—Steinberg et al. 1997. *Vaginal Smears*—Gill, Jeffreys, and Werrett 1985. *Feces*—Benecke 2004. *Buccal Swabs*—Steinberg et al. 1997. *DNA Extracts*—Yates, Malcolm, and Read 1989; Dissing, Søndervang, and Lund 2010; Halsall et al. 2008; Kline et al. 2002; Sigurdson et al. 2006.

BIOLOGICAL EVIDENCE PHYSICAL STORAGE CONSIDERATIONS

The challenges related to both temporary and long-term physical storage of biological evidence are extensive. In addition to the storage environment, consideration must be given to the proper equipment, safety, training, and management of personnel handling the evidence in a particular physical location.

WRITTEN POLICY

To ensure all submitting officers are presenting biological evidence in a manner that will meet chain-of-custody requirements and/or that will enable proper forensic testing, everyone must follow the organization's established written policies. These policies can come in at least two forms: (1) a *property and evidence room procedural manual* to ensure the required consistency in the overall process, which is made available to all agency staff members; and (2) *written directives* that contain specific instructions for the storage and packaging of biological evidence, which is available to personnel within the property room or unit and evidence submitters.

Policies must clearly state the responsibilities of any employee submitting evidence into the storage system. Typically, these orders would be in the department's general policies, rules and regulations, or standard operating procedures. These policies should apply to every department employee, not only to property room staff members. Rules related to temporary storage, for example, may include the following:

- All evidence collected by any employee should be submitted into the property and evidence system or laboratory by personal delivery to property room or laboratory staff members or, when they are not available, via a locker that has been designated for the temporary storage of evidence. In addition, the evidence should be submitted before the employee goes off duty for that work shift. All evidence should be properly packaged prior to storage.
- Evidence shall not be stored in any unauthorized location, such as a personal locker, desk, file cabinet, or vehicle.
- The submitting employee shall document that the property or evidence is securely locked in the provided locker or temporary storage location.

The policies also should include appropriate packaging methods based upon the needs of the crime laboratory used by the agency and the needs of its own storage facilities. A packaging directive should include digital photos with brief narrative descriptions to best illustrate the approved methods. It is recommended that the servicing crime laboratory be consulted when an agency is developing a packaging directive. These issues also should be considered for temporary storage. Department packaging directives must inform submitting officers on how various types of evidence should be temporarily stored. These directives must include an appropriate contingency plan for times, such as holiday weekends, to ensure items are not left in temporary storage for longer than 72 hours.

RIGHT OF REFUSAL

Departmental policy should clearly state that any package or documentation that does not meet the standards of the property unit or the crime laboratory will be refused, and the submitting officer shall be notified through normal channels to correct the problem. This principle is known as the "Right of Refusal" (Latta and Bowers 2011).

Recommendation III-5:

Each law enforcement agency should have a policy and procedure for the storage of biological evidence.

Temporary Storage Equipment

Units used for temporary storage can include commercially manufactured evidence lockers, repurposed lockers, rooms and closets, commercial storage containers, commercially manufactured temporary evidence freezers and refrigerators, home refrigerators, and under-the-counter refrigerators.

Manufactured Evidence Lockers

These include lockers that can be affixed to a wall and unloaded from the front or units built into the wall that can be unloaded from the property room side. Many of the newer, commercially manufactured evidence lockers are self-locking and do not require keys. That is, they have push-shut locks that engage when the door is closed. Figure III-11 illustrates variously sized lockers that can accommodate different sizes of evidence.



Figure III-11:
**Commercially
manufactured evidence
lockers.**

Repurposed Lockers

Lockers that were previously used for other purposes can make suitable storage units. However, if padlocks are used to secure the locker, it is best to secure the locks to the locker to ensure they are not lost and to prevent their removal from the facility (which would allow someone to make a duplicate key). Additionally, it is advisable to not use lockers in which the key is left in the locks, because the key could be removed and copied. As stated previously, it is best to select variously sized lockers that can accommodate different sizes of evidence. (See figure III-12.)

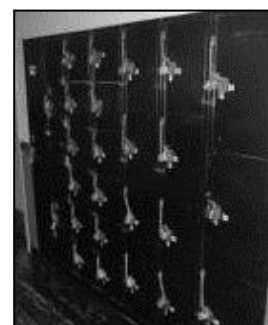
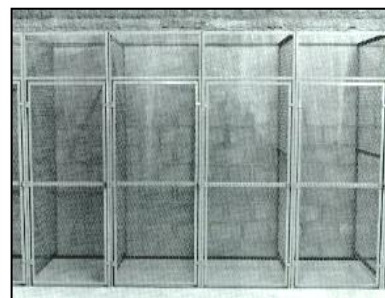


Figure III-12:
**Repurposed
lockers.**

Evidence Cages

Biological evidence can come in any size and shape. Therefore, lockers and/or cages should be available for large items.

The security of this type of locker must be as strict as that for any temporary locker, and the contents should be cleared out as quickly as possible. As with any temporary storage evidence locker, the larger cage must contain individually packaged evidence from only one case. (See figure III-13.)



**Figure III-13: Evidence cages
for large items.**

Evidence Rooms

Departments sometimes designate a small room, closet, or cage to which all employees have access (e.g., through a key or electronic system) as the temporary storage area for biological or other evidence. If multiple employees have access to the area, it can compromise the integrity of the evidence; be the basis for a chain-of-custody challenge; or result in evidence being commingled or cross-contaminated, tampered with, or stolen. All evidence must be stored in such a manner so that it cannot be commingled or cross-contaminated and so that no one but the submitting officer and the property officer/custodian has access to the evidence.

Refrigerators/Freezers

Some biological items of evidence in temporary storage may need to be refrigerated or frozen at the time of collection and while awaiting receipt by property room personnel. For many years, most departments have used typical residential refrigerator units for refrigeration and/or freezing. A significant concern is the security of the biological evidence during the temporary storage. An additional concern is the potential commingling of evidence from various cases when placed in the same refrigerator or freezer.

Figure III-14 depicts a typical residential refrigerator/freezer unit in which one agency installed small lockers with padlocks affixed to the frame. Agencies that adopt this method should ensure that padlocks are secured to the lockers and that the entire locker unit cannot be removed from the unit and taken.

Under-the-Counter Refrigerator/Freezer

Small departments also may use an under-the-counter refrigerator unit and install small lockers to segregate items. The locking units shown in figure III-15 are similar to police gun lockers.

The requirements for temporary storage of refrigerated and frozen items are no different from the requirements for any other evidence (e.g., evidence from multiple cases should never be commingled in the same compartment).

Commercial Evidence Refrigerators/Freezers

Larger departments may use larger refrigeration and/or freezer units that can accommodate substantially more biological evidence submissions. The unit in figure III-16 is segmented with individual lockers and can be installed in the wall to allow property room personnel to remove evidence from the back of the unit. These are pass-through lockers and are available as refrigeration or freezer units.

Temperature Alarms

Given the importance of temperature control when storing biological evidence, the refrigerator/freezer unit should be equipped with an alarm system to indicate if there is a rise in temperature and/or an equipment malfunction. The alarm should be monitored 24 hours per day (e.g., by automatic notification to



Figure III-14:
Modified residential refrigerator.



Figure III-15:
Under-the-counter refrigerator.



Figure III-16:
Commercial evidence refrigerator.

the watch commander, officer in charge, the communications center, or other designated personnel).

Long-Term Storage Equipment

Generally, when an item is no longer being stored in temporary storage, it is moved to long-term storage. Given the forensic importance of biological evidence in investigations, prosecutions, and post-conviction DNA testing, evidence must be stored in a manner that protects it from degradation and ensures easy retrieval and identification. Allocating specific areas in the property room for the various types of biological evidence can reduce exposure and injuries while also safeguarding the evidence.

Refrigerators/Freezers

Figures III-17, III-18, and III-19 illustrate the types of refrigerators and freezers typically found in most law enforcement agencies.



Figure III-17
Commercial
refrigeration units.



Figure III-18 Labeled
residential
refrigerator/freezer.



Figure III-19: Commercial
walk-in refrigeration unit.

Separating Evidence Types

Property and evidence custodians should consider arranging long-term storage facilities to separate evidence types, such as biohazardous evidence or biohazards ready for destruction. Figure III-20 shows an example of a property room layout that separates biohazards in an area away from and outside the property and evidence facility to enhance security and to enhance protection for staff handling the evidence.

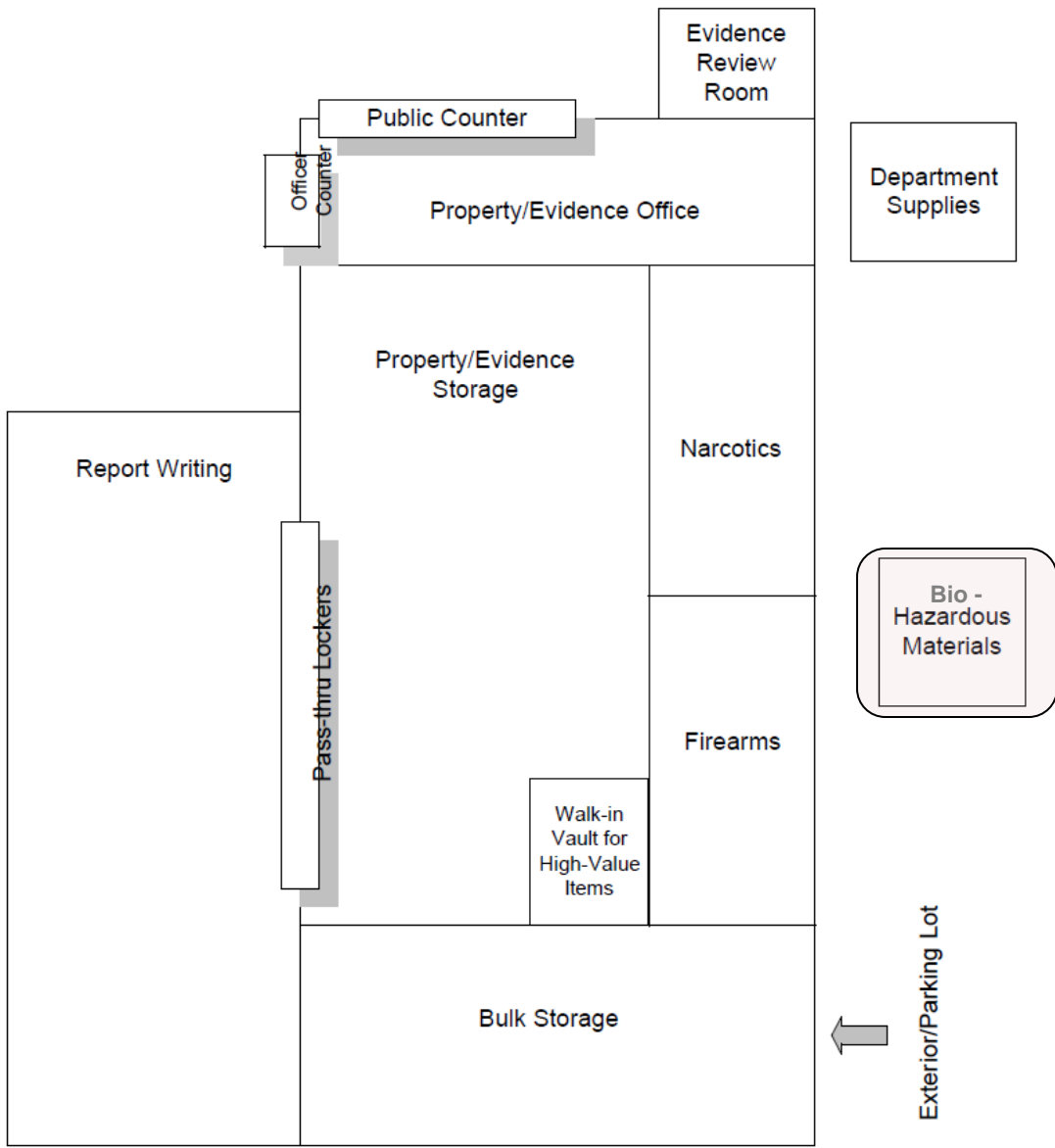


Figure III-20: Sample property/evidence room layout (Latta and Bowers 2011).

IV. TRACKING BIOLOGICAL EVIDENCE CHAIN OF CUSTODY

PURPOSE

This section provides guidance for improving both the chain-of-custody process and the tracking of evidence. This section includes the following:

- guidance on the importance of chain of custody
- best practices for managing and tracking evidence
- a discussion of tracking systems and minimum requirements
- best practices and sample procedures for securing biological evidence
- best practices for evidence management in locations such as a courthouse or hospital
- recommendations on communications and oversight

The justice system requires that proceedings be conducted fairly. A compromised chain of custody can lead to an incorrect verdict. The chain-of-custody record documents the chronological movement, location, and custodial status of physical evidence from the time it is collected through the final disposition. Each person involved with evidence collection, storage, and handling must be able to attest to the condition of an evidence package (e.g., sealed/not sealed or damaged), any changes made to the contents of that package, and the condition of all transfers. Every transfer of evidence between individuals and storage locations must be documented. A break in the chain of custody can be grounds for challenging the admissibility of evidence.

KEY DEFINITION

Chain-of-custody documentation identifies all persons who have had custody of evidence and the places where that evidence has been kept in chronological order from collection to destruction. When done properly, the chain should be an unbroken trail of the collection, custody, control, transfer, and disposition of the evidence. Evidence derived from primary samples—such as DNA extracts from a laboratory analysis—should also have its own chain of custody maintained to the same extent as the original evidence.

Chain-of-custody records may be maintained using a paper-based system, an electronic system, or any combination thereof. An agency that uses a manual system must include a means of tracking the transfer of evidence from person to person or person to storage location. Appendix C contains a sample form to document information that should be obtained by the person collecting the evidence and subsequently recorded for every transfer and transaction in a manual system.

Chain-of-custody documentation should include the following:

- description of the evidence
- unique case identifier (e.g., case number)
- where the evidence was collected
- where the evidence was stored
- who was in possession of the evidence and for what purpose
- what was done to the evidence (e.g., analysis or re-packaging)
- date and time information

Chain-of-custody records must be retained for a period of time, even though the evidence may be destroyed or lost. The specific retention period of the evidence records depends on the type of case and on local, state, and Federal laws.

IMPORTANCE OF CHAIN OF CUSTODY

The chain of custody assists in identifying individuals who may be required to testify regarding the evidence. Failure to maintain proper chain of custody may result in evidence being ruled inadmissible.

Recommendation IV-1:

Personnel who handle evidence should be notified during their training that they might be required to testify about the chain of custody.

MANAGING AND TRACKING EVIDENCE

Scientific and technological advancements have made many more objects available as potential sources of evidence than in the past. The ability to obtain forensic evidence from such sources as blood and other bodily fluids, digital information, and fibers has expanded the pool of evidentiary sources. These evidence categories require special treatment and conditions of storage to prevent deterioration, loss, theft, contamination, mishandling, and improper destruction.

Specific and accurate recordkeeping is essential to knowing the circumstances of the storage, testing, transport, and procedures used in dealing with each category of evidence. Recordkeeping includes chain of custody, security, and quality assurance programs. Records must document how evidence is stored and all persons who have reviewed or had custody of it during storage, such as representatives of the defense, the prosecutor, or law enforcement officials.

The system for tracking evidence must have measures of quality control, must ensure the accuracy of all recordkeeping, and must make it simple to retrieve samples from storage. When selecting a tracking system, an agency should consider that it may need to store the evidence for an extended period of time and that the personnel associated with the case and responsible for the storage and tracking of it may change.

Recommendation IV-2:

Whatever system an agency uses, it should be able to account for the following:

- Chain of custody
 - date/time/identity of individual who collected evidence
 - any person(s) in possession of the evidence at scene and during transport
 - date/time/identity of person who submitted the evidence
 - date/time/identity of property/evidence custodian who accepted/received the evidence
 - date/time/identity of any person to whom the evidence was released and who returned it
- Unique item identification
 - description of item
 - unique number identifier
- Location of item in property/evidence storage room or other external location(s), such as court, a crime laboratory, or another investigative agency
 - location (e.g., shelf number or bin) where evidence is stored
 - date/time/identity of person who stored the evidence

Every item of evidence must have a chain of custody. The tracking system should be able to generate a report accounting for all evidence.

Some cases in the possession of a property and evidence custodian pre-date a labeling system that mirrors the guidance in this handbook. The labeling system for this evidence should be updated as needed on a case-by-case basis.

Each agency should have a standard procedure that governs operation of the property room (Latta and Bowers 2011). This standard procedure should include specific instructions for how and when an inventory should take place as well as who should conduct it.

Recommendation IV-3:

Yearly inventories should be conducted to verify that the evidence in the property room is present and in its specified location.

The removal and return of evidence from storage should also be outlined in an agency’s standard operating procedures. The call-out box below is an example of the Los Angeles Police Department’s overdue sign-out property procedure.

Los Angeles Police Department (LAPD) Overdue Sign-Out Property Procedure

Within the Los Angeles Police Department, evidence can be signed out on either a temporary or long-term basis. Temporary sign-outs are 7 days and long-term sign-outs are 30 days. Notifications regarding overdue evidence items signed out for temporary or long-term use are handled in a similar fashion and differ only in the time period between notifications (as identified in the chart below). At each interval, notifications are sent to progressively higher management levels within the organization.

Each day, an evidence supervisor queries the property management system for a list of overdue items and makes notifications according to the schedule and format in table IV-1.

Table IV-1: Notification Schedule for Pursuing Overdue Evidence

	First Notice	Second Notice	Third Notice	Fourth Notice
Temporary Sign-Outs	Phone call or email to officer/analyst at 7 days	Email or letter to officer/analyst and his or her commanding officer (CO) at 14 days	Letter to officer/analyst, his or her CO, and the bureau CO via the evidence division’s supervising bureau (SB) at 21 days	Letter to officer/analyst, his or her CO, the bureau CO, and the director via the SB at 28 days
Long Term Sign-Outs	Phone call or email to officer/analyst at 30 days	Email or letter to officer/analyst and his or her CO at 60 days	Letter to officer/analyst and the bureau CO via evidence division’s SB at 90 days	Letter to officer/analyst, his or her CO, the bureau CO, and the director via the SB at 120 days

It is the responsibility of the various commanding officers to ascertain if the delay is warranted and to send a response to the evidence division or to decide on a course of action for the involved personnel. Each agency must determine its own requirements for return of evidence signed out for investigative purposes.

Recommendation IV-4:

A quality property management system should include a means to identify overdue items or evidence that has not been returned according to the agency’s policy.

NUMERICAL IDENTIFIERS FOR CASES AND EVIDENCE ITEMS

Each item of evidence must have a unique identifier, which can take a variety of forms: numeric, alphabetical, a combination of both numbers and letters, or a barcode. Just as with the tracking system, the identification system can be simple or intricate. The key to any such system is that an identifier can never be duplicated and that the item of evidence can be correctly associated with a specific case. An example of such a method would be to assign a unique case number to unique item identifiers for each piece of evidence.

Example 1 uses a case number (2012-12345) plus a consecutive item number.

Case Number – Item Number	Description
2012-12345 – 1	One brown men’s shirt
2012-12345 – 2	One pair of men’s jeans
2012-12345 – 3	Blood sample from Jane Doe

Example 2 uses the case number (2012-12345) plus the officer’s initials (JTL) and consecutive item number.

Case Number – Officer’s Initials – Item Number	Description
2012-12345 – JTL – 1	One brown men’s shirt
2012-12345 – JTL – 2	One pair of men’s jeans
2012-12345 – JTL – 3	Blood sample from Jane Doe

Example 3 uses the case number (2012-12345) plus the officer’s employee number (4215) and consecutive item number.

Case Number – Officer’s Employee Number – Item Number	Description
2012-12345 – 4215 – 1	One brown men’s shirt
2012-12345 – 4215 – 2	One pair of men’s jeans
2012-12345 – 4215 – 3	Blood sample from Jane Doe

Example 4 uses a pre-established control number on preprinted, pre-numbered evidence tags/forms that reference the case number. The pre-numbered evidence tags/forms are controlled with a sign-out ledger that carefully tracks each evidence tag/form. The consecutively numbered tags/forms are similar to the management and tracking of traffic citations.

Control Number	Description	Case Number
85123-1	One brown men’s shirt	2012-12345
85123-2	One pair of men’s jeans	2012-12345
85123-3	Blood sample from Jane Doe	2012-12345

Example 5 uses a computer-generated, consecutive number that is used to document and track the evidence. The computer provides a consecutive number that will never again be generated.

Computer Number	Description	Case Number
789567	One brown men's shirt	2012-12345
789568	One pair of men's jeans	2012-12345
789569	Blood sample from Jane Doe	2012-12345

Recommendation IV-5:

Each agency must develop an identification system so that each item of evidence has a unique identifier. Evidence items created from analysis or separated from the original evidence item should be documented to show the linkage between it and its parent.

KEY CONSIDERATIONS

Location

Tracking the location of the evidence is just as important as identifying the evidence itself. In small agencies, evidence may be stored in only a few lockers, while in larger agencies, there may be many rooms or warehouses, and multiple physical locations. To easily retrieve an individual item of evidence or all of the evidence for a specific case, a tracking system must accurately and consistently provide the location of that evidence. Developing an intuitive scheme for evidence storage makes the system more manageable. Such a scheme may consist of storing like-size containers (e.g., envelopes, bags, and boxes) in areas designed for them and then filing accordingly by the case or tracking number. It is critical that property room personnel update the tracking system with the new information if and when evidence is moved. If not updated, the tracking system will become useless and retrieval of evidence nearly impossible.

Case Status

Another key but often overlooked element to efficient and effective property rooms and tracking systems is the case status. For additional discussion of case status, refer to section V, page 38

Labels

Proper labeling of evidence also is extremely important to a successful and efficient tracking effort. Minimally, the label should include the case identifier, item identifier, type of crime, date/time that the item was collected, where the item was collected, and the name or initials of the person who collected the item. It is also recommended that a description of the item in the package and biohazard labels be included, as appropriate. Any items that contain biological evidence are indicated as such either on the electronic property list or property record.

Many agencies write the labeling information directly on the packaging. Some use adhesive labels with or without barcodes while others may opt for pre-printed packaging. In all cases, the information should be readily available for as long as the evidence is maintained. Therefore, the following points should be considered:

- Are the label and information compatible with the tracking system?
- Is the item uniquely identifiable?
- Is the information on the label legible?
- Will the label adhere to all types of packaging?
- Will extreme temperatures affect the label or its adhesive?

-
- Is the label format flexible enough to accommodate changes in technology?

If evidence does not bear biological evidence labeling and the presence of biological evidence becomes known, the property and evidence tracking system and label need to be updated to indicate that biological material is contained.

MANAGEMENT AND TRACKING SOFTWARE

Evidence tracking and management software should be able to rapidly identify the following:

- case status
- evidence “out to court” or on temporary release
- evidence “transferred to court” or on permanent release
- evidence pending disposal, release, auction, or diversion
- date/time/identity of responsible person(s) who authorized the release or disposal
- record of final disposition (released, auctioned, destroyed, or diverted), including:
 - specific list of items awaiting destruction
 - name of person authorizing destruction
 - date/time/place/method of destruction and identity of person who destroyed the evidence
 - identity of an independent witness to the destruction
- identity of person who moved the evidence to the pending destruction, auction, release, or diversion storage area with the date, time, and location
- detailed statistical reporting

Additional functions and capabilities to be considered are detailed in appendix A.

Electronic Evidence Management

The increase in the volume of evidence, the budget-imposed decreases in resources available to manage evidence tracking, and the need to track evidence from the crime scene to the courtroom and through final disposition has increased interest and demand for more efficient systems to track and manage evidence. The cost of automated evidence tracking and management software is continually decreasing. In addition, the relatively new introduction of “hosted” solutions (i.e., the evidence tracking and management system is hosted on the vendor’s server rather than on a department’s server) has enabled many agencies to acquire this level of automation. Thus, evidence tracking and management software is becoming a “must” for an improved evidence processing system.

Management system buyers should consider the following list, in consultation with relevant stakeholders, prior to buying an electronic management to match their process requirements:

- reporting capabilities (including statistics)
- tracking capabilities
- alert mechanisms (“tickler file”)
- integration with existing systems
- security
- inventory management
- communication (enhancing data sharing with other criminal justice agencies)

-
- accessibility (web-based vs. server-based hosted solution)
 - usability (ease of use)
 - customization (creating a system to meet your needs)
 - data conversion
 - information technology and hardware support
 - training
 - appropriate capabilities for the size of agency
 - electronic signature capabilities
 - cost-benefit analysis for individual features considered (understand value added for each)

AUTOMATED IDENTIFICATION TECHNOLOGIES

Barcoding and radio frequency identification (RFID) are examples of automated systems that aid in the recordkeeping that supports proper chain of custody. Most evidence bagged and tagged at crime scenes is tracked manually by the responding personnel who fill out forms and hand-label the items collected. Many agencies (large and small) use barcode systems to increase the efficiency of tracking evidence, and a few are exploring using RFID technology. Automated systems can also be set up to send alerts to managers when highly sensitive evidence is moved. Some systems maintain photographs of evidence as well. The time-saving benefits and simplified process afforded by an RFID system may be a better value than a barcode system. An RFID system reads many tags simultaneously, whereas a barcode system reads each tag individually.

To obtain more information about the implementation of automated identification technologies, such as barcodes and RFID, the working group engaged a group of consultants to assess the capabilities and technologies available, to review the barriers to their use, and to suggest ways to leverage these systems to increase the forensic evidence visibility. These reports can be found at <http://www.nist.gov/oles/>.

Recommendation IV-6:

Overall, it is highly recommended that jurisdictions consider automated identification technologies to enhance chain-of-custody recordkeeping and tracking, to facilitate inventories, and to allow for efficient retrieval of evidence.

PROPERTY ROOM MANAGEMENT SOFTWARE

Many law enforcement agencies have purchased property room management software systems that coordinate the intake and storage of evidence in a property room but are not designed to track the return of evidence once it is signed out. This shortcoming can be corrected by using a “tickler” or “flagging” system that indicates when evidence has not been returned by a predetermined time.

LABORATORY INFORMATION MANAGEMENT SYSTEMS

Laboratory Information Management Systems (LIMS) that provide various capabilities for one or more forensic disciplines are available. Since the scope and cost of LIMS vary greatly, the agency or group of agencies implementing LIMS should involve all stakeholders to identify the minimum processes and abilities that will meet everyone’s needs. Typically, LIMS cost hundreds of thousands of dollars and are designed to integrate with other systems to manage laboratory instruments and data.

KEY TRACKING SYSTEM CONSIDERATIONS

Level of Integration

There are very few integrated evidence tracking systems available today that will track evidence from the point of collection through storage, processing, and presentation in the courtroom. Many agencies use more than one system to track evidence at different points in the process. The technology is changing rapidly, so considerations of factors such as integration with other systems and methods of accessing data—including web-based platforms—can influence a purchase decision. Some systems can be customized to meet an agency's needs, such as tracking only certain types of data or recording data in a specific format.

Workflow

When choosing a tracking system, agencies must also consider their workflows. Important elements of forensic workflows include maintaining chain of custody, identifying all the data related to a case, and parent/child tracking (e.g., the extraction of a stain to obtain DNA). The systems available today have various capabilities and approaches to providing these capabilities.

Report generation

The final important consideration when selecting an evidence tracking and management system is its ability to generate management reports. A system must have the ability to search, run queries, and print and/or email the resulting data. For example, the ability to run an inventory report for each year in a 5-year span could provide trend analysis that otherwise might be missed. The ability of the end-user, the property room staff members, laboratory staff members, or information technology staff members to customize system reports is a benefit of the more robust and capable systems.

SUMMARY OF TRACKING OPTIONS

There are many evidence tracking systems available, but currently they are focused on specific parts of the process. When transferring from manual to electronic tracking, agencies should procure or develop a system that can manage the entire process—from crime scene to disposition—and not just a portion of the process. Many agencies currently use a manual tracking system for one or more parts of the forensic process and must determine what system is best for them when they consider a new, single system for the entire process using technologies such as barcodes or RFID chips.

As the cost of electronic tracking technologies drops and as integration between systems improves, many agencies that currently manage the forensic process manually will be able to justify purchasing more efficient electronic systems. Prior to procuring new systems, property and evidence custodians, along with other relevant stakeholders, should properly assess the agency's needs.

Recommendation IV-7:

Experienced property and evidence custodian personnel should be included in the procurement of any software and/or hardware that affects the tracking and management of evidence. Agencies need to review existing procedures, to conduct a needs assessment, to develop requirements, and to evaluate technology performance prior to procuring a system. Proper IT support should also be available.

Security

Any location used to retain or store evidence must be secured to prevent tampering, contamination, theft, or contact with unauthorized people. Space should be redesigned as required and security devices must be used.

Recommendation IV-8:

Access to the evidence holding facility should be limited to those who are authorized to remove and return the evidence and to those who are authorized to hand over the evidence to others authorized to receive it. Each evidence custodian should have an appropriate background check prior to employment or assignment to the unit.

When evidence is transferred from one entity to another, public or private, it should either be hand carried or sent via a carrier that maintains an internal, detailed chain of custody with confirmed delivery. Packaged evidence being transferred must be sealed to ensure its integrity. If evidence is opened for examination in a laboratory, during court proceedings, or for any other reason, it must be resealed prior to storing or transferring to another entity. Entities handling biological evidence should establish procedures that include steps to take if evidence is received unsealed. By establishing and following clear and concise procedures, the integrity of the evidence and the chain of custody will be kept intact.

Recommendation IV-9:

Each entity that can potentially hold biological evidence, including courts, should have (1) written procedures detailing the steps and documentation required when evidence is opened, resealed, and transferred; (2) secure, access-controlled locations to store the evidence; (3) trained and authorized personnel handling the evidence; and (4) written policies outlining chain-of-custody and storage requirements (length of retention, conditions, and disposition requirements) for biological evidence.

Courthouse Chain-of-Custody Procedures

There are thousands of courthouses and courtrooms in the United States, and their procedures for tracking and maintaining a chain of custody and storing evidence vary. Because of the need to retain evidence post-trial, it is critical that courts follow guidelines for the storage of evidence. Evidence relevant to a proceeding may be stored and brought to the courtroom from an outside facility, a central property room within the courthouse, or a location designated by a judge. The evidence can be returned to any of these locations when it is no longer needed in the courtroom or when the proceedings are over for the session (Hampikian, West, and Akselrod 2011; Goray, van Oorschot, and Mitchell 2012; Daly, Murphy, and McDermott 2012; Lee, Crouse, and Kline 2010).

When evidence is moved to the courthouse from another location, the courthouse should follow basic chain-of-custody requirements. These guidelines would apply during and between evidence viewings, pre-trial consultations, court proceedings, jury deliberations, and appellate and post-conviction reviews (i.e., anytime an evidence package is opened).

Chain-of-custody records should include a detailed accounting of the following:

- all movements of the evidence package
- any changes to the evidence package, such as opening for a legal proceeding (this should be reflected in the court transcripts)
- the name of the person who has custody of the evidence
- the name of the person to whom the evidence was given
- the purpose of the delivery
- what happened when the evidence arrived at its destination
- the name of the person who returned the evidence to its storage location

After proceedings, including hearings, trial, and jury deliberations, evidence could be stored permanently at a courthouse; however, it is preferable to keep it there only temporarily until court proceedings are completed and then to return it to the submitting agency for disposition.

Guidance on Possible Scenarios

A record of how the evidence package is handled in the courtroom should be reflected in the court transcript. This would include any jury requests to see evidence that would result in changes to the packaging, such as unsealing and resealing. When possible and appropriate, exhibit numbers and case numbers should be cross-referenced in court proceedings.

It is important to have designated locations for evidence storage, whether it is one centralized site for all the judges in a courthouse or a specific area for each judge. A trained court clerk or bailiff for all the judges or separate clerks for individual judges should safeguard the evidence and keep records using uniform procedures and paperwork. The supervising officer should oversee a courthouse's internal chain-of-custody system.

Procedures vary and lines of responsibility are not always clear regarding the repackaging, storage, and preservation of biological evidence after a verdict is rendered or a plea is entered. In some jurisdictions, the evidence is returned to the party who introduced it, while in others, it is returned to a central property clerk's facility.

It is essential to carefully repackage and store evidence once trial court proceedings are completed, as the evidence may be requested again if there are appeals.

To ensure the preservation of evidence post-conviction, it should be properly repackaged and returned as soon as possible to a designated storage site. The documentation accompanying the evidence package should be updated to record the transport back to storage.

Hospital/Medical Facilities Chain of Custody Procedures

Biological evidence should be collected whenever there is the possibility that it may have bearing on a patient's case (e.g., sexual assault, domestic violence, or car accident involving drugs or alcohol) in accordance with state and local laws. Hospitals should develop policies regarding the storage of biological evidence because the hospital and the individual collecting the evidence are involved in the chain of custody. The individual who collects the evidence from the patient is responsible for initiating the chain of custody process. According to the hospital accrediting body, Joint Commission on Accreditation of Healthcare Organizations, hospital staff members who are trained to identify abused patients should also know the procedures for preserving evidence that will support any future legal action.

Recommendation IV-10:

The collection of evidence at the hospital or medical facility establishes the first link in the chain of custody. Biological evidence should be collected by a properly trained medical professional and an inventory of each item should be recorded.

Guidance on Possible Scenarios

If no law enforcement report is made at the time of the hospital/clinic visit, medical professionals should offer to collect evidence from a patient and to store the evidence until the patient or other appropriate person can decide if a police report will be filed. In many cases, there is no specified time period for

which the facility will store the evidence. It is recommended that hospitals establish a specified time period for storage of biological evidence in consultation with the local prosecutor and/or police jurisdiction.

If a law enforcement official does not request the evidence within the specified timeframe, the hospital should contact the patient and seek law enforcement agency authorization prior to destroying evidence. The disposition of the evidence should be documented in the patient file.

If the patient decides to file a report with a law enforcement representative, the medical facility may turn the evidence over directly to law enforcement. In this case, the law enforcement representative is required to sign the chain-of-custody form when taking custody of the evidence from a medical professional at the facility where the evidence was collected.

If the patient has made a report and a law enforcement representative is not available to take custody of evidence, the medical facility can continue to store it or contact the relevant law enforcement agency to request that they handle the storage.

When stored on hospital/clinic premises, dry evidence should be kept in a locked cabinet. It is neither necessary nor helpful to refrigerate dry evidence as stated in the guidance in section II. Wet evidence (e.g., whole blood and urine) should be stored in a locked refrigerator to which only a limited number of authorized persons have access. Those with access can include sexual assault nurse examiners, sexual assault forensic examiners, and the charge nurse or designated supervisor at the medical facility. Evidence should be stored in a secure location requiring a signature for access and removal.

It is not necessary for the same medical professional who collected the evidence to release it to law enforcement. The collector should document that he or she placed the evidence in a locked storage area. When a law enforcement representative comes to retrieve the evidence, the person at the medical facility who turns it over must indicate on the chain-of-custody form that he or she removed the evidence from storage and gave it to law enforcement. The law enforcement recipient also must sign for the evidence and note the time and date of the evidence transfer.

COMMUNICATION

Open, honest, and continuous communication must be maintained among all of the individuals involved in a chain of custody. Stakeholders should be informed of the following: the location of individual pieces of evidence, the status of each case as it pertains to the need for continued storage of evidence, and a consistent case identifier that all entities use and understand.

Recommendation IV-11:

Jurisdictions should work to assess and improve communications regarding forensic evidence by developing consistent procedures and packaging guidelines and by integrating evidence-tracking systems across locations.

OVERSIGHT

To ensure the integrity of recordkeeping and to satisfy chain-of-custody requirements for all biological evidence, jurisdictions should assign a custodian with responsibility for preventing loss, premature destruction, or preventable degradation. The custodian should regularly audit property rooms to ensure adequate security measures are in place, proper evidence-handling procedures are practiced, and proper recordkeeping procedures are followed.

Recommendation IV-12:

Agencies responsible for maintaining biological evidence should assign an appropriate custodian of the evidence to ensure compliance with the recommendations in this report.

V. BIOLOGICAL EVIDENCE DISPOSITION

PURPOSE

This section addresses the proper and efficient disposition of biological evidence and includes the following:

- best practices for the process of evidence disposition
- key elements to include in departmental manuals or policies regarding biological evidence disposition

WHAT IS DISPOSITION?

Disposition is the ongoing process of determining what to do with evidence in a case. The process may entail retention and disposal, destruction, auction, diversion to governmental agency use, or return to owner. Case disposition includes the determination that the legal process is concluded, any further case investigation is completed, statutes of limitation have run for open cases, or no charges will be filed. In some cases, this review process may be performed numerous times. A final evidence disposition is the permanent removal of evidence from inventory after the determination that the evidence is no longer required for any reason. The disposition process is accomplished by anyone responsible for the final determination of the need to retain evidence.

This section discusses general practical considerations for the destruction, auction, or return to owner of biological evidence once the final determination is made that the evidence is no longer needed for any further purpose.

Regardless of the age of the evidence, property and evidence custodians should follow these guidelines prior to the final disposition.

STATUTORY REQUIREMENTS

Most states have laws that provide guidance for the disposition process of biological evidence (see appendix B), but these laws vary widely. This process may include getting a court order, receiving district attorney approval, notifying the law enforcement agency, and/or notifying the defendant/defense attorney or attorneys of record. Before any disposition, it is important to comply with existing laws, policies, regulations, and procedures. Specific detailed guidelines may be available in the applicable jurisdiction or through local, state, and international property organizations.

BEGINNING THE PROCESS

The disposition process can begin in several ways: (1) following adjudication, when the evidence custodian or investigator confirms that all judicial proceedings in the case are completed, (2) when an inventory check identifies evidence that may be appropriate for disposition, and/or (3) when a notification of destruction is sent per statutory requirements.

Some evidence in the possession of a property and evidence custodian will pre-date a labeling system that mirrors the guidance in this handbook. The determination of what contains biological evidence in these circumstances should be made on a case-by-case basis and in accordance with the state policy/statute. Property and evidence custodians are responsible for locating this evidence if further identification is needed.

A release-of-liability document should accompany the release of evidence to the lawful owner. This not only alerts the person receiving the evidence that there is biological material present, but it also may

mitigate the risk of liability. Each agency's legal counsel can provide further guidance. This disclaimer can be included on the property receipt.

Each agency should develop a method to routinely review property for disposition. Department policies and procedures need to address the elements of disposition of evidence.

NOTIFICATION MECHANISMS

When possible, every effort should be made to notify all relevant parties during the disposition process. Almost all states that have evidence retention statutes also have mechanisms that authorize destruction prior to the regularly scheduled timeframe. (See guidance for establishing evidence retention requirements in section I, table I-2.) These provisions bring all parties' attention to the existence of the evidence and the question of the continued need to retain the evidence. These laws usually require that the holding agency provide advance notice to the court and all relevant parties (i.e., the prosecutor, the defense attorney, and the defendant) and afford an opportunity for the parties to request continued retention of the evidence or to consent to the early disposition of the evidence.

CONFIRMING CASE STATUS

Once it is determined that evidence is no longer needed for any further prosecution or post-conviction proceeding, each agency must act in accordance with its state's preservation of evidence statutes. Some agencies can obtain criminal justice information electronically following the court process. Other holding agencies manually investigate to facilitate the flow of information to begin the disposition process. It is critical that the holding agency determine the status of the case and the requirements of the local evidence retention law prior to the disposition of evidence. Property custodians/evidence personnel may receive notification and authorization for release or destruction in any of the following ways:

- The district attorney's office forwards a case disposition to close, suspend, or reject a case or to return property.
- The court sends disposition on completed cases.
- The property owner inquires about the disposition of his or her property.
- The investigating officer authorizes release or disposal by making a note to that effect on the appropriate property form(s).
- A court order is received ordering release of the property.
- The property, or an accumulation of property, poses a storage problem or hazard, and disposal is ordered by the agency head.
- Department policy allows for property custodians to disposition old items according to the statute of limitations in the Penal Code.

Recommendation V-1:

Case status reviews should be conducted at least once a year to determine eligibility for disposition of evidence containing biological evidence.

GETTING FINAL SIGN OFF

The agency's investigations unit and/or the prosecuting agency should be the primary decision maker(s) to determine that evidence is no longer needed in accordance with relevant state laws. Sound internal controls should always include the investigating officer's input into this decision. Figure V-1 is an example of a form that can be used to determine method of evidence disposition.

DISPOSITION – REVIEW REQUEST

Date _____

Investigator / Officer _____

Case Number: _____

Control/Bar Code / Item No. _____

Type of Crime: _____

Description of Item: _____

RELEASE / DISPOSE

RELEASE ALL ITEMS TO OWNER

RELEASE ITEMS _____ TO OWNER

SEND LETTER TO OWNER

DISPOSE OF EVIDENCE

RETAIN

RETAIN EVIDENCE

CASE PENDING

WARRANT ISSUED

CIVIL CLAIM PENDING

APPEAL PENDING

OTHER _____

Signature: _____

Date: _____

Figure V-1: Example of a final disposition review request form (Latta and Bowers 2011).

Recommendation V-2:

Each agency should designate those authorized to sign off on the disposition of biological evidence within a jurisdiction.

FINAL DISPOSITION OF BIOLOGICAL EVIDENCE

Each agency must safeguard and eventually destroy or determine the final placement of all property that comes into its possession. Evidence should undergo final disposition when it is no longer needed; otherwise, property rooms will become overcrowded. Final disposition decisions include diverting, auctioning, physically destroying, or returning the evidence to its rightful owner. When evidence has been seized by a search warrant, a court order may be required prior to final disposition. The final disposition process should document when and how evidence is handled so that any future questions can be answered. Section I offers more detailed guidance on evidence retention rules.

Recommendation V-3:

Timely and proper disposition of evidence is of critical importance in the duties of the property custodian. All property in the care of an agency should be returned to its rightful owner or dispositioned according to law or agency policy.

The checklist below is specific to property and evidence custodians.

Property Custodian Checklist for the Final Disposition of Biological Evidence

- ✓ Review cases on a regular basis using a “tickler” system, evidence case tracking system, or any of the notification/authorization mechanisms discussed previously that may initiate the disposition process.
- ✓ Contact the investigator or court to determine case status. The investigator or district attorney should review the case status and determine if evidence is no longer required. Ideally, case investigators should initiate contact with property custodians who have conviction or case information after consulting with the prosecution or district attorney’s office.
- ✓ Get final sign-off from the designated authority to disposition evidence. This authority is determined by the agency’s policies and procedures.
- ✓ Ensure compliance with any statutes, policies, and procedures that may require court orders or notifications before disposal.
 - Private property organizations and state property organizations can offer assistance in preparing policies and can provide information on current legal requirements for property personnel.
 - Be aware of cases with special circumstances that may extend the holding period, including civil lawsuits, death-penalty cases, and fatal accidents.
 - Consult applicable post-conviction DNA testing statutes.
- ✓ Ensure that final disposition is compliant with state and Federal health and safety laws.
 - If a victim elects to have property returned, return it once it is no longer required by the agency.
 - Verify identification of the owner before releasing property. Adhere to agency policies related to determining ownership.
 - Auction or divert for department use according to law any abandoned or unclaimed items that are of value.
 - If necessary, update or remove from pertinent state or national database systems following disposition any serialized property (items that have individual serial numbers, such as guns, computers, cellular telephones, and vehicles).

Figure V-2 describes steps that agencies should include in evidence disposition, including proper notification, location, and updating of evidence management system records.

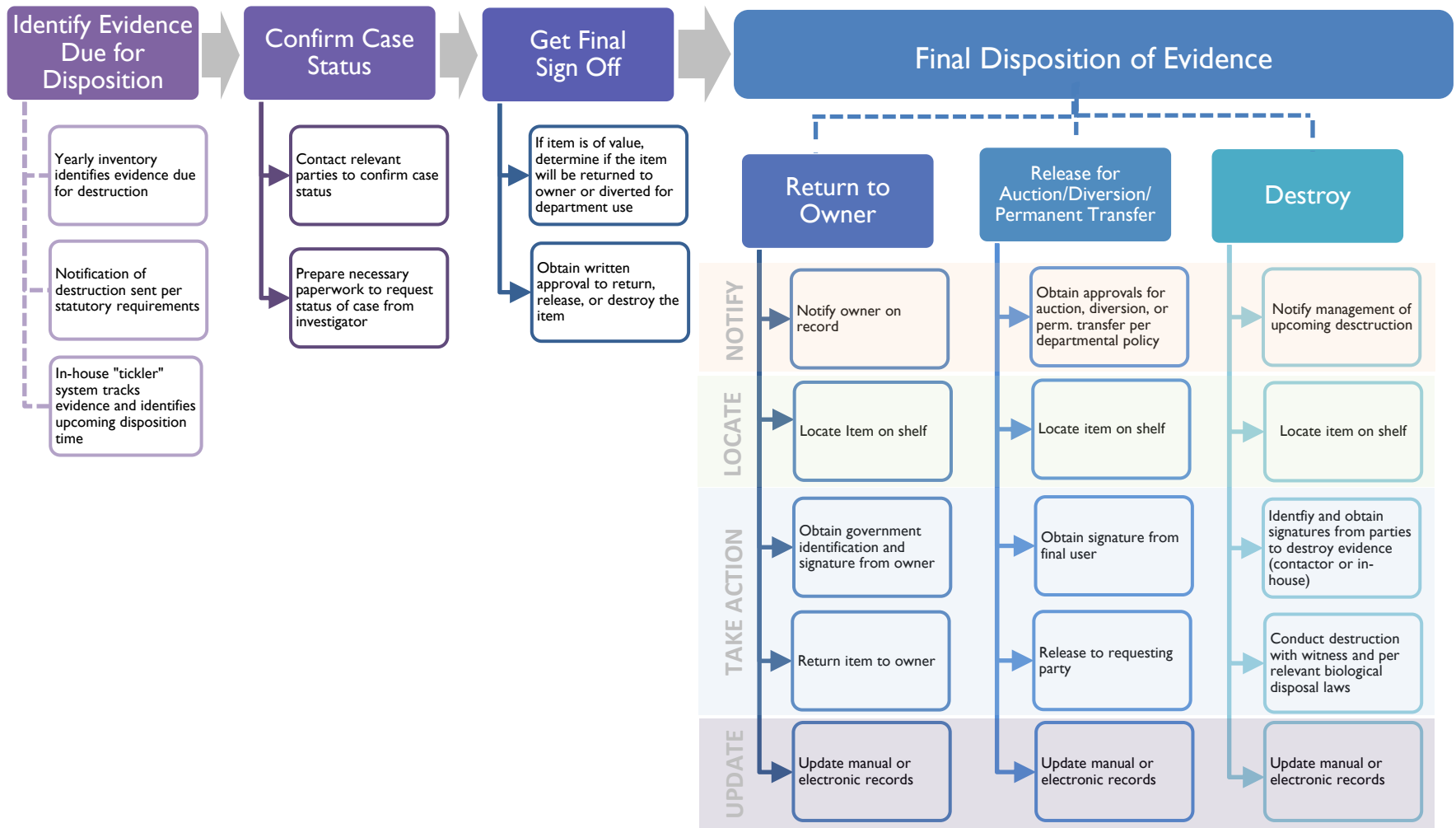


Figure V-2: Summary of process steps involved in biological evidence disposition.

SAFE DISPOSAL OF BIOHAZARDS

Biological evidence poses a hazard for health and safety in the property workplace. Proper handling and disposal methods are vital to maintaining a safe environment. Figure V-3 shows an example of a biohazard disposal bag. Items to be dispositioned must be removed from the active inventory and staged in an area for “bio items” that are scheduled for “destruction” and appropriate disposal. Some states and localities have requirements for biological material disposal. Check with the local crime laboratory for further information. Section II offers more information on biohazard destruction.



Figure V-3:
Biohazard
disposal bag.

POLICIES/PROCEDURES

The most important task associated with the disposition of biological evidence is to have comprehensive policies and procedures in place to manage evidence disposition.

Table V-1: Recommendation for Property Manual Standard Operating Procedures
(Latta and Bowers 2011)

Recommendations for Property Manual Standard Operating Procedures	
Responsibilities	<ul style="list-style-type: none">• Define the property custodian’s task and responsibilities in the disposition process• Define the investigator’s task and responsibilities in the disposition process• Define other persons in the process, such as a court liaison officer
Research	<ul style="list-style-type: none">• Define who is responsible for researching the status of the case• Define the investigator’s role in the review and disposition process• Define the prosecutor’s role in the review and disposition process
Sign-Off Process	<ul style="list-style-type: none">• Define who has authority to sign off property for disposal
Special Requirements	<ul style="list-style-type: none">• Define any special handling requirements for cases with firearms, currency, or controlled substances
Time Limits for Review	<ul style="list-style-type: none">• Define the time for the review, such as statute of limitations, court disposition sheets, and accelerated reviews
Notification Methods to Investigator	<ul style="list-style-type: none">• Define the methods to be used to notify investigator, such as email or formal disposition request forms
Time Limits for Return	<ul style="list-style-type: none">• Define the amount of time the investigator has to return the review forms• Define the role supervisors have in the return process
Retention Guidelines	<ul style="list-style-type: none">• Define reasons an investigator would need to retain evidence (e.g., warrant issued, case pending, civil case pending, appeal, or statutory requirements)

Recommendation V-4:

An evidence disposition process should be part of each agency’s policy and procedures.

SUMMARY OF RECOMMENDATIONS

SECTION I: RETAINING BIOLOGICAL EVIDENCE

Recommendation I-1: All persons who have responsibility for the intake and/or storage and disposition of biological evidence should take online, in-classroom, or other forms of training on evidence management.

Recommendation I-2: Prior to a property and evidence custodian accepting biological evidence, it should be clearly marked and labeled by the submitter as biological evidence, allowing it to be tracked within the evidence management system and stored appropriately from intake through disposition.

Recommendation I-3: Property and evidence custodians should consult with investigators, laboratory analysts, and, when appropriate, prosecutors to determine whether only representative sample(s) should be retained in situations in which samples are too large or too costly to store. Property and evidence custodians, investigators, laboratory analysts, and prosecutors should discuss situations in which prosecutors should be consulted. These decisions should not be made exclusively by property and evidence custodians.

Recommendation I-4: Biological evidence that is collected in the course of an open investigation should be retained indefinitely for homicides and, at a minimum, for the length of the statute of limitations for all other offenses.

Recommendation I-5: A communications link should be established between investigators, prosecutors, and the responsible custodial agency to be able to determine if charges are filed.

Recommendation I-6: Biological evidence should be preserved through, at a minimum, the period of incarceration in the following crime categories, as defined in NIBRS, regardless of whether or not a plea was obtained: homicides, sexual assault offenses, assaults, kidnapping/abductions, and robberies. For all other Group A and B offenses, biological evidence may be disposed of upon receipt of authorizations.

Recommendation I-7: After it is determined that charges will not be sought or filed, evidence, including any biological evidence, need not be retained unless destruction is prohibited by statute.

SECTION III: PACKAGING AND STORING BIOLOGICAL EVIDENCE

Recommendation III-1: In tandem with state or local legislatures, managers in law enforcement and relevant stakeholders should advocate for additional resources and funding to ensure the integrity of biological evidence through prioritizing the packaging, storage, maintenance, and security of the evidence in their jurisdictions.

Recommendation III-2: To optimize a sterile environment without commingling items of evidence, property and evidence management should establish a policy or procedure requiring documentation of who is responsible for cleaning the drying area, how the area is to be cleaned and decontaminated, how the decontamination process is documented, and how long the documentation is to be retained.

Recommendation III-3: Each law enforcement agency should develop a protocol for standardizing evidence packaging materials and customizing shelving to allow for more efficient retrieval of evidence stored in property rooms.

Recommendation III-4: For the safety of employees, agencies should always attempt to segregate types of biohazardous evidence, such as liquid evidence, tissue samples, and extracted DNA, in one centralized location for easy identification and safe storage.

Recommendation III-5: Each law enforcement agency should have a policy and procedure for the storage of biological evidence.

SECTION IV: TRACKING BIOLOGICAL EVIDENCE CHAIN OF CUSTODY

Recommendation IV-1: Personnel who handle evidence should be notified during their training that they might be required to testify about the chain of custody.

Recommendation IV-2: Whatever system an agency uses, it should be able to account for the following:

- Chain of custody
 - date/time/identity of individual who collected evidence
 - any person(s) in possession of the evidence at scene and during transport
 - date/time/identity of person who submitted the evidence
 - date/time/identity of property/evidence custodian who accepted/received the evidence
 - date/time/identity of any person to whom the evidence was released and who returned it
- Unique item identification
 - description of item
 - unique number identifier
- Location of item in property/evidence storage room or other external location(s), such as court, a crime laboratory, or another investigative agency
 - location (e.g., shelf number or bin) where evidence is stored
 - date/time/identity of person who stored the evidence

Recommendation IV-3: Yearly inventories should be conducted to verify that the evidence in the property room is present and in its specified location.

Recommendation IV-4: A quality property management system should include a means to identify overdue items or evidence that has not been returned according to the agency's policy.

Recommendation IV-5: Each agency must develop an identification system so that each item of evidence has a unique identifier. Evidence items created from analysis or separated from the original evidence item should be documented to show the linkage between it and its parent.

Recommendation IV-6: Overall, it is highly recommended that jurisdictions consider automated identification technologies to enhance chain-of-custody recordkeeping and tracking, to facilitate inventories, and to allow for efficient retrieval of evidence.

Recommendation IV-7: Experienced property and evidence custodian personnel should be included in the procurement of any software and/or hardware that affects the tracking and management of evidence. Agencies need to review existing procedures, to conduct a needs assessment, to develop requirements, and to evaluate technology performance prior to procuring a system. Proper IT support should also be available.

Recommendation IV-8: Access to the evidence holding facility should be limited to those who are authorized to remove and return the evidence and to those who are authorized to hand over the evidence to others authorized to receive it. Each evidence custodian should have an applicable background check prior to employment or assignment to the unit.

Recommendation IV-9: Each entity that can potentially hold biological evidence, including courts, should have (1) written procedures detailing the steps and documentation required when evidence is opened, resealed, and transferred; (2) secure, access-controlled locations to store the evidence; (3) trained and authorized personnel handling the evidence; and (4) written policies outlining chain-of-custody and storage requirements (length of retention, conditions, and disposition requirements) for biological evidence.

Recommendation IV-10: The collection of evidence at the hospital or medical facility establishes the first link in the chain of custody. Biological evidence should be collected by a properly trained medical professional and an inventory of each item should be recorded.

Recommendation IV-11: Jurisdictions should work to assess and improve communications regarding forensic evidence by developing consistent procedures and packaging guidelines and by integrating evidence-tracking systems across locations.

Recommendation IV-12: Agencies responsible for maintaining biological evidence should assign an appropriate custodian of the evidence to ensure compliance with the recommendations in this report.

SECTION V: BIOLOGICAL EVIDENCE DISPOSITION

Recommendation V-1: Case status reviews should be conducted at least once a year to determine eligibility for disposition of evidence containing biological evidence.

Recommendation V-2: Each agency should designate those authorized to sign off on the disposition of biological evidence within a jurisdiction.

Recommendation V-3: Timely and proper disposition of evidence is of critical importance in the duties of the property custodian. All property in the care of an agency should be returned to its rightful owner or dispositioned according to law or agency policy.

Recommendation V-4: An evidence disposition process should be part of each agency's policy and procedures.

APPENDIX A: EVIDENCE TRACKING AND MANAGEMENT SYSTEMS: FUNCTIONS, CAPABILITIES, AND REPORTS TO BE CONSIDERED WHEN ACQUIRING A NEW SYSTEM

The table below is adapted from *Property and Evidence by the Book* (Latta and Bowers 2011).

EVIDENCE TRACKING AND MANAGEMENT SYSTEMS Functions, Capabilities, Reports, etc. To be considered when acquiring a new system		
Item #	Item	Comment
1	HARDWARE/OPERATING SYSTEM	
1.1	Browser-based system	Does the operating system use standard browsers?
1.2	Export features	Does the system provide easy export of data?
1.3	Maximum number of items	Are there an unlimited number of items that can be entered and tracked by the system?
1.4	Number of users	How many users does the system permit (e.g., an unlimited number of users)?
1.5	Type of server used by the provider	What type of server does the system provider use (e.g., SQL, Oracle)?
1.6	Server—robust and crash resistant	What is the history of the type of server that is being used by the system provider?
1.7	Data backup	Is the data from your system automatically backed up? If not, is backup a simple task?
1.8	Default event process for crashes	What is the default function if the system crashes?
1.9	User friendliness of the system	Is the functionality, such as report generation, user friendly for the property and evidence custodian, property manager, etc.?
2.0	INSTALLATION AND INTEGRATION	
2.1	Company history	How many years has the system provider been offering this type of system?
2.2	Number of clients	How many law enforcement agencies are currently using this system for property and evidence tracking and management?
2.3	Implementation: modular or entire system	When the system is being implemented, is it done one module at a time, or is the entire system implemented simultaneously?

2.4	Commercial Off the Shelf (COTS) system	Is this available as a COTS system?
2.5	INTEGRATIONS	
2.5.1	Integration with Laboratory Information Management System (LIMS)	Can this system be integrated with LIMS?
2.5.2	History of integration with LIMS	How many agencies have integrated the provider's system with LIMS?
2.5.3	Integration with a Records Management System (RMS)	Can this system be integrated with an RMS?
2.5.4	History of integration with RMS	How many agencies have integrated the provider's system with an RMS?
2.5.5	Microsoft Word and Excel integration	Does the system integrate with both Microsoft Word and Excel for report generation, correspondence, etc.?
3.0	REPORTING FUNCTIONALITY	
3.1	Standard and user-customized reports	Can the system produce standard and user-customized reports for both internal management and external reporting purposes?
3.1.1	Chain-of-custody reports	
3.1.2	Auction reports	
3.1.3	Letters to owners of property	
3.1.4	Inventory reports	
3.1.5	Firearms staged for destruction	Awaiting destruction
3.1.5.1	Firearms destruction list	After the actual destruction
3.1.6	Narcotics staged for destruction	Awaiting destruction
3.1.6.1	Narcotics destruction list	After the actual destruction
3.1.9	Currency ready for transfer	Awaiting transfer to bank or other financial institution
3.1.9.1	Currency transfer list	After the actual transfer
3.2	Crystal reports	Is the system capable of producing crystal reports?
3.3	Disposition notices	Can the system produce disposition notices (i.e., documents sent to an investigator who is authorized to dispose)?
3.3.1	Disposition notices—user-configurable queries	Can the disposition notices be generated based on user-configurable queries?
3.4	TICKLER FILES—Customizable	Can the system create user-customizable tickler files?

3.4.1	Items pending destruction reports	
3.4.2	Items pending auction reports	
3.4.3	Currency pending transfer to bank or other financial institution	
3.4.4	Property awaiting owner pick-up	
3.4.5	Items out to the crime laboratory	
3.4.6	Items out to court	
3.4.7	Items out to investigator/officer	
3.4.8	Items out to other agency	
3.5	OTHER REPORTS	
3.5.1	National Crime Information Center (NCIC) searches	Can the system conduct NCIC searches and maintain an audit trail of all searches?
3.5.2	Currency accounting ledger	Will the system record currency accounting actions, such as intake, current balance, and transfer?
3.5.3	Inventory history	Will the system maintain an inventory history, including the date, conducted by, total items, total firearms, total narcotics, total currency on hand, and “exception” (also known as “discrepancy”) reports?
3.5.4	User-definable and editable fields	Does the system enable users to define and/or edit fields, such as creating a storage location of “guns ready for destruction,” “narcotics ready for destruction,” and “currency ready for transfer”? Does the system enable the user to customize by including crime code numbers so that the entry of a number will automatically convert it to the name of the crime category? (For example, a department in California enters “187” and the system automatically converts that to read “homicide” for the category field.)
4.0	TRACKING	
4.1	Create a “hold” for an item	Can the user place a “hold” on an item based on a pending appeal process and/or the request of an investigator or prosecutor?
4.2	Link item to other cases	Can the user link a single item of evidence to multiple cases to ensure that it is not disposed of until all related cases are closed and disposition is received?

4.3	Attach digital image	Can the system attach digital images and/or electronic reports (photos, reports, signature captures, Government ID scans, etc.) to the record for the item?
4.4	Global move (batch move)	Can multiple items be moved within the system from one location to another location (e.g., from the “pending destruction” location to the final location of “destroyed”)?
5.0	INVENTORIES AND AUDITS	
5.1	Use of portable barcode scanners	Does the system enable an inventory to be conducted using barcodes and barcode scanners?
5.2	Use of Radio Frequency Identification Devices (RFID)	Does the system enable an inventory to be conducted using RFID technology?
5.3	Exception reports	Are “exception” (also known as “discrepancy”) reports generated based on the barcode or RFID scan of the inventory in individual and/or multiple storage locations?
5.4	Inventory lists by location	Can the user create and print inventory lists of items by individual storage locations within the property room/warehouse?
5.5	Audit lists	Can the system generate a list of randomly selected items for an audit?
6.0	SECURITY	
6.1	Access control to tracking system	Can the user customize security access and/or functions to individuals (e.g., “read only” access, “restricted access to certain fields of data,” or “full access to system”)?
6.2	Encryption	If the service provider is a hosted solution (i.e., the provider maintains all of the data on its servers), is there Secure Socket Layer (SSL) encryption and security?
7.0	BARCODES, RFID, RELATED ITEMS	
7.1	Use of barcodes—tracking	Does the system use barcodes for tracking?
7.1.1	Use of barcodes—inventory	Does the system use barcodes for inventory?
7.1.2	Use of barcodes—audits	Does the system use barcodes for audits?
7.2	Customized item labels with barcodes	Can the user create customized packaging labels that contain desired information about the item as well as a barcode?
7.3	Thermal printers	Does the system provider offer thermal printers for the customized packaging labels?

	Barcode scanners	Does the system provide wired and/or portable wireless barcode scanners?
7.4	Use of RFID—tracking	Does the system use RFID for tracking?
7.4.1	Use of RFID—inventory	Does the system use RFID for inventory?
7.4.2	Use of RFID—audits	Does the system use RFID for audits?
8.0	TRAINING	
8.1	Onsite training	Does the system provider offer onsite training on the system?
8.2	Refresher training	Does the system provider offer refresher training on the system?
8.2.1	Web-based training	Is training offered online and on demand by specific system components, capabilities, functions, etc.?
8.3	New employee training	What training is available from the system provider for newly hired/transferred property and evidence custodians (e.g., training on what the system does and how to use it)?

APPENDIX B: LIST OF EVIDENCE RETENTION LAWS

State	Statute/Case Law	Effective Year; Amendments	Crime Categories
ALABAMA	Ala. Code 1975 § 15-18-200	2009	capital offense
ALASKA	A.S. § 12.36.200	2010	murder, manslaughter, criminally negligent homicide, first degree sexual assault, first degree sexual abuse of a minor
ARIZONA	A.R.S. § 13-4221	2009	homicide or felony sexual offense
ARKANSAS	A.C.A. § 12-12-104	2001; 2011	sex offense, violent offense, felony for which the state may take the defendant's DNA for the state's database
CALIFORNIA	Penal Code § 1417.9	2000; 2001, 2002	all criminal cases
COLORADO	C.R.S.A. § 18-1-1101, et seq.	2009	any felony or sex offense
CONNECTICUT	C.G.S.A. § 54-102jj	2003	capital felony and any crime where a person was convicted at trial, or upon order of the court for good cause shown
DELAWARE	None	n/a	n/a
DISTRICT OF COLUMBIA	DC ST § 22-4134	2002	crime of violence
FLORIDA	F.S.A. § 925.11	2001; 2004; 2006	Felony
GEORGIA	Ga. Code Ann. § 17-5-56	2003; 2008; 2011	criminal case
HAWAII	HRS § 844D-126	2005	case in which there has been a judgment of conviction
IDAHO	None	n/a	n/a
ILLINOIS	725 ILCS 5/116-4	2001; 2010	homicide, sexual offenses (aggravated criminal sexual assault, criminal sexual assault, predatory sexual assault on a child, aggravated criminal sexual abuse, criminal sexual abuse), attempts, any felony for which genetic profile may be added to database
INDIANA	Ind. Code. Ann. 35-38-7-14	2001	murder and class A, B, and C felonies
IOWA	I.C.A. § 81.10	2005	criminal actions
KANSAS	K.S.A. § 21-2512	2001	murder and rape

KENTUCKY	Ky. Rev. Stat. Ann. § 524.140	2002; 2007	capital crimes, all class A, B, C felonies, certain D felonies (sexual offenses) cf. "the appropriate governmental entity shall retain any biological material secured in connection with a <u>criminal case</u> for the period of time that any person remains incarcerated in connection with that case."
LOUISIANA	La. Code Crim. Proc. Ann. art. 926.1; HB 116 (2011)	2001; 2003; 2006; 2008; 2011	felonies; convictions after trial or Alford plea for homicide, rape, armed robbery are subject to moratorium on destruction (in HB 116)
MAINE	15 M.R.S.A. § 2138	2001, 2005, 2006	any crime carrying the potential punishment of at least one year imprisonment (felonies)
MARYLAND	MD Code of Crim. Proc. § 8-201	2001; 2002; 2003; 2004; 2008; 2014	murder (1st and 2nd degree); manslaughter; rape (1st and 2nd degree); sexual offense (1st and 2nd degree)
MASSACHUSETTS	2012 Mass. Legis. Serv. Ch. 38 (S.B. 1987) (WEST)	2011	Criminal offense
MICHIGAN	Mich. Comp. Laws Ann. § 770.16	2001; 2005; 2009	felony
MINNESOTA	M.S.A. § 590.10	2005	criminal case
MISSISSIPPI	Miss. Code Ann. § 99-49-1	2009	Crime
MISSOURI	V.A.M.S. 650.056	2001; 2006	felony for which defendant's DNA may be collected for entry into the state database (effect is all felonies)
MONTANA	Mont. Code Ann. §46-21-111	2003; 2009	Felony
NEBRASKA	Neb.Rev.St. § 29-4125	2001; 2003; 2007	criminal case
NEVADA	Nev. Rev. Stat. § 176.0912	2009	category A or B felony
NEW HAMPSHIRE	N.H. Rev. Stat. § 651-D:3	2004	a criminal or delinquency investigation or prosecution
NEW JERSEY	None	n/a	n/a
NEW MEXICO	N.M. Stat. Ann. §31-1A-2	2003; 2005	Felony
NEW YORK	None	n/a	n/a

NORTH CAROLINA	N.C.G.S.A. § 15A-268	2001; 2008; 2009	class A – E felonies (death sentences, violent offenses, offense requiring sex offender registration, all other felonies) – “Notwithstanding any other provision of law and subject to subsection (b) of this section, a custodial agency shall preserve any physical evidence that is reasonably likely to contain any biological evidence collected in the course of a criminal investigation or prosecution.”
NORTH DAKOTA	None	n/a	n/a
OHIO	Ohio Rev. Code Annot. § 2933.82	2010	aggravated murder, murder, voluntary manslaughter, first or second degree involuntary manslaughter, first or second degree vehicular manslaughter, rape, attempted rape, sexual battery, gross sexual imposition of a person under 13
OKLAHOMA	22 Okl. St. Ann. § 1372	2001	violent felony offense
OREGON	OR SB 731	2011	aggravated murder, murder, rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree, aggravated vehicular homicide, manslaughter in the first degree or manslaughter in the second degree
PENNSYLVANIA	Pa. Stat. Ann. 42 § 9543.1	2002	criminal offense
RHODE ISLAND	RI ST § 10-9.1-11	2002	any crime

SOUTH CAROLINA	SC Code 1976 § 17-28-310, et seq.	2009	murder; killing by poison; killing by stabbing or thrusting; voluntary manslaughter; homicide by child abuse; aiding and abetting a homicide by child abuse; lynching; killing in a dual; spousal sexual battery; criminal sexual conduct in the first second or third degree; criminal sexual conduct with a minor; arson in the first degree; burglary or armed robbery in first degree carrying a sentence of more than 10 years; abuse or neglect of a vulnerable adult resulting in death; sexual misconduct with an inmate, patient or offender; unlawful removing or damage of an airport facility resulting in death; interference with traffic control devices or railroad signs or signals resulting in death; driving a motor vehicle under the influence of drugs or alcohol resulting in death; obstruction of a railroad resulting in death; or accessory before the fact in any of the enumerated offenses.
SOUTH DAKOTA	SDCL § 23-5B-5	2009	Felony
TENNESSEE	Tenn. Code Ann. § 40-30-309	2001	first degree murder, second degree murder, aggravated rape, rape, aggravated sexual battery or rape of a child, attempt
TEXAS	Texas C.C.P. Art. 38.43	2001; 2009; 2011	Felony
UTAH	U.C.A. 1953 § 78B-9-301	2008; 2011	Felony
VERMONT	None	n/a	n/a
VIRGINIA	Va. Code Ann. § 19.2-270.4:1	2001; 2002; 2005	Felony
WASHINGTON	West's RCWA 10.73.170	2000; 2001; 2003; 2005	Felony
WEST VIRGINIA	None	n/a	n/a
WISCONSIN	W.S.A. §§ 165.81, 757.54, 968.205, 978.08	2001; 2005	crime
WYOMING	W.S.1977 § 7-12-304	2008	Crime

APPENDIX C: SAMPLE CHAIN-OF-CUSTODY REPORT

Property Record Number: _____

Anywhere Police Department EVIDENCE CHAIN OF CUSTODY TRACKING FORM

Case Number: _____ Offense: _____
 Submitting Officer: (Name/ID#) _____
 Victim: _____
 Suspect: _____
 Date/Time Seized: _____ Location of Seizure: _____

Description of Evidence		
Item #	Quantity	Description of Item (Model, Serial #, Condition, Marks, Scratches)

Chain of Custody				
Item #	Date/Time	Released by (Signature & ID#)	Received by (Signature & ID#)	Comments/Location

EVIDENCE CHAIN-OF-CUSTODY TRACKING FORM

(Continued)

Chain of Custody				
Item #	Date/Time	Released by (Signature & ID#)	Received by (Signature & ID#)	Comments/Location

Final Disposal Authority
<p>Authorization for Disposal</p> <p>Item(s) #: _____ on this document pertaining to (suspect): _____ is(are) no longer needed as evidence and is/are authorized for disposal by (check appropriate disposal method)</p> <p><input type="checkbox"/> Return to Owner <input type="checkbox"/> Auction/Destroy/Divert</p> <p>Name & ID# of Authorizing Officer: _____ Signature: _____ Date: _____</p>
<p style="text-align: center;">Witness to Destruction of Evidence</p> <p>Item(s) #: _____ on this document were destroyed by Evidence Custodian _____ ID#: _____ in my presence on (date) _____.</p> <p>Name & ID# of Witness to destruction: _____ Signature: _____ Date: _____</p>
<p style="text-align: center;">Release to Lawful Owner</p> <p>Item(s) #: _____ on this document was/were released by Evidence Custodian _____ ID#: _____ to _____</p> <p>Name _____ Address: _____ City: _____ State: _____ Zip Code: _____</p> <p>Telephone Number: (____) _____</p> <p>Under penalty of law, I certify that I am the lawful owner of the above item(s).</p> <p>Signature: _____ Date: _____</p> <p>Copy of Government-issued photo identification is attached. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>This Evidence Chain-of-Custody form is to be retained as a permanent record by the Anywhere Police Department.</p>

GLOSSARY

This glossary provides a guide in the interpretation and understanding of the document. When possible, definitions were selected from existing references. Certain definitions were specifically crafted to elucidate the intent of the document.

Biohazards: Materials that contain blood or other potentially infectious materials. These materials include many of those found in biological evidence, including semen, vaginal secretions, or any bodily fluid that is visibly contaminated with blood, and all bodily fluids in situations in which it is difficult or impossible to differentiate between bodily fluids as well as any unfixed tissue or organ from a human (living or dead) that can be collected at a crime scene and stored (OSHA 2012).

Biological Evidence: Samples of biological material—such as hair, tissue, bones, teeth, blood, semen, or other bodily fluids—or evidence items containing biological material (DNA Initiative 2012).

Bloodborne Pathogens: Microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus and human immunodeficiency virus (OSHA 2012).

Chain of Custody: Identification of the person or agency having custody of evidence and the place where that evidence is kept, in chronological order from the time evidence is collected to its destruction. A formal, written process that records the persons having custody of evidence from initial point of receipt or custody by a representative of a law enforcement agency to its final disposition by the agency. The record also reflects the dates and reasons evidence is transferred from one location or person to another. A chain-of-custody record could also be included in a court transcript.

Exceptionally Cleared: A case status where an offender is not arrested and formally charged due to some element beyond law enforcement control. Examples of exceptional clearances include, but are not limited to, the death of the offender (e.g., suicide or justifiably killed by police or citizen); the victim's refusal to cooperate with the prosecution after the offender has been identified; or the denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense (Federal Bureau of Investigation, 2013).

Contamination: The unwanted transfer of material from another source to a piece of physical evidence (National Institute of Justice "Crime Scene Investigation: A Guide for Law Enforcement" 2000).

Crime Laboratory: A facility (Government or private) that analyzes physical evidence.

Crime Scene: A location in which (or a person upon who) a crime may have occurred.

Degradation: The transition from a higher to a lower level of quality.

Desiccant: A substance used as a drying agent.

DNA: The genetic material; a double helix composed of two complementary chains of paired bases (nucleotides) (National Institute of Justice "The Future of Forensic DNA Testing: Predictions of the Research and Development Working Group" 2000); deoxyribonucleic acid (DNA), often referred to as the "blueprint of life," it is the genetic material present in the nuclei of cells that is inherited, half from each biological parent. DNA is a chemical substance contained in cells that determines each person's individual characteristics. An individual's DNA is unique, except in cases of identical twins.

Dried Down: Evidence that has been fully dried so that no liquid (e.g., blood, semen) can drip from the object.

Evidence: Property that may be related to a crime and/or that may implicate a person in or clear a person of a crime.

Evidence Collector: The person who initially took ownership of an item for evidentiary purposes.

Evidence Custodian: The person who is responsible for evidence processing in a given location (e.g., property and evidence room, hospital, court, crime laboratory). This person can be an evidence collector or handler as well.

Evidence Handler: Any person who has had evidence in his or her possession at any given time. A record of this handler must be kept in the chain-of-custody record.

Evidence Packaging: The manner in which items with potential evidentiary value are wrapped, bagged, or boxed to be preserved, documented, and labeled (Latta and Bowers 2011).

Extracted DNA: Genomic DNA extracted from biological evidence; DNA in its raw form.

First Responder: The initial responding law enforcement officer(s) and/or other public safety official(s) or service provider(s) arriving at the scene before the arrival of the investigator(s) in charge (National Institute of Justice "Crime Scene Investigation: A Guide for Law Enforcement" 2000).

Frozen: A storage condition in which the temperature is maintained thermostatically at or below -10°C (14°F).

Hepatitis B: A viral disease that causes inflammation of the liver and is primarily spread through exposure to infectious blood or bodily fluids, such as semen and vaginal secretion.

Hepatitis C: A viral disease that causes inflammation of the liver and is primarily spread through blood-to-blood contact.

High-Efficiency Particulate Air (HEPA) Filter: A filter that satisfies U.S. Department of Energy standards of efficiency and removes 99.97% of all particles greater than 0.3 micrometer from the air that passes through.

Human Immunodeficiency Virus (HIV): A virus that causes a condition in humans that leads to the progressive failure of the immune system and can be spread by the transfer of blood, semen, vaginal fluid, pre-ejaculate, or breast milk.

Integrated Software Systems: A collection of computer programs designed to work together to handle an application, either by passing data from one to another or as components of a single system. Integrated systems may include Computer Aided Dispatch, Records Management System, Laboratory Information Management System, and Property Evidence Module.

Law Enforcement Agency: Any agency that enforces the law. This may be local or state police or Federal agencies, such as the Federal Bureau of Investigation or the Drug Enforcement Administration.

Long-Term Storage: A location that is designated to secure evidence or property items in the custody of an agency until the items are diverted, sold, released, or destroyed. For the purposes of this handbook, long term storage refers to any location where evidence may be stored for more than 72 hours.

Nonporous Container: Packaging through which liquids or vapors cannot pass (e.g., glass jars, metal cans, and plastic bags) (National Institute of Justice "Crime Scene Investigation: A Guide for Law Enforcement" 2000).

Packaging: Container used to house individual items of evidence.

Parent/Child Tracking: A tracking system capability that maintains information about an original evidence sample (or parent) and the resulting samples (or children) that have been devised or extracted to obtain testing results.

Personal Protective Equipment (PPE): Items used to prevent an individual's direct contact with bloodborne pathogens. PPE includes disposable gloves, disposable overalls, disposable shoe covers, laboratory coats, masks, and eye protection.

Porous Container: Packaging through which liquids or vapors may pass (e.g., paper bags and cloth bags) (National Institute of Justice "Crime Scene Investigation: A Guide for Law Enforcement" 2000).

Property Officer: A worker responsible for the intake, submission, and/or retrieval of evidence in a property room.

Property Room: A location dedicated to housing evidence for criminal investigations. This location can be in a law enforcement office, a crime laboratory, a hospital, or a court.

Property Room Manager/Supervisor: A worker responsible for managing the property and/or the personnel who handles the intake, submission, and/or retrieval of evidence in a property room.

Refrigerated: A storage condition in which the temperature is maintained thermostatically between 2°C and 8°C (36°F and 46°F) with less than 25% humidity.

Refrigerator: Equipment used to keep an item or group of items cooler than room temperature.

Room Temperature: A storage condition in which the temperature is equal to the ambient temperature of its surroundings; storage area may lack temperature and humidity control methods.

Sexual Assault Kit: A collection of items used by medical personnel to collect and preserve physical sexual assault evidence that can be used in a criminal investigation.

Stabilizing Solution: A compound that is added to biological material designed to enable the storage and transportation of DNA samples without freezing (Swinfield et al. 2009).

Standard Operating Procedure (SOP): A set of guidelines that can also be equated to general orders, policies and procedures, and rules and regulations.

Temperature Controlled: A storage condition in which temperature is maintained thermostatically between 15.5°C and 24°C (60°F - 75°F) with less than 60% humidity.

Temporary Storage/Short-Term Storage: Storage of evidence from the time collected to reception by property room personnel. For the purpose of this handbook, temporary or short-term storage refers to any location that can hold evidence for up to 72 hours.

Tickler File: A file that serves as a reminder and is arranged to bring matters to timely attention; can be manual (e.g., folders into which copies of property records are placed when an item is temporarily signed out to the laboratory, court, investigation, etc.), or can be automated as part of a computer application that sets a reminder date that triggers a notification that an action is overdue (e.g., an item has not been returned from court).

Touch DNA: DNA contained in shed skin cells that transfer to surfaces that humans touch (Daly, Murphy, and McDermott 2012).

WORKS CITED

- Aggarwal, R. K., J. W. Lang, and L. Singh. 1992. "Isolation of High-Molecular-Weight DNA from Small Samples of Blood Having Nucleated Erythrocytes, Collected, Transported, and Stored at Room Temperature." *Genetic Analysis: Techniques and Applications* 9, no. 2 (April): 54 - 57.
- Austin, M. A., J. M. Ordovas, J. H. Eckfeldt, R. Tracy, E. Boerwinkle, J. M. Lalouel, and M. Printz. 1996. "Guidelines of the National Heart, Lung, and Blood Institute Working Group on Blood Drawing, Processing, and Storage for Genetic Studies." *American Journal of Epidemiology* 144, no. 5 (September 1): 437 - 41.
- Benecke, Mark. 2004. "Forensic DNA Samples—Collection and Handling." Chap. 103 In *Encyclopedia of Medical Genomics and Proteomics*, edited by Jürgen Fuchs and Maurizio Podda. Dekker Encyclopedias Series, 1420. New York: CRC Press.
- Bonnet, Jacques, Marthe Colotte, Delphine Coudy, Vincent Couallier, Joseph Portier, Benedictine Morin, and Sophie Tuffet. 2010. "Chain and Conformation Stability of Solid-State DNA: Implications for Room Temperature Storage." *Nucleic Acids Research* 38, no. 5 (March): 1531 - 46. doi:10.1093/nar/gkp1060.
- Caputo, Mariela, Luis A. Bosio, and Daniel Corach. 2011. "Long-Term Room Temperature Preservation of Corpse Soft Tissue: An Approach for Tissue Sample Storage." *Investigative Genetics* 2, no. 17 (August 16): 6. doi:10.1186/2041-2223-2-17.
- Centers for Disease Control and Prevention. 2012. "Surface Sampling Procedures for Bacillus Anthracis Spores from Smooth, Non-Porous Surfaces." Last modified April 26, 2012, accessed July 5. <http://www.cdc.gov/niosh/topics/emres/surface-sampling-bacillus-anthraxis.html>.
- Daly, Dyan J., Charlotte Murphy, and Sean D. McDermott. 2012. "The Transfer of Touch DNA from Hands to Glass, Fabric and Wood." *Forensic Science International: Genetics* 6, no. 1 (January): 41 - 46. doi:10.1016/j.fsigen.2010.12.016.
- Dissing, Jørgen, Annie Søndervang, and Stine Lund. 2010. "Exploring the Limits for the Survival of DNA in Blood Stains." *Journal of Forensic Legal Medicine* 17, no. 7 (October): 392 - 96. doi:10.1016/j.jflm.2010.08.001.
- DNA Initiative. 2012. "Glossary." Accessed July 5. <http://www.dna.gov/glossary>.
- Elliott, Paul, and Tim C. Peakman. 2008. "The U.K. Biobank Sample Handling and Storage Protocol for the Collection, Processing and Archiving of Human Blood and Urine." *International Journal of Epidemiology* 37, no. 2 (April): 234 - 44. doi:10.1093/ije/dym276.
- Farkas, Daniel H., Karen L. Kaul, Danny L. Wiedbrauk, and Frederick L. Kiechle. 1996. "Specimen Collection and Storage for Diagnostic Molecular Pathology Investigation." *Archives of Pathology and Laboratory Medicine* 120, no. 6: 591 - 96.
- Federal Bureau of Investigation. 2013. "Clearances." Accessed April 16. <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/clearances>.
- Frippiat, Christophe, Sabrina Zorbo, Daniel Leonard, Anne Marcotte, Mariella Chaput, Charlotte Aelbrecht, and Fabrice Noel. 2011. "Evaluation of Novel Forensic DNA Storage Methodologies." *Forensic Science International: Genetics* 5, no. 5 (November): 386 - 92. doi:10.1016/j.fsigen.2010.08.007.
- Gill, Peter, Alec J. Jeffreys, and David J. Werrett. 1985. "Forensic Application of DNA 'Fingerprints'." *Nature* 318, no. 6046 (December 12): 577 - 79.

-
- Gino, S., C. Robino, and C. Torre. 2000. "DNA Typing of Liquid Blood Samples Stored at 4 Degrees C for 15 Years." In *Progress in Forensic Genetics 8*, edited by George F. Sensabaugh, Patrick J. Lincoln, and Bjørnar Olaisen. Paper presented at the 18th Congress of the International Society for Forensic Genetics, San Francisco, California, August 17 - 21, 1999.
- Goaray, Mariya, Roland A. H. van Oorschot, and John R. Mitchell. 2012. "DNA Transfer within Forensic Exhibit Packaging: Potential for DNA Loss and Relocation." *Forensic Science International: Genetics* 6, no. 2 (March): 158 - 66. doi:10.1016/j.fsigen.2011.03.013.
- Graham, E. A. M., E. E. Turk, and G. N. Ritty. 2008. "Room Temperature DNA Preservation of Soft Tissue for Rapid DNA Extraction: An Addition to the Disaster Victim Identification Investigators Toolkit?" *Forensic Science International: Genetics* 2, no. 1 (January): 29 - 34. doi:10.1016/j.fsigen.2007.07.003.
- Greene, Susan, and Miles Moffeit. 2007. "Bad Faith Difficult to Prove." *The Denver Post*, July 22. http://www.denverpost.com/evidence/ci_6429277.
- Halsall, Antony, Paul Ravetto, Yancy Reyes, Nicola Thelwell, Alice Davidson, Rupert Gaut, and Stephen Little. 2008. "The Quality of DNA Extracted from Liquid or Dried Blood Is Not Adversely Affected by Storage at 4°C for up to 24 H." *International Journal of Epidemiology* 37, Supplement 1 (April): i7 - i10. doi:10.1093/ije/dym278.
- Hampikian, Greg, Emily West, and Olga Akselrod. 2011. "The Genetics of Innocence: Analysis of 194 U.S. DNA Exonerations." *Annual Review of Genomics and Human Genetics* 12 (September): 97 - 120. doi:10.1146/annurev-genom-082509-141715.
- HERC (Healthcare Environmental Resource Center). 2012. "Regulated Medical Waste—Overview." Accessed July 5. <http://www.hercenter.org/rmw/rmwoverview.cfm>.
- Kansagara, Anjali G., Heather E. McMahon, and Michael E. Hogan. 2008. "Dry-State, Room-Temperature Storage of DNA and RNA." *Nature Methods* 5, no. 9.
- Kanter, E., M. Baird, R. Shaler, and I. Balazs. 1986. "Analysis of Restriction Fragment Length Polymorphisms in Deoxyribonucleic Acid (DNA) Recovered from Dried Bloodstains." *Journal of Forensic Sciences* 31, no. 2: 403 - 08.
- Kiley, William P. 2008. "An Impending Crisis: The Property Room Is Full." *The Police Chief* August.
- . 2009. "The Effects of DNA Advances on Police Property Rooms." *The FBI Law Enforcement Bulletin* (March): 20 - 21.
- Kilpatrick, C. William. 2002. "Noncryogenic Preservation of Mammalian Tissues for DNA Extraction: An Assessment of Storage Methods." *Biochemical Genetics* 40, no. 1-2 (February): 53 - 62.
- Kline, Margaret C., David L. Duewer, Janette W. Redman, John M. Butler, and David A. Boyer. 2002. "Polymerase Chain Reaction Amplification of DNA from Aged Blood Stains: Quantitative Evaluation of the 'Suitability for Purpose' of Four Filter Papers as Archival Media." *Analytical Chemistry* 74, no. 8 (March 15): 1863 - 69. doi:10.1021/ac015715e.
- Kobilinsky, L. 1992. "Recovery and Stability of DNA in Samples of Forensic Science Significance." *Forensic Science Review* 4, no. 1: 67 - 87.
- Latta, Joseph T., and Gordon A. Bowers. 2011. *Property and Evidence by the Book* Second ed.: International Association for Property and Evidence, Inc.
- Lee, Henry C., Elaine M. Pagliaro, Karen M. Berka, Nancy L. Folk, Daniel T. Anderson, Gualberto Ruano, Tim P. Keith, et al. 1991. "Genetic Markers in Human Bone: I. Deoxyribonucleic Acid (DNA) Analysis." *Journal of Forensic Sciences* 36, no. 2 (March): 320 - 30.

-
- Lee, Steven B., Kimberly C. Clabaugh, Brie Silva, Kingsley O. Odigie, Michael D. Coble, Odile Loreille, Melissa Scheible, et al. 2012. "Assessing a Novel Room Temperature DNA Storage Medium for Forensic Biological Samples." *Forensic Science International: Genetics* 6, no. 1 (January): 31 - 40. doi:10.1016/j.fsigen.2011.01.008.
- Lee, Steven B., Cecelia A. Crouse, and Margaret C. Kline. 2010. "Optimizing Storage and Handling of DNA Extracts." *Forensic Science Review* 22, no. 2 (July): 131 - 44.
- Lund, Stine, and Jørgen Dissing. 2004. "Surprising Stability of DNA in Stains at Extreme Humidity and Temperature." In *Progress in Forensic Genetics 10*, edited by Ch. Doutremépuich and N. Morling. Paper presented at the 20th Congress of the International Society for Forensic Genetics, Archachon, France, April 2003.
- McCabe, Edward R. B., Shu-Zhen Huang, William K. Seltzer, and Martha L. Law. 1987. "DNA Microextraction from Dried Blood Spots on Filter Paper Blotters: Potential Applications to Newborn Screening." *Human Genetics* 75, no. 3 (March): 213 - 16. doi:10.1007/BF00281061.
- Michaud, Corinne L., and David R. Foran. 2011. "Simplified Field Preservation of Tissues for Subsequent DNA Analyses." *Journal of Forensic Sciences* 56, no. 4 (July): 846 - 52. doi:10.1111/j.1556-4029.2011.01771.x.
- National Institute of Justice. 2000. "Crime Scene Investigation: A Guide for Law Enforcement." NCJ 178280. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Technical Working Group on Crime Scene Investigation, 58.
- . 2000. "The Future of Forensic DNA Testing: Predictions of the Research and Development Working Group." NCJ 183697. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, National Commission on the Future of DNA Evidence, Research and Development Working Group, 91.
- . 2002. "Using DNA to Solve Cold Cases." NCJ 194197. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, National Commission on the Future of DNA Evidence Crime Scene Investigation Working Group, 32.
- National Institute of Justice, and Office of Law Enforcement Standards. 1998. "Forensic Laboratories: Handbook for Facility Planning, Design, Construction, and Moving." NCJ 168106. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Technical Working Group, 71.
- OSHA (Occupational Safety and Health Administration). 2012. "Bloodborne Pathogens." *Toxic and Hazardous Substances*. 29 CFR 1910.1030, (April 3).
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=standards&p_id=10051.
- Prinz, M., W. Grellner, and C. Schmitt. 1993. "DNA Typing of Urine Samples Following Several Years of Storage." *International Journal of Legal Medicine* 106, no. 2 (March 1): 75 - 79. doi:10.1007/BF01225044.
- Roberts, Katherine A., and Donald J. Johnson. 2012. "Investigations on the Use of Samplmatrix to Stabilize Crime Scene Biological Samples for Optimized Analysis and Room Temperature Storage." 237838. Washington D.C.: U.S. Department of Justice, 296.
- Ross, K. S., N. E. Haites, and K. F. Kelly. 1990. "Repeated Freezing and Thawing of Peripheral Blood and DNA in Suspension: Effects on DNA Yield and Integrity." *Journal of Medical Genetics* 27, no. 9 (September): 569 - 70.

-
- Seah, L. H., and L. A. Burgoyne. 2001. "Photosensitizer Initiated Attacks on DNA under Dry Conditions and Their Inhibition: A DNA Archiving Issue." *Journal of Photochemistry and Photobiology B: Biology* 61, no. 1-2 (August 15): 10 - 20. doi:10.1016/S1011-1344(01)00132-4.
- Sigurdson, A. J., M. Ha, M. Cosentino, T. Franklin, K. A. Haque, Y. Qi, C. Glaser, Y. Reid, and A. W. Bergen. 2006. "Long-Term Storage and Recovery of Buccal Cell DNA from Treated Cards." *Cancer Epidemiology, Biomarkers and Prevention* 15, no. 2 (February): 385 - 88.
- Sjöholm, Malin Ida Linnea, Joakim Dillner, and Joyce Carlson. 2007. "Assessing Quality and Functionality of DNA from Fresh and Archival Dried Blood Spots and Recommendations for Quality Control Guidelines." *Clinical Chemistry* 53, no. 8 (August): 1401 - 07. doi:10.1373/clinchem.2007.087510.
- Smith, S., and P. A. Morin. 2005. "Optimal Storage Conditions for Highly Dilute DNA Samples: A Role for Trehalose as a Preserving Agent." *Journal of Forensic Sciences* 50, no. 5 (September): 1101 - 08.
- Steinberg, Karen K., Karen C. Sanderlin, Chin-Yih Ou, W. Harry Hannon, Geraldine M. McQuillan, and Eric J. Sampson. 1997. "DNA Banking for Epidemiologic Studies." *Epidemiologic Reviews* 19, no. 1 (May): 156 - 62.
- Swinfield, Chloe E., Eleanor A. M. Graham, Diane Nuttall, Sabine Maguire, Alison Kemp, and Guy N. Ruty. 2009. "The Use of DNA Stabilizing Solution to Enable Room Temperature Storage and Transportation of Buccal and Trace Sample Swabs." In *Progress in Forensic Genetics 13*, edited by N. Morling. Paper presented at the 23rd Congress of the International Society for Forensic Genetics, Buenos Aires, Argentina, September 2009.
- Visvikis, Sophie, Alexandra Schlenck, and Mickaël Maurice. 2005. "DNA Extraction and Stability for Epidemiological Studies." *Clinical Chemistry and Laboratory Medicine* 36, no. 8 (June): 551 - 55. doi:10.1515/CCLM.1998.094.
- Wan, Eunice, Matthew Akana, Jennifer Pons, Justin Chen, Stacy Musone, Pui-Yan Kwok, and Wilson Liao. 2010. "Green Technologies for Room Temperature Nucleic Acid Storage." *Current Issues in Molecular Biology* 12: 135 - 42.
- Yates, J. R., S. Malcolm, and A. P. Read. 1989. "Guidelines for DNA Banking. Report of the Clinical Genetics Society Working Party on DNA Banking." *Journal of Medical Genetics* 26, no. 4 (April): 245 - 50. doi:10.1136/jmg.26.4.245.
- Zhu, Bo, Takao Furuki, Takashi Okuda, and Minoru Sakurai. 2007. "Natural DNA Mixed with Trehalose Persists in B-Form Double-Stranding Even in the Dry State." *The Journal of Physical Chemistry B* 111, no. 20 (May): 5542 - 44. doi:10.1021/jp071974h.

California Commission on Peace Officer Standards and Training

Management Counseling Services

LAW ENFORCEMENT

EVIDENCE & PROPERTY

MANAGEMENT GUIDE



Third Edition

INTENTIONALLY BLANK

LAW ENFORCEMENT

EVIDENCE & PROPERTY MANAGEMENT GUIDE

Third Edition 2013

Produced by

POST Management Counseling Services Bureau

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Law Enforcement Evidence & Property Management Guide

Copyright 2001 California Commission on Peace Officer Standards and Training (POST)

Published May 2001

Second Edition published February 2005

Third Edition published September 2013

All rights reserved. This publication (and Volume 2, Part 5: POST Field Training Program Guide) may not be reproduced, in whole or in part, in any form or by any means electronic or mechanical or by any information storage and retrieval system now known or hereafter invented, without prior written permission of the California Commission on Peace Officer Standards and Training, with the following exception: *California law enforcement agencies in the POST peace officer program and POST-certified training presenters are hereby given permission by POST to reproduce any or all of the contents of this manual for their internal use.*

All other individuals, private businesses and corporations, public and private agencies and colleges, professional associations, and non-POST law enforcement agencies in-state or out-of-state may print or download this information for their personal use only.

Infringement of the copyright protection law and the provisions expressed here and on the POST website under [Copyright/Trademark Protection](#) will be pursued in a court of law. Questions about copyright protection of this publication and exceptions may be directed to the Publications.manager@post.ca.gov.

POST2013MCB-0412-A

www.post.ca.gov

POST MISSION STATEMENT

THE MISSION of the Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.

INTENTIONALLY BLANK

POST COMMISSIONERS

Jim McDonnell Chief
 CHAIR Long Beach Police Department

Lai Lai Bui Sergeant
 Sacramento Police Department

Robert Cooke Director of Training
 California Narcotic Officers' Association

Robert T. Doyle Sheriff
 Marin County Sheriff's Office

Kamala D. Harris *Ex Officio* Member
 Attorney General, Department of Justice

Sandra Hutchens Sheriff - Coroner
 Orange County Sheriff's Office

Peter Kurylowicz, Jr. Deputy Sheriff
 Riverside County Sheriff's Office

Ronald Lowenberg Dean
 Golden West Criminal Justice Training Center

Sylvia Moir Chief
 El Cerrito Police Department

Laurie Smith Sheriff
 Santa Clara County Sheriff's Office

Michael Sobek Sergeant
 San Leandro Police Department

INTENTIONALLY BLANK

FOREWORD

The law enforcement evidence/property function is vital to the criminal justice process. Its effective and efficient operation is integral to an agency's quality of service to the community and the criminal justice system. The management of this function has become increasingly complex due, in part, to factors related to legislative mandates, hazardous material storage, the protection and preservation of biological/DNA-related material, security and chain of custody, and the training of evidence/property personnel. The failure to manage the evidence and property function can affect the successful prosecution of criminal violators, resulting in agency liability or loss of public confidence.

Effective policies and procedures must be established in order to efficiently submit and retrieve items of evidence and property. To support the evidence and property function, managerial and executive personnel must ensure that essential training, both initial and ongoing, is identified and provided, with an adequate budget for sustained effective operation. Staff safety, storage facility security, and the ability to accurately catalog and track evidence and property are paramount to reducing liability exposure, thus increasing the credibility and defensibility of the agency.

The purpose of the POST *Law Enforcement Evidence & Property Management Guide* is to provide standardized recommended guidelines for the management of the evidence and property function, detailing best practices for the submission, receipt, storage, and disposition of evidence and property items in the agency's care and control. Agencies should use this guide to create or amend policies and procedures to ensure the integrity of the evidence and property process, protect the evidentiary value of property, and restore property to its owners in a timely fashion.

It is the intention of the Commission on Peace Officer Standards and Training that this guide will lead to improved management of the evidence and property function. POST envisions that this guide will serve as a comprehensive resource to aid evidence and property staff, field personnel, supervisors, managers, and executives in understanding the critical role of the evidence and property function to the agency, the criminal justice system, and the community.

The Commission appreciates the contributions of an ad-hoc advisory committee of evidence and property personnel from agencies throughout California.

Comments or questions related to information contained in this guide should be directed to the [Management Counseling Services Bureau](#) at (916) 227-4800.

ROBERT A. STRESAK

Executive Director

INTENTIONALLY BLANK

ACKNOWLEDGMENTS
**2012-2013
AD HOC ADVISORY
COMMITTEE**

Larry Brown Los Gatos Police Department
 Jim Griffith Oceanside Police Department
 Joanna Grivetti Richmond Police Department
 Larry Kiefer East Bay Regional Park District Police Department
 Joe Moralli Chico Police Department
 Charles Rigmaiden Richmond Police Department
 Deborah Souza Milpitas Police Department
 Sharon Whitaker Rocklin Police Department

**FINISHING
TEAM MEMBERS**

Sandi Bumpus Rocklin Police Department
 Scott Koll Roseville Police Department

**POST
PROJECT
COORDINATORS**

Don Shingara Senior Consultant
 Kathy Hobson Staff Services Manager
 Nancy Lewis Graphic Designer

**POST
MANAGEMENT
COUNSELING
SERVICES BUREAU**

Rich Bond Bureau Chief
 Veronica Hagen Office Technician
 Kathy Hobson Staff Services Manager
 Dave Hoig Senior Consultant
 Dan Koenig Special Consultant
 James Rose Special Consultant
 Joe Sampson Senior Consultant
 Ron Sanchez Special Consultant
 Don Shingara Senior Consultant

INTENTIONALLY BLANK

CONTENTS

<i>POST Mission statement</i>	<i>i</i>
<i>POST Commissioners</i>	<i>iii</i>
<i>Foreword</i>	<i>v</i>
<i>Acknowledgments</i>	<i>vii</i>
<i>Explanation and Use of This Guide</i>	<i>xi</i>
Chapter	
1 ORGANIZATIONAL CONSIDERATIONS (Organization, Personnel, Training, Policy/Procedure)	1-1
Purpose	1-1
Guideline 1.1 Organizational Structure	1-1
Guideline 1.2 Personnel Assignment, Staffing, and Training	1-2
Guideline 1.3 Facility Access/Hours of Operation	1-3
Guideline 1.4 Emergency and Disaster Planning	1-4
Guideline 1.5 Budget Allocation	1-4
Guideline 1.6 Policy and Procedure Development	1-5
Guideline 1.7 Identifying and Mitigating Problems	1-6
2 DOCUMENTATION AND FORMS	2-1
Purpose	2-1
Guideline 2.1 Property Receipts.....	2-1
Guideline 2.2 Establishing and Maintaining Chain of Custody	2-2
Guideline 2.3 Chain of Custody Stamps, Labels/Property Tags, and Sealing Packages.....	2-3
Guideline 2.4 Firearms Documentation/Forms.....	2-4
Guideline 2.5 Property Release.....	2-5
Guideline 2.6 Annual Forms/Procedure Review	2-5
Guideline 2.7 Visitors' Log.....	2-6
Guideline 2.8 Automated Property Management	2-6
3 SAFETY, SECURITY, AND STORAGE	3-1
Purpose	3-1
Guideline 3.1 Facility Design and Storage Areas	3-1
Guideline 3.2 Temporary Storage: Lockers and Refrigeration	3-2
Guideline 3.3 Receiving and Processing Areas	3-3
Guideline 3.4 Special Storage Concerns.....	3-3
Guideline 3.5 Safety Policies/Procedures for Hazardous and Biohazardous Materials	3-5
Guideline 3.6 Security Policies/Procedures.....	3-6
4 EVIDENCE AND PROPERTY HANDLING PROCEDURES	4-1
Purpose	4-1
Guideline 4.1 General Handling Procedures	4-1
Guideline 4.2 Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures	4-3

Chapter

Guideline 4.3	Firearms Handling Procedures	4-4
Guideline 4.4	Narcotics/Controlled Substances Handling Procedures	4-6
Guideline 4.5	Currency/High-Value Items Handling Procedures	4-7
Guideline 4.6	Electronic Media/Photos/ Digital Storage Handling Procedures	4-8
Guideline 4.7	Biological/DNA Handling Procedures	4-9
	• Table 4.1: Temporary Storage Conditions Matrix.....	4-12
	• Table 4.2: Long-term Storage Conditions Matrix.....	4-12
Guideline 4.8	Blood Drying and Wet Evidence Drying Equipment	4-14
5	AUDITS, INVENTORIES, AND INSPECTIONS	5-1
	Purpose	5-1
Guideline 5.1	Audits	5-1
Guideline 5.2	Inventories	5-3
Guideline 5.3	Inspections	5-4
6	EVIDENCE AND PROPERTY DISPOSITION AND PURGING	6-1
	Purpose	6-1
Guideline 6.1	Considerations for Disposal	6-1
Guideline 6.2	Methods of Disposal and Classifications of Property	6-2
Guideline 6.3	Firearms: Special Procedures for Disposition/Purging	6-9
Guideline 6.4	Narcotics: Special Procedures for Disposition/Purging	6-11
Guideline 6.5	Currency/High-Value Items: Special Procedures for Disposition/Purging	6-14
Guideline 6.6	Hazardous/Biohazardous Materials: Special Procedures for Disposition/ Purging (<i>including explosives, ammunition, flammables, and pyrotechnics</i>)	6-15
Appendix		
A	Glossary of Terms	A-1
B	Legal and Regulatory References and Issues	B-1
C	Sample Forms (<i>See complete list</i>)	C-1
D	Evidence/Property Retention Evidence	D-1
E	Link to Handbook: " <i>The Biological Evidence Preservation Handbook</i> ".....	E-1
F	Commercially Available Evidence/Property Equipment	F-1
Index	I-1

EXPLANATION AND USE OF THIS GUIDE

RELEVANCE OF THE EVIDENCE/PROPERTY FUNCTION

The *POST Law Enforcement Evidence & Property Management Guide* was developed as a resource for law enforcement agencies and personnel, noting best practices and providing standardized guidelines for the various aspects of the evidence and property function. The importance of this function in a law enforcement agency cannot be overstated. The agency has a fiduciary and legal obligation to store and protect items of evidence and property in its custody, and equally important, an obligation to legally restore property to the rightful owner as soon as practical or dispose of the property in a legal manner.

Law enforcement executives, managers, supervisors, peace officers, and professional staff members often fail to understand or appreciate the necessity and nature of the evidence and property function's existence, and its contribution to the success of the agency. Essentially, the evidence/property function's purpose can be summarized in the following basic mission statement:

The law enforcement evidence/property function exists in order for an agency to receive, catalog, safely store, and maintain the integrity of evidence, found property, and property for safekeeping. The function allows for the effective prosecution of criminal offenders while confirming innocence; and victims may find truth and closure as justice is served. Lastly, law enforcement agencies have the legal obligation to restore evidence/property to rightful owners or facilitate the legal disposition of evidence/property in agency possession.

NAVIGATING THE GUIDE

This guide is divided into chapters, with each chapter pertaining to one of the six primary categories of the evidence and property function:

1. Organizational Considerations (organization, personnel, training, policy/procedure)
2. Documentation and Forms
3. Safety, Security, and Storage
4. Evidence and Property Handling Procedures
5. Audits, Inventories, and Inspections
6. Evidence and Property Disposition and Purging

Each chapter begins with a purpose, introducing the chapter material and supporting its relevance. The chapter purpose is followed by POST guidelines, based on state law and national best practices, corresponding to the chapter material. National best practices were determined through a review of Commission on Accreditation for Law Enforcement Agencies (CALEA) standards; a comparison of POST guidelines to the National Institute of Justice (NIJ) document, [The Biological Evidence Preservation Handbook](#); a consultation with the Federal Bureau of Investigation; and an evaluation of past practices. The POST guidelines were created to standardize the processes and security related to the evidence and property function. Following each guideline is an in-depth commentary explaining and supporting the specified guideline criteria.

The guide includes six appendices containing: [A](#)) Glossary of Terms, [B](#)) Legal and Regulatory References and Issues, [C](#)) Sample Forms, [D](#)) Evidence/Property Retention Policy, [E](#)) *The Biological Evidence Preservation Handbook* provided by the National Institute of Justice, and [F](#)) Examples of

Commercially Available Evidence/Property Equipment. These appendices have been provided as an additional reference for evidence and property personnel, and agency supervisors and managers, to assist in policy development and legal compliance.

INCORPORATING THE GUIDE INTO AGENCY DIRECTIVES TO MEET BEST PRACTICES

The guidelines and supporting commentary contained in this guide are provided to use as a framework to assist agencies in the development of written directives created to document and standardize the processes related to the evidence/property function. The written directives should incorporate contemporary law enforcement best practices pertaining to the physical design and security of the evidence/property function. Comprehensive written directives, standardized practices, and heightened security can fortify an agency's position, if the agency must defend its evidence/property function, while reducing agency exposure to unwanted scrutiny and liability.

Although a number of guidelines are driven by statute, none of the guidelines are subject to POST compliance or regulation; but all of the guidelines are based on national law enforcement best practices. POST recommends that agencies desiring to be in compliance with California statutes and national best practices in the evidence/property function arena adhere to these guidelines in their entirety. If an agency is unable to adhere to a particular guideline, or portion of a guideline, due to fiscal or facility limitations, the agency should consider including any unmet best practice guidelines into a strategic plan which allows the agency to track this unmet goal and objective until the agency can bring itself into accordance with the guideline or guideline portion in question.

Agency heads are ultimately responsible for all items of evidence/property maintained in their facilities, and must make executive decisions to standardize processes, ensure security, and minimize risk. To assist in policy development and standardization, POST has provided this guide for use as a resource for facilitating the overall management of an efficient and effective evidence/property function.

Agencies are encouraged to annually review their directives for relevance, as well as ensure the necessary initial and ongoing training for evidence and property staff, supervisors, and managers is occurring. Agencies should stay current on evolving trends, and keep abreast of legal and regulatory issues related to the evidence/property function.

POST intends the *POST Law Enforcement Evidence/Property Management Guide* be maintained as a living document subject to annual reviews of the guidelines.

**ORGANIZATIONAL CONSIDERATIONS
(Organization, Personnel, Training, Policy/Procedure)**

PURPOSE

An agency relies on the Evidence/Property Manager (EPM) and the Evidence/Property Technicians (EPT) to correctly maintain security and control in the evidence/property unit. Each agency has the weighty responsibility for the receipt, storage, safekeeping, release, and disposal of all evidence/property items in its control. Evidence/property personnel ensure that evidence items are correctly tracked and monitored for court exhibits, discovery, and prosecution/defense evidence viewing. Proper management, an adequate budget, and initial and ongoing training will enhance the efficiency and knowledge of evidence/property personnel. A well-organized storage facility and evidence/property cataloging system, in conjunction with well-designed policies and procedures, will enhance the success and facilitate the effective operation of the evidence/property function.

This chapter addresses the organization, management, and direction of an evidence/property unit, providing guidelines in the following areas:

- 1.1 Organizational Structure
- 1.2 Personnel Assignment, Staffing, and Training
- 1.3 Facility Access/Hours of Operation
- 1.4 Emergency and Disaster Planning
- 1.5 Budget Allocation
- 1.6 Policy and Procedure Development
- 1.7 Identifying and Mitigating Problems

GUIDELINE 1.1
Organizational Structure

Create or amend a written directive outlining the organizational structure of the evidence/property function to include, at a minimum, the following:

- Clearly define the chain of command from the agency head down (e.g., Chief, Sheriff, Director, Commissioner)
- Include the evidence/property function in the agency organizational chart depicting the evidence/property function outside of operational units

Commentary

The directive should clearly identify the chain of command, from the Evidence/Property Technician to the Agency Head. Whenever possible, the chain of command should be shortened or flattened allowing the agency head to have the most direct access to the evidence and property function.

The directive should identify the evidence/property function in the organizational chart. The evidence/property function should be separated from operational units. This separation eliminates the potential conflict of interest between the personnel who collect evidence or property and those who are charged with the responsibility of storing the evidence and property.

The agency will reduce its exposure by assigning the evidence and property function to an administrative or support unit which provides a definitive separation from operational units such as patrol or investigations.

GUIDELINE 1.2
**Personnel Assignment,
Staffing, and Training**

Create or amend a written directive addressing personnel assigned to the evidence/property function to include, at a minimum, the following:

- Identify the Evidence/Property Manager (EPM)
 - Identify the EPM position as a specialized mid-management position
 - Outline the desired qualifications, applicable certifications, skills, and duties of the EPM and EPT
 - Establish assignment transfer policies associated with the evidence/property function
 - Establish adequate staffing which will allow all of the duties of the evidence/property function to be accomplished
 - Identify initial and an ongoing training plan for all personnel assigned to the evidence/property function ensuring they remain current in best practices, statutes, and regulations
 - Provide evidence/property personnel with uniforms for both daily/utility use and for court appearances
-

Commentary

Because the evidence/property function is critical to law enforcement, personnel assigned to this function should be clearly identified by job classification. It is suggested the EPM be a specialized, mid-management position.

The selection of an EPM and/or EPT should be based on stated directive qualifications, applicable certificates, skills, and duties. A background investigation should be completed on personnel having direct access to the evidence/property facility.

Due to the technical expertise required within the evidence/property function, the routine transfer of evidence/property personnel should NOT occur and be avoided whenever possible. Any time there is a change of assigned personnel within the evidence/property unit; consideration should be given regarding facility security. It is strongly recommended that access keys/cards/codes be changed, and a complete inventory of currency/high-value items, narcotics and dangerous drugs, and firearms, at a minimum, be conducted.

Agencies should ensure adequate staffing of the evidence/property function which allows all of the duties and responsibilities to be carried out in an efficient and uninterrupted manner (e.g., audits, inventories, purging, and other staff-intensive functions).

To better manage agency risk and reduce liability, all evidence/property personnel should complete the POST Evidence and Property Management

course as well as continuing education and training through organizations such as the California Association for Property and Evidence (CAPE) and International Association for Property and Evidence (IAPE) .

POST encourages networking with regional and county agencies (e.g., local law enforcement agencies, district attorney offices, crime labs, courts, county coroner/medical examiners, and probation departments) to make consistent inter-agency policies, forms, and procedures to facilitate communication and to ensure court compliance. This networking provides a legal basis and a framework for managing evidence and property in law enforcement agencies.

For safety purposes, and to prevent contamination, evidence/property personnel should be provided with both daily/utility uniforms, as well as “Class A” uniforms for court appearances. A cleaning service should be utilized so that potentially contaminated uniforms DO NOT have to be transported to a staff member’s residence for cleaning; and work shoes should remain at the agency.

GUIDELINE 1.3
**Facility Access/
Hours of Operation**

Create or amend a written directive addressing facility access procedures, staff call-out procedures, and hours of operation to include, at a minimum, the following:

- Identify the key control process for tracking and restricting access to the evidence/property facility
- Establish a call-out procedure
- Establish/publish public hours of operation
- Establish regular internal hours of operation

Commentary

To ensure security and integrity, agencies need a written directive defining facility access. Access to the evidence/property facility must be limited to essential evidence/property personnel only. Electronic and back-up manual keys should be assigned to the EPM’s immediate supervisor (maintained on the supervisor’s person, NOT in a drawer, envelope, lock box, etc). Qualified alternate personnel need to be identified and trained to function in the evidence/property room, in the event of an absence of the EPM and EPTs.

It is important a call-out procedure be established for the EPM and EPT to provide after-hours access (e.g., nights, holidays, and weekends).

Public hours of operation should be established and published within the agency and on the agency website. It is recommended that evidence/property release to the public be carried out by appointment only, depending on agency circumstances. Using an appointment schedule will allow evidence/property staff to appropriately plan and manage work responsibilities.

It is recommended that the evidence/property function remain open to agency staff on all but one day of the work week. During this day (preferably an evidence/property staff overlap day) the evidence/property function should close to both agency staff (except for subpoenas) and the public, but remain in operation, creating an uninterrupted opportunity for purging and other ancillary responsibilities.

GUIDELINE 1.4
Emergency and Disaster Planning

Create or amend a written directive addressing procedures to ensure the continuation of the evidence/property function in the event of an emergency or a disaster to include, at a minimum, the following:

- Equip evidence/property personnel with personal duress alarms for use in the event of an emergency
 - Develop procedures to address the removal, transportation, and relocation of personnel and all evidence/property items in the event of evacuation, including a method for tracking each item
 - Identify an appropriate alternate evidence/property storage facility in the event evacuation is necessary
 - Supply evidence/property personnel with radios to ensure contact with Communications unit staff and supervisors in the event of an emergency
-

Commentary

The directive should include identification of a temporary alternate site to be used if evidence/property must be moved from the existing facility. The organization's policy and/or emergency operations plan should designate an alternate evidence/property site that includes ample room and security to accommodate the evidence/property function for an extended period of time. A tracking system should be in place to ensure all evidence/property is accounted for during removal, transportation, and relocation. Security measures should be considered during the transport to alternate sites.

To enhance the safety of evidence/property personnel as well as provide immediate notification during emergency situations, evidence/property personnel should have radio contact with a 24/7 communications center. Evidence/property personnel should be equipped with personal duress alarms or accompanied by appropriate staff during property release.

GUIDELINE 1.5
Budget Allocation

Create a written directive establishing the budgeting process related to the evidence/property function to include, at a minimum, the following:

- The evidence/property function should be supported by a stand-alone, line-item budget
-

Commentary

The evidence/property function is a critical part of any law enforcement organization; it must be fully funded to meet the needs of the organization and the community. The organization's budget should identify the evidence/property function separately from other functions/units, with a stand-alone, line-item budget. The EPM should have some input into budget considerations regarding the evidence/property function.

GUIDELINE 1.6
Policy and Procedure Development

Create or amend a written directive establishing an operational manual outlining the agency policies and procedures regarding the evidence/property function to address, at a minimum, the following:

**Organizational Considerations
(Organization, Personnel, Training, Policy/Procedure)**

- a) Organizational Structure
- b) Personnel Assignment, Staffing, and Training
- c) Facility Access/Hours of Operation
- d) Emergency and Disaster Planning
- e) Budget Allocation
- f) Policy and Procedure Development
- g) Identifying and Mitigating Problems

Documentation and Forms

- a) Property Receipts
- b) Establishing and Maintaining Chain of Custody
- c) Chain of Custody Stamps, Labels/Property Tags, and Sealing Packages
- d) Firearms Documentation/Forms
- e) Property Release
- f) Annual forms/Procedure Review
- g) Visitors' Log
- h) Automated Property Management

Safety, Security, and Storage

- a) Facility Design and Storage Areas
- b) Temporary Storage: Lockers and Refrigeration
- c) Receiving and Processing Areas
- d) Special Storage Concerns
- e) Safety Policies/Procedures for Hazardous and Biohazardous Materials
- f) Security Policies/Procedures

Evidence and Property Handling Procedures

- a) General Handling Procedures
- b) Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures
- c) Firearms Handling Procedures
- d) Narcotics/Controlled Substances Handling Procedure
- e) Currency/High-Value Items Handling Procedures
- f) Electronic Media/Photos/Digital Storage Handling Procedures
- g) Biological/DNA Handling Procedures
- h) Blood Drying and Wet Evidence Drying Equipment

Audits, Inventories, and Inspections

- a) Audits
- b) Inventories
- c) Inspections

Evidence and Property Disposition and Purging

- a) Considerations for Disposal
- b) Methods of Disposal and Classifications of Property
- c) Firearms: Special Procedures for Disposition/Purging
- d) Narcotics: Special Procedures for Disposition/Purging
- e) Currency/High-Value Items: Special Procedures for Disposition/Purging
- f) Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging (including explosives, ammunition, flammables, and pyrotechnics)

Commentary

Incorporate into policy the requirement for an annual review of all agency policies and procedures related to the evidence/property function, with the results of the review forwarded in a report to the agency head and EPM.

Comprehensive evidence/property policy and procedure manuals ensure consistency in the process of managing the evidence/property function, and allow for the organization to comply with all associated statutes and best practices.

It is recommended that these manuals provide standards for the training of newly appointed evidence/property personnel and identify the responsibilities of the staff regarding the various evidence/property functions. Compliance with this guideline can reduce agency liability.

GUIDELINE 1.7
Identifying and Mitigating Problems

Create or amend a written directive addressing the procedure for identifying, documenting, mitigating, and resolving problems or issues that may arise in the course of daily operations of the evidence/property

function to include, at a minimum, the following:

- Establish procedures for reporting/correcting operations or systems problems, or safety issues, related to the evidence/property function
-

Commentary

Agency personnel should be directed to mitigate or resolve any problems or issues that arise in the daily operations of the evidence and property function. Staff should be encouraged to take immediate steps to notify appropriate personnel and rectify problems with the evidence/property facilities, security, equipment, documentation/tracking, or operations. Any identified problem or issue should be rectified and mitigated as soon as practical, and documentation of the issue or problem, and its resolution, should be forwarded to the agency head and the EPM.

INTENTIONALLY BLANK

PURPOSE

The collection of evidence and property taken into agency custody must be documented pursuant to a variety of state statutes. Agency policy must require specific information be completed to establish a tracking record as items are received, stored, released, or otherwise purged.

This chapter provides guidelines for documentation and form development (both hardcopy and digital formats) related to the intake, storage, and disposal of evidence and property in the following areas:

- 2.1 Property Receipts
- 2.2 Establishing and Maintaining Chain of Custody
- 2.3 Chain of Custody Stamps, Labels/Property Tags, and Sealing Packages
- 2.4 Firearms Documentation/Forms
- 2.5 Property Release
- 2.6 Annual Forms/Procedures Review
- 2.7 Visitors' Log
- 2.8 Automated Property Management

GUIDELINE 2.1 **Property Receipts**

Create or amend a written directive addressing the use of a property receipt to include, at a minimum, the following:

- Reference number(s) (e.g., report number/case number/ CAD number) and/or item number or control number
- Classification or type of crime (e.g., [PC 211](#), [PC 459](#))
- Date/time collected/submitted
- Reporting or submitting peace officer/employee
- Involved party's name
- Designated relationship (e.g., suspect, victim, owner, finder)
- Type of evidence and property (e.g., recovered, found, safekeeping, seized by search warrant)
- Description of item (e.g., serial number)
- Location where evidence/property was found and by whom
- Storage location
- Chain of custody signature box
- Release information
- Declaration of ownership
- Receipt requirements pursuant to [PC 1412](#), [1413](#), [1535](#), [18250](#), [CC 2080.10](#), [WI 8102](#) and [8103](#)

Commentary

The purpose of a property receipt is to establish a record of the evidence/property collected and submitted. When necessary, a receipt with instructions explaining the process for retrieval should be provided to the person from whom the evidence and property was collected.

Samples of property receipt forms and other evidence/property related forms may be accessed through www.cape-inc.us and found in [Appendix C](#).

GUIDELINE 2.2
Establishing
and Maintaining
Chain of Custody

Create or amend a written directive addressing the procedure for maintaining and tracking the chain of custody to include, at a minimum, the following:

- Establishing the chain of custody for documenting the collection of evidence or property (in the field or in an in-custody setting), including the date and time, where the item was found, and the employee collecting the evidence/property
- Requiring an agency case number or Computer-Aided Dispatch (CAD) number be linked to all evidence/property items collected
- Items should be processed, packaged, and submitted prior to the end of shift
- In the event evidence/property processing cannot be completed prior to shift end, temporarily store items in a secure location with supervisor approval and appropriate notice to the EPM
- Requiring a chain of custody log with signature blocks printed on the packaging in addition to any supplemental computerized tracking or hardcopy forms
- Establish a process to document items released to the public, crime lab, court, agency, or other agencies
- Establish a procedure for items released pursuant to a subpoena or court orders

Commentary

When establishing the chain of custody, it is important to document evidence and property collected by including the date and time, where the item was found, and the employee who recovered the item.

To ensure an accurate chain of custody, all evidence and property collected should minimally include a unique report/case number or CAD-generated incident number. This number must be obtained to document the collection of evidence/property. This unique number associated with the items recovered is critical to the successful cataloging and tracking of evidence and property items.

The report/case file number and the collector's identification (badge number or equivalent) need to be listed on the packaging. The collection of evidence/property should be documented in an agency report, cross-referenced to a property receipt form when required. The property receipt form is NOT to be used as a substitute for documenting evidence/property on the agency original

report form. The property receipt form should describe each item collected and corresponding item number(s) as appropriate (see [Guideline 2.1](#)).

Agencies should require all evidence/property items to be processed, packaged, and submitted prior to the end of shift. Adhering to this practice will reduce agency exposure and undesirable attention. When it cannot be done, field personnel must obtain supervisor authorization, use an acceptable designated secure temporary location, and notify the evidence/property room of submission delays.

When evidence/property is received, the evidence/property personnel should ensure the chain of custody is maintained on all items collected, including items for temporary or permanent storage. Chain of custody is NOT the same process as the cataloging/tracking system for the item found in either a manual or electronic tracking system (bar-coding system). In order to maintain chain of custody on items, a chain of custody log is required with signature lines printed directly on the packaging containing the evidence. Printing a form from the tracking/cataloging system and attaching the form to the item's envelope does NOT satisfy the best practice.

When evidence/property is released, evidence/property personnel should document this action on appropriate property records forms.

For an internal transfer due to the need for further forensic review (e.g., an item will be forensically processed by the in-house crime lab), the evidence/property personnel should attach a copy of the written request or directive for processing to the permanent record for that item.

For a transfer to an outside entity (e.g., court or county crime lab), an evidence transfer form should accompany the employee and evidence to its destination. A subpoena or other court order should be required prior to the transfer of evidence to court. A written request or directive for processing should be attached to the evidence/property room record of the item in question if it is being sent to a crime lab.

The employee transporting the evidence to an outside entity will be designated as the custodian and will be responsible for obtaining a release signature for items retained by the outside entity. The transfer form should be returned to the evidence/property unit within 24 hours for update of custody status. If the transfer form or evidence is NOT returned within 24 hours, proper notification should be made to the EPM and the appropriate supervisor. Original paperwork should always remain in the custody of the agency.

GUIDELINE 2.3
Chain of Custody
Stamps, Labels/
Property Tags, and
Sealing Packages

Create or amend a written directive addressing the procedure for appropriately labeling/noting the chain of custody on all evidence/property to include, at a minimum, the following:

- Use pre-printed or stamped labels or tags to properly identify an item of evidence or property, associated serial numbers, and agency report numbers and/or internal tracking numbers

- Adhere the chain of custody log to packaging or actual evidence/property items to record handling and transfers
 - Require employees sealing any evidence packages to put their initials across the package flap, and place clear tape (or a premade seal tape) across the flap, over the initials
-

Commentary

Evidence/property labels or tags, along with a chain of custody log, are necessary to identify, track, and match information on the property record with the item of evidence/property in question.

An evidence/property label or tag should be permanently adhered to any evidence or property package submitted to the evidence/property storage unit. The label or tag should identify the package by contents, serial number, agency report number and/or internal tracking number, date, reporting peace officer/employee name, classification/charge, and type of evidence or property (e.g., recovered, safekeeping, found, or booked for destruction). The collection of all items of evidence/property should be recorded in proper agency reports.

A chain of custody log should be stamped, affixed, or pre-printed on all packaging, or otherwise attached to all items of evidence/property and should contain the date, time, and signature blocks for both the person releasing the item and the person taking receipt of it. This log should note the description of the item, and agency report number and/or internal tracking number. For each incident, the information should be reconciled among the respective agency reports, property receipts, evidence and property labels or tags, and the chain of custody logs.

When an item is first collected and submitted, and whenever the item is removed from its packaging, evidence/property personnel should re-seal the item inside the packaging with a designated seal over the initials of employee responsible for the packaging. The seal information must correspond to the chain of custody log affixed elsewhere on the item/packaging. This process will assist in quality control for outside entities (e.g., forensic lab).

GUIDELINE 2.4
Firearms
Documentation/
Forms

Create or amend a list detailing the forms used by the agency to track firearms from intake through final disposition to include, at a minimum, the following:

- All agency and State forms related to the intake, tracking, release, disposition/purging of firearms
-

Commentary

Firearms present special circumstances because of their unique legal requirements. It is important to both follow legal statutes and maintain up-to-date forms to satisfy those legal requirements.

Following case disposition, numerous documents and forms are necessary for the release and/or destruction of firearms. *(Refer to the California Department of Justice ([DOJ](#)) website for these legally mandated forms.)*

Refer to the DOJ form, Agency Checklist for Confiscated Firearms/Other Deadly Weapons, for guidance on procedures for intake, storage, and final disposition of firearms.

Agencies should confer with the local district attorney's office and crime lab to determine when firearms will be submitted for ballistics testing.

GUIDELINE 2.5
Property Release

Create or amend a written directive addressing the release or destruction of property to include, at a minimum, the following categories:

- Return to owner
- Diversion for official use
- Auction
- Destruction

Commentary

Property disposition release forms, both written and digital, reflect chain of custody as well as release information as it relates to owner information, official use, diversion, auction, and destruction.

The receipt and retention of appropriate documentation (including court orders) related to the final disposition of firearms and narcotics are critical. Obtaining a written signature for the release or disposal of property completes the final disposition of the chain of custody.

GUIDELINE 2.6
**Annual Forms/
Procedures Review**

Create or amend a written directive addressing the process for an annual review of forms and documents to determine necessity and relevance, to include, at a minimum, the following:

- The EPM should conduct an annual review of all evidence/property forms, ensuring procedural changes or statutes have been incorporated appropriately
- The EPM should act as the forms custodian, logging any changes to forms
- The EPM should ensure the newest version of each form is in circulation, destroying all previous versions or refusing any use of older forms

Commentary

To ensure the relevancy of its documentation, the agency should annually review its evidence/property forms and documents. A representative from every section that uses a particular form should participate in the review process. Considerations include:

- Is the form still being used and by whom?
- Are there revisions to be made?
- Can two or more forms be consolidated?
- Do new forms need to be created?
- Is there efficiency to be gained in automating forms?

The EPM should be the final voice on form revisions and should identify new form iterations with a date stamp and version number to ensure the most current form is in circulation. The EPM should have the authority to refuse any use of older forms.

GUIDELINE 2.7
Visitors' Log

Create or amend a written directive addressing the use of a visitors' log in the evidence/property storage facility(ies), to include, at a minimum, the following:

- Require ANY person (other than assigned evidence/property personnel) entering and departing any agency evidence/property storage area to sign an established visitors' log which identifies the individual, date and time of entry/exit, and purpose for entering the storage area
- Ensure that all visitors be in the immediate physical presence of agency evidence and property personnel

Commentary

The use of an established visitors' log will add credence to an agency's security commitment, and demonstrate that control of outside access is regulated and maintained in the evidence and property storage areas.

GUIDELINE 2.8
Automated Property Management

Where feasible or applicable, create or amend a written directive addressing the use of automated property management systems, to include, at a minimum, the following:

- Integration of an electronic property management system with the agency's Computer-Aided Dispatch (CAD) and Records Management Systems (RMS)
- Establishment of appropriate security measures and redundancies related to information storage and back-up procedures when automated property management systems are employed
- Ability to account for the chain of custody of evidence/property
- Ability to track and identify the location of all items of evidence/property within the custody of the organization (e.g., electronic bar coding system)
- Reporting capabilities, including statistics (e.g., workload studies, evidence and property ingress/egress) and inventories
- Alert mechanisms (e.g., tickler file) for notification of property purging/disposition

Commentary

An automated property management system facilitates a streamlined and efficient process for the generation and retention of critical documentation related to the collection, retention, and final disposition of evidence/property. If an automated property management system is employed, it should have integrated features that can match and cross-reference information from CAD incidents, report numbers, CAD incident numbers, and electronic bar coding systems.

Appropriately supported computer security and back-up systems should be established to reduce the risk of information loss or degradation due to system interruption or failure. In some situations, it may be appropriate to employ hardcopy back-up of critical actions.

When utilized, automated systems, such as bar coding, must account for the chain of custody of evidence/property. Security measures and back-up functions should be established to ensure system integrity, including the following:

- Procedures for both electronic tracking and hardcopy documentation of the chain of custody of evidence and property
- Procedures for manual data entry of evidence and property when appropriate or necessary
- Procedures for manual documentation of intake of cash or other valuables
- Management of “special” or “sensitive” items
- Bar coding, which should include information related to the item, its container, and storage location

An efficient automated system would facilitate the creation of reports encompassing inventory, evidence cataloging, item status, currency management, and location.

The system should include automatic notifications based on property classification to prompt review, purging, or other pre-determined actions.

To minimize redundant data entry, the system should be capable of interfacing with state databases to fulfill statutory requirements for entering evidentiary items (e.g., crime guns, serialized property).

Back-up Processes

Automated back-up processes should include a continuous Uninterruptible Power Supply (UPS); a routine back-up of system files; appropriate, secure housing of system files; and a procedure for the manual operation of the evidence/property function in the event of total electrical or system failure.

System Access/Security

To ensure system integrity, authorized users should have permission-based access. The following levels are suggested:

- High access levels for the system administrator and/or system alternate. The system administrator, in conjunction with the EPM, should determine subsequent levels for all users
- Medium access levels to allow users, such as evidence and property personnel and supporting clerical personnel, to view, enter data, modify records, run reports, and perform basic database maintenance
- Low access levels to allow the users to view records for official use only with selected reporting functions

Information Reporting, Tracking, and Inquiries

System access should be electronically tracked in order to maintain the evidence chain from collection through disposition/disposal. This should include the name of the user, date, and any additions or modifications made to the original entry. Failsafe procedures should be developed to ensure records are not inappropriately modified or deleted. Historical data should be retained as per the agency's records retention schedule. The system should have the ability to search by key word for accessing data.

PURPOSE

One of the most important aspects of the evidence/property function is the safety of the employees and the security and storage of evidence and property. The size and layout of the evidence facility is dependant on the size of the agency and the type and volume of property to be stored.

This chapter addresses the following guidelines for the main property facility, and any other facilities used for the storage of evidence/property. Additional security measures must be taken for high-risk items such as firearms, narcotics and other dangerous drugs, and currency/high-value items.

- 3.1 Facility Design and Storage Areas
- 3.2 Temporary Storage: Lockers and Refrigeration
- 3.3 Receiving and Processing Areas
- 3.4 Special Storage Concerns
- 3.5 Safety Policies/Procedures for Hazardous and Biohazardous Materials
- 3.6 Security Policies/Procedures

GUIDELINE 3.1 **Facility Design and Storage Areas**

Create or amend a written directive addressing the placement, design, and construction of the evidence/property facilities. Consideration should be given to the location of the evidence/property storage area(s), offices/work stations, and the construction materials used, to include, at a minimum, the following:

- Use concrete block with filled cells or similar material for all construction (walls, floors, and ceilings must be impervious to intrusion)
- Use only metal doors
- Back any drywall with sheet metal or plywood
- Extend walls from floor to ceiling
- When possible, design the evidence/property room without windows
- Locate EPM's office and staff work areas adjacent to or near the evidence/property storage area
- Separate the evidence/property work area from the main evidence/property storage area
- Heating, ventilation, and air conditioning (HVAC) systems should be stand-alone systems, constructed to prevent entry. DO NOT comingle the HVAC system for the evidence/property storage area with the general air ducts. DO NOT comingle the narcotics storage area HVAC system with other air ducts in the evidence/property storage area
- High-risk items, such as firearms, narcotics, currency/high-value items, and jewelry require extra protection, security, and handling precautions

- Segregate high risk items from other property
- Equip the evidence/property room with a release counter for release of evidence and property to staff
- Establish a separate, secure area with a duress alarm for release to the public

Commentary

The evidence/property storage facility should be designed and constructed with security and safety in mind. Staff safety, air quality, security, and integrity of evidence/property, and the prevention of unauthorized entry must be considered.

It is recommended that the EPM be in close proximity to the evidence/property storage area. A barrier (e.g., fence and gate, wall and door) should exist between evidence/property staff work areas and the actual storage area.

Co-locating office space for the EPM, as well as evidence and property staff, adjacent to the evidence and property storage area facilitates appropriate access and enhances security measures.

High-Efficiency Particulate Air (HEPA) filters should be used in the venting of the narcotics storage area (consult OSHA as necessary).

A service counter or window should be provided for internal transactions. A separate, secure counter or area for public interaction should be provided. As security is of utmost importance at the public window, bullet-resistant glass is strongly recommended, along with the installation of a duress alarm.

Consideration should be given to providing a controlled area for the viewing of evidence by the district attorney, investigator, and the public.

GUIDELINE 3.2
**Temporary Storage:
Lockers and
Refrigeration**

Create or amend a written directive addressing the use of temporary storage lockers and temporary refrigeration to include, at a minimum, the following:

- The procedures for the use of temporary storage lockers and refrigeration units
- Self-locking or manual locking temporary storage lockers and temporary refrigeration
- Requiring varying sized temporary storage lockers
- A “drop box” for small items
- Individual, locked storage compartments inside the temporary refrigeration units

Commentary

Temporary storage lockers are meant to hold items for a short period of time and are NOT intended to serve as permanent storage. Ideally, these units should have pass-through doors and be self-locking. The rear doors of the

lockers can then be accessed from the security of the evidence/property room where authorized staff can securely remove items booked in the lockers. If a temporary locker is damaged or improperly functioning, that unit should be removed from use until the issue is resolved.

Ideally, self-locking, pass-through refrigeration units should be utilized for temporary storage of incoming evidence/property requiring a refrigerated environment.

GUIDELINE 3.3
Receiving and Processing Areas

Create or amend a written directive establishing a segregated evidence/property processing and packaging area to include, at a minimum, the following:

- An area used solely for the initial processing and packaging of evidence/property
- To ensure employee safety, DO NOT use report-writing areas for packaging evidence/property

Commentary

The area should be stocked with the necessary packaging materials and personal protective equipment (PPE), (e.g., gloves, goggles, particulate masks), with access to water and an eye wash station in the event decontamination is needed.

Report writing areas should be separated from the evidence/property processing or receiving areas. While workspace and building design do not always conform to this recommendation, every effort should be made to ensure these areas are separated to reduce health risks and the possibility of the contamination of evidence/property.

GUIDELINE 3.4
Special Storage Concerns

Create or amend a written directive outlining special requirements or considerations for unique storage needs and areas (e.g., shelving, cages, connex boxes, vaults) to include, at a minimum, the following:

- General evidence (e.g., envelopes and bags stored on specified shelves)
- Homicide evidence
- Bicycles
- Bulk items
- Electronic/digital media
- Smart phones
- Found and safekeeping items
- Hazardous materials
- Biological items and DNA

- Vehicles
 - Sensitive items (e.g., firearms, narcotics, currency/high-value items)
-

Commentary

It is recommended that evidence/property facilities be equipped with high-density mobile shelving whenever possible in order to facilitate the best utilization of space. Shelving should accommodate the storage of the various sizes of envelopes, bags, and boxes in use by the agency. A high-density mobile filing system with adjustable shelving can significantly increase available storage and floor space. Stand-alone shelving should be bolted and secured to the floor and braced at the top to prevent tipping. Shelves should be numbered or lettered so that stored evidence can be readily located.

A separate storage location should be designated for the long-term storage of homicide evidence.

Bicycles and bulk items can be stored in a separate area to accommodate their size. Bicycles should be in a secured and locked area, preferably with both entry and perimeter alarms.

Due to the sensitivity of electronic/digital media/smart phones, they should be stored separately from other items.

Found and safekeeping items should be stored separately for the easy retrieval, release, and disposal of these items.

Due to health, safety, and contamination issues, hazardous materials should be stored separately from other evidence, preferably in an open-air environment or secured in a fireproof, ventilated cabinet located outside of the evidence/property storage area.

A refrigerator/freezer should be available for the storage of biological evidence. The unit can be a walk-in type or stand alone, depending on agency needs. A temperature alarm should be used to ensure proper temperature is maintained. It is recommended that refrigeration units be equipped with temperature sensors/alarms, and should have an automatic source of back-up power.

Secured, temperature-controlled (i.e., “cool room”) storage areas may be created to store biological/DNA evidence in replacement of or to supplement refrigeration units, and should be maintained between 60° and 75°F with less than 60% humidity. (See [Chapter 4](#) for specific details — and consult with county crime lab.)

A separate area should be provided for the processing and storage of evidentiary vehicles. The vehicles should be protected from the elements for evidentiary purposes. The vehicle storage area should be video monitored and should have entry and perimeter alarms.

Additional security is required for storage of firearms, narcotics, currency/high-value items, and other valuables. Items belonging to these categories should be stored separately in secured, alarmed areas monitored by video

surveillance. The narcotics storage area should be ventilated to the outside with an air exchange that meets OSHA requirements.

GUIDELINE 3.5
**Safety Policies/
Procedures for
Hazardous and
Biohazardous
Materials**

Create or amend a written directive addressing safety policies, protocols, requirements, and procedures related to the management, receipt, storage, and disposal of hazardous and biohazardous materials to include, at a minimum, the following:

- Issuing personal protective equipment to comply with [OSHA](#) standards for safety (e.g., head, eyes, ears, hands, and feet should be protected while performing potentially harmful tasks)
- Exposure/decontamination issues include notification of emergency medical personnel
- Eye wash, hand wash, and shower facilities for decontamination
- Transportation of hazardous and biohazardous materials and their associated containers, including appropriate labeling requirements
- Syringe storage/disposal containers
- Biohazardous materials bins for discarding contaminated material
- Handling of evidence containing blood
- Use of appropriate filtering systems to be present in the evidence/property facility (and the forensics unit if hazardous/biohazardous materials are introduced there)
- Handling of narcotics

Commentary

The safety of evidence/property and agency staff is of primary consideration when addressing hazardous/biohazardous material handling and storage. In addition, appropriate safety practices should be designed to prevent the contamination of evidence. Packaging material should be a consideration when submitting biohazardous materials. OSHA outlines specific areas of interest regarding occupational safety and workplace hazards. It is recommended that all procedures meet or exceed these OSHA standards.

Unless required for evidentiary purposes, syringes should NOT be booked into evidence. Sharps containers should be provided for disposal. To enhance staff safety, an agency may enter into a “photo/photocopy and disposal” agreement with the local district attorney’s office. Ensure compliance with all state laws and county regulations in the disposal of syringes and sharps containers through an approved disposal company.

Appropriate hazardous material handling and decontamination procedures should be established and practiced. OSHA-approved personal protective equipment and eye wash, hand wash, and showering facilities should be made available. Biohazardous materials bins and containers should be established for the appropriate discarding of contaminated material.

GUIDELINE 3.6
**Security Policies/
Procedures**

Create or amend a written directive establishing a comprehensive security policy for the evidence/property function to include, at a minimum, the following:

- Facility access
- Ingress/egress tracking systems
- Video surveillance system
- Store internal video surveillance recordings for one year (Government Code, [GC 34090.6](#))
- Duress alarms
- Perimeter alarms and motion sensors
- Fire detectors
- Carbon monoxide alarm
- Require staff to engage the alarm in the evidence/property facilities during off-duty hours
- All evidence/property facilities' access doors must be locked at all times to prevent unauthorized entry

Commentary

Security for the evidence/property facility is critical and essential to limit agency liability and ensure appropriate chain of custody and successful case prosecution. It is recommended that access be key or electronically restricted to designated evidence/property personnel only, and that all ingress/egress be tracked.

A video surveillance system should be installed and positioned to record and store surveillance of perimeter doors and interior doors where weapons, narcotics, drugs, cash, or other high-value items are stored. Internal surveillance recordings must be stored for a minimum of one year in accordance with time requirements established in Government Code, GC 34090.6. However, internal surveillance recordings may be stored longer at the discretion of the agency head after consultation with city/county counsel.

Alarm systems should be integrated within the property area to allow evidence/property staff to carry a personal alarm activation device. Monitored perimeter alarms should be used that include fire, carbon monoxide, and motion detection.

PURPOSE

Agencies must develop specific guidelines detailing the acceptable methods for the receipt, packaging, and storing of evidence and property that meet both agency needs and judicial standards (e.g., local crime lab, district attorney's office, Department of Justice, etc.). Handling procedures within the agency must be consistent for all evidence and property received. (See [Chapter 2](#) for recommendations on documentation procedures.)

This chapter provides guidance on evidence/property handling procedures, which includes:

- 4.1 General Handling Procedures
- 4.2 Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures
- 4.3 Firearms Handling Procedures
- 4.4 Narcotics/Controlled Substances Handling Procedures
- 4.5 Currency/High-Value Items Handling Procedures
- 4.6 Electronic Media/Photos/Digital Storage Handling Procedures
- 4.7 Biological/DNA Handling Procedures
- 4.8 Blood Drying and Wet Evidence Drying Equipment

GUIDELINE 4.1 **General Handling** **Procedures**

Create or amend a written directive addressing procedures for evidence/property intake, documentation, logging, processing, packaging, labeling, tracking, storage, and release to include, at a minimum, the following:

Evidence/Property Intake

- a) Chain of custody
- b) Establishing a dedicated area to be used solely for field personnel to process and package evidence/property, and preferably equipping this area with water access and an eye wash station for emergency decontamination
- c) Processing and entry of serialized property
- d) "Two-person" rule for documenting currency/high-value items
- e) Packaging, labeling, and sealing
- f) Right of Refusal/Correction notices
- g) Notifications to property owners
- h) Receipt to person from whom property was taken

Evidence/Property Storage

- a) Evidence and property storage and tracking
- b) Separate storage locations for short-term and long-term property
- c) Evidence and property release
- d) Identify a secure location
- e) Release by appointment only

Commentary

Specific processes should be established for evidence/property intake, logging, booking, initial processing, and labeling, including the completion of all required accompanying documentation. Field personnel should have a room designated solely for the initial processing and packaging of evidence/property. This room should be in close proximity to the evidence and property temporary storage lockers, and should be equipped with access to water and an eye wash station for use in emergency decontamination.

Adhering to protocols for ensuring an uninterrupted chain of custody assists in facilitating successful criminal prosecutions. Regardless of the packaging method used, every package containing evidence or property should be marked with an identifier (e.g., case number, control number, item number) which corresponds to the item description noted on the evidence/property report (e.g., evidence tag, property sheet, property receipt, property invoice). Each package submitted should be sealed with clear tape, or premade seal tape, across the evidence/property package flap, over the initials of the field personnel responsible for the packaging.

Wet/blood items need to be dried prior to packaging and submission, to reduce the chance of mildew. Agencies should consider using either a commercial drying locker (with appropriate venting and HEPA-filter system) or a simple isolated/secure area such as a locker or shower stall. (See commentary in [Guideline 4.7](#) regarding the drying of items containing wet biological evidence.)

In the event the item booked is not properly packaged or documented, the agency should utilize a “Right of Refusal” or “Correction Notice” document. The “Right of Refusal” or “Correction Notice” is a notification to correct an error in the submission of evidence or property. The staff responsible for originally booking the item should be notified of the deficiency and a timeline for correction. Additionally, that staff member’s supervisor and the executive overseeing the evidence/property function for the agency should be notified.

One option is the item in question be returned to an identified locker secured with a changeable combination lock. That combination should be released only to the responsible staff member for correction and can be changed after each use.

Evidence/property should never be stored in an employee’s desk, locker, vehicle, home, or any other location that would potentially interrupt the chain of custody. Personal use of any property should be strictly prohibited.

When evidence/property has been placed under the agency’s control, a procedure should be established for removing the property for further investigation, court, release to an owner or other custodian, or any other official purpose. An uninterrupted chain of custody can be further assured with appropriate logging and recording of property status.

Agencies should develop a protocol for standardizing evidence packaging materials and customizing shelving to allow for more efficient retrieval of evidence/property.

In dealing with currency/high-value items, field personnel should document all amounts and descriptions using the two-person rule. The two-person rule is a system whereby two agency employees, other than evidence/property personnel, verify currency/high value items noting amounts, denominations, or description to ensure accurate documentation.

Evidence/property storage location should be based on item size and classification. Whenever possible, consideration should be given to storing like-sized items in a specific storage location using a pre-identified indexing system (e.g., case number order). Packaging may include boxes, bags, envelopes, or boxes sized to the dimensions of the storage shelf. Large, bulky items should be stored in a location that will support their size and weight.

A storage location should be identified for items collected for safekeeping or found property. Consideration should be given to separating these property classifications from general evidence and property. [*Refer to [CC 2080 \(Civil Code\)](#), et al.*]

Tracking methods should be established that support the appropriate documentation of the chain of custody, as well as allowing for timely retrieval of evidence or property. This can be accomplished through the use of an electronic or manual tracking system. (See [Chapter 2](#) for additional information regarding automation.)

Methods should be established for notifying property owners regarding the release and/or status of their property. Following case adjudication or other disposition, reasonable, timely attempts should be made to return property to rightful owners. Release of property should occur in a secure area and be scheduled by appointment.

GUIDELINE 4.2
Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures

Create or amend a written directive addressing procedures for the handling of hazardous or dangerous evidence/property to include, at a minimum, the following:

- Explosives
- Pyrotechnics
- Ammunition
- Flammables
- Hazardous materials
- Hazardous material spills/exposures within the property facility
- Disposal of hazardous materials

Commentary

Flammables, explosives, pyrotechnics, and ammunition should be handled and stored in a manner approved by the fire department, bomb squad, and agency rangemaster.

Explosives, flammables, or hazardous materials should NOT be housed within the evidence/property facility. In the event these or other potentially dangerous items or substances are submitted, they should be stored separately in an appropriately secured, vented, grounded, and fireproof storage location outside the main facility. Ammunition must be removed from firearms and stored separately in a fireproof locker.

Agencies should consult with the local fire department, bomb squad, and/or the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) when determining department policy as it pertains to explosives, ammunition, flammables, and hazardous materials. Additional resources include county environmental health agencies, hazardous material teams, and the California Emergency Management Agency ([Cal-EMA](#)).

Agencies should work with their local fire departments in the development of protocols for reporting and responding to hazardous material spills and exposures inside the evidence and property facility. Disposal of hazardous materials should be in accordance with local and state environmental health and [OSHA](#) regulations.

GUIDELINE 4.3
Firearms Handling
Procedures

Create or amend a written directive addressing procedures for the handling of firearms to include, at a minimum, the following:

Firearms Intake

- a) Chain of custody
- b) Requiring proper packaging using gun boxes
- c) Photographs of serial numbers and packaged condition of the firearm (unloaded, rendered safe, secured properly in package)
- d) Verification of completed data entries
- e) Notifications to property owners
- f) Receipt to person from whom property was taken

Firearms Processing, Storage, and Release

- a) Firearms processing ([NIBIN/IBIS](#), and processing for DNA/biological evidence)
- b) Separate, secure storage locations for firearms (video monitored/alarmed)
- c) Special handling procedures (e.g., firearms that cannot be immediately unloaded, firearms held for fingerprints, firearms contaminated with biological material, etc.)
- d) Firearms release procedures (e.g., Law Enforcement Gun Release and criminal history inquiry)

Commentary

As with the intake of all evidence/property, firearms handling requires that specific intake, processing, and storage methods are followed to ensure the chain of custody. Prior to submission by field personnel, a firearm must be rendered unloaded and safe with the action open, and placed in a specifically designed firearms storage container (e.g., cardboard gun box or similar container), and secured to the container using nylon ties. (Refer to [Guideline 4.1](#) regarding the “Right of Refusal.”)

- ▶ **Evidence/property personnel MUST NOT be allowed, under any circumstances, to open sealed gun boxes to check firearms for safety or to confirm condition or serial numbers.**
- ▶ **Digital photographs of the firearm should be taken by field personnel prior to sealing the firearm in a gun box.** The photos will depict the firearm serial number and the fact that the firearm has been packaged in a safe condition (unloaded with action open). Copies of these photographs will accompany the evidence/property paperwork, and be placed in an envelope secured to the firearms box.
- ▶ **Firearms should NOT be packaged in a loaded condition.** However, in the unlikely event where firearms cannot be immediately unloaded (due to mechanical or evidentiary reasons), they **MUST** be packaged with caution in firearms boxes. The boxes **MUST** be labeled with warnings that the firearms are loaded and they must be temporarily stored in a separate section of the temporary storage area. These firearms **MUST** then be inspected by agency armorers/firearms specialists in a safe environment and rendered safe. A report is required specifying who rendered the firearms safe, and what measures were taken to do so. Agencies may consult their respective crime labs to set up procedures in which the loaded firearms can be boxed, identified as loaded, and sent directly to the crime labs to be unloaded and processed.

All firearms require entry into the Automated Firearms System (AFS) via the firearms module of the California Law Enforcement Telecommunications System ([CLETS](#)). **Entering firearms into AFS is not the duty or responsibility of the Evidence/Property Unit. This duty should be assigned to field, records, or dispatch personnel.**

Agencies, in consultation with their local crime labs and district attorney’s offices, should create a protocol for determining under what circumstances firearms will be submitted to the crime lab for forensic/biological evidence and ballistics testing and input into the National Integrated Ballistics Information Network ([NIBIN](#)) or the Integrated Ballistics Identification System ([IBIS](#)).

Firearms should be stored separately from other evidence/property, preferably in a card-key accessed, alarmed storage location equipped with video surveillance. Access to this storage facility should be limited to authorized personnel. Firearms identified for destruction are to be stored in the same location (gun vault/storage room) as other firearms.

In order to ensure firearms are only released to those who are legally eligible to possess them, and as per [PC 33855](#), owners must complete and submit the Law Enforcement Gun Release ([LEGR](#)) Application through the Department of Justice. A record of ownership must be recorded in AFS for the person claiming ownership.

GUIDELINE 4.4
**Narcotics/Controlled
Substances Handling
Procedures**

Create or amend a written directive addressing procedures for the handling of narcotics and other controlled substances to include, at a minimum, the following:

- Narcotics and dangerous drugs intake and storage
- Chain of custody
- Presumptive testing and weighing — must be conducted solely by field personnel (ventilation, personal protective equipment, and decontamination area is recommended)
- Packaging and labeling (heat-sealed vs. breathable packaging)
- Drying and packaging of green, wet, or fresh plant material
- Separate, secure, ventilated, monitored, and alarmed storage location (check [OSHA](#) recommendations)

Commentary

As with the intake of all evidence/property, narcotics and controlled substance handling requires that specific intake, processing, and storage methods are followed to ensure the chain of custody. Because of the hazards associated with narcotics and controlled substances, additional special handling is required.

Prior to packaging narcotics and/or controlled substances, presumptive testing and weighing by field personnel should be required. Caution should be taken whenever conducting such testing. Many vendors offer self-contained presumptive testing kits to avoid the hazards associated with open-liquid testing kits. In addition, field personnel should be required to wear protective gear (e.g., eye protection and gloves) when conducting the testing process. As a precaution, the testing should be conducted in an area with access to water or some type of hazardous spill clean-up equipment. If testing is conducted indoors, proper ventilation (e.g., fuming hood) should be used. All testing, equipment, and safety measures should minimally conform to OSHA standards (consult OSHA for recommendations).

Narcotics and/or controlled substances should be packaged in tamper-proof protective packaging and clearly labeled to eliminate the need for content verification during exchanges of custody. Proper sealing of narcotics and/or controlled substances includes a heat-sealed plastic bag, 4 mm or greater in thickness (e.g., KPAK-style packaging). All containers and packages should be inspected for tampering as a safeguard against evidence removal/substitution. All narcotics and/or controlled substances procedures should minimally conform to OSHA standards.

Green, wet, or fresh plant material should be dried prior to packaging. A secured, well-ventilated area should be provided for drying. Breathable material should be used for packaging.

As part of the packaging process, agencies may consider requiring two people to verify the weight of the substance prior to sealing.

Narcotics and/or controlled substances should be stored separately from other evidence and property in a secure, card-key accessed, alarmed storage location equipped with video surveillance. Access to this storage facility should be limited to specified/authorized personnel.

The ventilation system in the narcotics/controlled substances storage area should be separate from other facility HVAC systems. Consult [OSHA](#) recommendations for guidelines on air exchange related to the narcotics/controlled substances storage area (**OSHA recommends a complete air exchange of five times per hour**).

Agencies should be aware that due to the potential health hazards associated with the storage of narcotics/controlled substances, as well as hazardous/biohazardous material, complaints to OSHA could result in OSHA inspections and fines.

GUIDELINE 4.5
Currency/High-Value
Items Handling
Procedures

Create or amend a written directive addressing procedures for the handling of currency/high-value items to include, at a minimum, the following:

- Intake and packaging (two-person rule)
- Detailed descriptions (using generic terms) of valuables
- Chain of custody
- Packaging and labeling (e.g., currency envelopes and generic descriptions)
- Separate, secure storage location (safe/vault)
- Access/use of the safe/vault
- Alarm and video surveillance of the safe/vault
- Deposit policy, monetary threshold, and deposit procedure
- Maintaining a running balance of cash stored in the safe/vault
- Maintaining a current inventory of valuables stored in the safe/vault

Commentary

As with the intake of all evidence/property, the handling of currency/high-value items (e.g., travelers' checks, negotiable bonds, jewelry, collectors' items) requires that specific intake, processing, and storage methods are followed to ensure security and the maintenance of the chain of custody. Because of the liability associated with currency and valuables, additional special handling is required.

Specific procedures should be established that include the use of the two-person rule in the inventory and counting system. To assist in eliminating counting errors, currency should be identified by denomination and placed in specially designed cash envelopes.

In order to avoid potential liability or questions of impropriety, valuables should be individually itemized and carefully (but generically) described and documented (e.g., yellow metal ring with clear stone) prior to packaging.

A monetary threshold and deposit procedure should be established in coordination with local prosecutors and city/county attorneys. If currency has unique evidentiary value, it should NOT be deposited, but kept in a secured storage area. If the practice of depositing such funds is not feasible on an individual basis, an agency may consider establishing a threshold for the depositing of multiple cases in one transaction.

Currency/high-value items must be stored separately in a safe or vault, and should NOT be mixed with general items of evidence/property. The entry to the safe/vault should be alarmed and monitored by video surveillance.

Procedures should be established regarding the access and use of the safe/vault. A running balance of the cash total in the safe should be maintained, as well as a current inventory of valuables stored in the safe.

GUIDELINE 4.6
**Electronic Media/
Photos/Digital Storage
Handling Procedures**

Create or amend a written directive addressing procedures for the packaging and storage of digital or electronic media to include, at a minimum, the following:

- Anti-static bubble wrap bags
- Anti-static heat-sealed bags (e.g., KPAK)
- Faraday packaging for mobile/smart phones
- Shared systems for storing digital evidence (e.g., dash-camera videos, digital interviews/interrogations, digital photos)
- Separate storage location for digital media
- Video, audio, digital files or tapes
- Data storage devices (e.g., desktop/laptop/tablet computer)
- Proper e-waste disposal

Commentary

Law enforcement agencies should consider contacting the local crime lab to develop guidelines for packaging standards and destruction of electronic evidence (e.g., smart phones, hard drives). Faraday pouches can allow mobile phones/smart phones to be stored while being switched on, in order to verify time and date stamps on information contained in the phones. The protective material on the pouches prohibits the phones from receiving any further outside signals/information, and protects the data stored in the phones from remote wiping.

Agencies using a shared system for downloading and storing digital information such as dash-camera videos, interrogations, etc., should ensure the system is secure from unauthorized users and is backed up appropriately to prevent the potential loss of evidence. Written directives should specify what information is to be stored in these shared systems, when the information is to be placed in the system, and how and when it is to be retrieved. Retrieval or review of this data should NOT be a collateral duty of evidence/property personnel.

All digital media should be stored separately from other evidence to prevent possible loss of information due to magnetic influences (e.g., static electricity, magnet, or electromagnetic pulse).

Disposal of e-waste should be done in accordance with county environmental health and [OSHA](#) regulations.

GUIDELINE 4.7
Biological/DNA
Handling Procedures

Create or amend a written directive addressing procedures for the handling and disposal of biological/DNA evidence to include, at a minimum, the following:

Biological Material Intake

- a) Safety equipment and exposure plan
- b) Packaging and labels
- c) Temporary storage/secure drying area

Evidence and Property Storage and Disposal

- a) Packaging condition upon receipt to evidence storage
- b) Controlled environment storage room (i.e., cool room), refrigerator, or freezer
- c) Statutory requirements (e.g., [PC 680](#) - Sexual Assault Victims' DNA Bill of Rights, [PC 803](#) - Tolling or Extension of Time Periods, [PC 1417.9](#) - Retention of Biological Material)
- d) Safe disposal of biohazardous materials pursuant to statutory requirements

Commentary

Items of biological/DNA evidence should be clearly marked and labeled as biohazard by field personnel prior to submission to evidence and property.

To reduce the risk of evidence contamination and to ensure personal safety, evidence/property personnel should utilize personal protective equipment (PPE), including goggles, gloves, and masks. The agency should have a plan to address occupational exposure to potentially infectious materials.

Packaging

Packaging requirements must account for the condition of the evidence at time of collection. Biological/DNA evidence exists in several different

forms, each of which must be packaged, handled, and stored uniquely. Biological/DNA evidence comes in two physical states: wet or dry. Items typically found in wet form include blood or urine vials. Items requiring drying must be dried prior to packaging and submission. Agencies are encouraged to use a commercially manufactured drying cabinet. The following information is an excerpt from the [*NIJ Biological Evidence Preservation Handbook*](#).

Packaging Best Practices Summary

Agencies should encourage the following best practices in biological evidence packaging:

Containers

- ✓ Use paper bags, manila envelopes, cardboard boxes, and similar porous materials for all biological evidence
- ✓ Use butcher or art paper for wrapping evidence, for padding in the evidence container, and/or as a general drop cloth to collect trace evidence.
- ✓ Package evidence and seal the container to protect it from loss, cross-transfer, contamination, and/or deleterious change.
- ✓ Seal the package in such a manner that opening it causes obvious damage or alteration to the container or its seal, for security purposes.

Item Packaging

- ✓ Package each item separately; avoid comingling items to prevent cross-contamination.
- ✓ Use a biohazard label to indicate that a potential biohazard is present.
- ✓ Plastic bags are NOT preferred for storage due to the possibility of bacterial growth or mold.
- ✓ If drying wet evidence is not possible, place the evidence in an impermeable and nonporous container and place the container in a refrigerator that maintains a temperature of 2°–8°C (approximately 35°–46°F) and is located away from direct sunlight until it can be air dried or until it can be submitted to the lab.
- ✓ Seal each package with evidence tape or other seals, such as heat seals and gum seals (avoid staples if possible). All seals should be marked to identify the person who sealed the package. Mark across the seal with the sealer's identification or initials and the date.
- ✓ All firearms submitted into evidence for biological testing should be unloaded, made safe, and placed into a new cardboard gun box. The submitting individual should seal the box and indicate on the exterior of the box that the weapon was unloaded, made safe, and may contain biological material.

- ✓ Label items according to agency policy and procedures. At a minimum, mark each package with a unique identifier, the identification of the person who collected it, and the date of collection. The unique identifier should correspond to the item description noted on the property/evidence report (e.g., evidence tag, property sheet, property receipt, or property invoice).
 - ✓ Maintain the integrity of the item through the package documentation. Documentation includes all markings, seals, tags, and labels used by all of the involved agencies. Therefore, it is critical to preserve and document all packaging and labels received by or returned to the agency.
-

Storage

Storage equipment for biological evidence may include lockers, refrigerators/freezers, or evidence rooms which are secure. Breathable storage containers prevent condensation and evidence degradation.

According to the [*NIJ Biological Evidence Preservation Handbook*](#), biological evidence should be stored in one of the following environments depending on the type of evidence, and if known, the type of analysis that will be conducted:

- **Frozen:** Lab freezer storage temperatures at or below -10°C (14°F)
- **Refrigerated:** Stored between 2°C (35°F) and 8°C (46°F) with less than 25% humidity
- **Temperature Controlled:** Stored between 15.5°C (60°F) and 24°C (75°F) with less than 60% humidity (i.e., a cool room)
- **Room Temperature:** No temperature or humidity control guidelines

The creation of a temperature-controlled room (i.e., cool room) would allow agencies greater storage capacity and could reduce the need for acquiring additional refrigerators/freezers as the evidence inventory increases.

The choice of storage location for biological evidence depends upon how long the evidence is meant to be stored. The matrices on the following page identify both temporary ([Table 4.1](#)) and long-term ([Table 4.2](#)) storage conditions. The information shown is an excerpt from the *NIJ Biological Evidence Preservation Handbook*.

An agency should consult with the county crime lab and district attorney's office for input on preference for the storing of biological evidence.

Table 4.1 Temporary Storage Conditions Matrix

Type of Evidence	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood	Never	Best	Less than 24 Hours	–
Urine	Best	Less than 24 Hours	–	–
Dry Biological Stained Item ¹	–	–	Best	Acceptable
Wet Bloody Items (if cannot be dried)	Best	Acceptable	Less than 24 Hours	–
Bones	Acceptable	–	Acceptable	Acceptable
Hair	–	–	Best	Acceptable
Swabs with Biological Material	–	Best (Wet)	Best (Dried)	–
Vaginal Smears	–	–	Best	–
Feces	Best	–	–	–
Buccal Swabs	–	–	Best	Less than 24 Hours

Table 4.2 Long-Term Storage Conditions Matrix

Type of Evidence	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood	Never	Best	–	–
Urine	Best	–	–	–
Dry Biological Stained Item ¹	–	–	Best	–
Bones	–	–	Best	–
Hair	–	–	Best	Acceptable
Swabs with Biological Material	–	–	Best (Dried)	–
Vaginal Smears	–	–	Best	–
Feces	Best	–	–	–
Buccal Swabs	–	–	Best	–
DNA Extracts	Best (Liquid)	Acceptable (Liquid)	Acceptable (Dried)	–

¹This category includes blood, semen, saliva, and vaginal swabs that are dry.

Requirements of [PC 680](#) and [PC 803](#)

- ***PC 680 – Sexual Assault Victims’ DNA Bill of Rights***

DOJ [Cal-DNA Databank](#) and the national database through the [Combined DNA Index System \(CODIS\)](#) make it possible for many sexual assault perpetrators to be identified after their first offense, provided that rape kit evidence is analyzed in a timely manner. Agencies are encouraged to work within the time limits imposed by subparagraphs (A) and (B) of paragraph (1) of subsection (i) of [PC 803](#).

If the law enforcement agency elects not to analyze DNA evidence within the time limits of PC 803, a victim of [PC 261](#), [261.5](#), [262](#), [286](#), [288a](#), or [289](#), where the identity of the perpetrator is in issue, shall be informed, either orally or in writing, of that fact by the law enforcement agency.

If the law enforcement agency intends to destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case prior to the expiration of the statute of limitation as set forth in PC 803, the agency shall give written notification to the victim at least 60 days prior to the destruction or disposal of the rape kit evidence or other crime scene evidence.

- ***PC 803 – Tolling or Extension of Time Periods***

Notwithstanding any other limitation of time described, a criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing, if both the following conditions are met:

1. The crime is one that is described in [PC 290\(c\)](#) .
2. The offense was committed prior to January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type **no later** than January 1, 2004, **OR** the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type **no later** than two years from the date of the offense.

Requirements of [Penal Code 1417.9](#)

[PC 1417.9\(a\)](#) established the condition that the appropriate government agency shall retain all biological material that is secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case. However, if certain conditions are met, as specified in [PC 1417.9\(b\)](#), the biological evidence may be disposed of prior to the period of time established in PC 1417.9(a).

Upon approval for biological evidence disposition, but prior to the final disposition of such evidence, refer to the legal requirements for notification per PC 1417.9, to ensure proper compliance. (*Refer to the California Attorney General’s [Post-Conviction DNA Testing Report](#).*)

GUIDELINE 4.8
Blood Drying and
Wet Evidence Drying
Equipment

Create or amend a written directive addressing procedures for the use, care, and cleaning of blood drying and wet evidence drying equipment, to include, at a minimum, the following:

- Protocols for when to use the equipment
- Instructions on how to use/secure the equipment
- Procedures for tracking items of evidence/property that are being dried but have not as yet been submitted to the evidence/property storage area
- Procedures for tracking the use and cleaning of the equipment
- Instructions for the care/maintenance of the equipment
- Instructions for the cleaning of the equipment (i.e., equipment must be cleaned after each use and the equipment must be identified as clean for the next user)
- Procedures for the packaging/submission of items after the drying process is complete

Commentary

Agencies must ensure that protocols are established for the use of commercial blood drying and wet evidence drying equipment (or lockers identified specifically for the drying of blood-soaked or wet items). The use of blood drying and wet evidence drying equipment should be standardized by agency policy dictating when and how the equipment is to be used, how items being dried are to be tracked prior to submission to the evidence/property storage area, and how the equipment is to be cared for, maintained, and cleaned.

The equipment must be located outside the main evidence/property storage area, accessible to field personnel. Agencies should avoid placing the equipment in areas where cross-contamination could occur due to external influences (e.g., vehicle sally port, firearms range, etc.). Once the equipment is in use, it should be locked or secured until the evidence is dry.

Records/logs must be maintained perpetually and indefinitely regarding the use and cleaning of the equipment. The equipment is to be cleaned in an approved manner after each use and identified as clean (e.g., with the use of colored tie or seal) for the next user. Directives must indicate how the items are to be packaged/submitted after the drying process.

PURPOSE

In order to maintain a high degree of evidentiary integrity, ensure the safekeeping of all items, and preserve the chain of custody of evidence/property, regular audits, inventories, and inspections of the evidence/property facility are required and need to be conducted by qualified personnel and documented appropriately.

This chapter will define and discuss the pertinent elements of:

- 5.1 **Audits** – Audits focus on the systems in place to locate, track, and account for items of evidence/property in the custody of the agency.
- 5.2 **Inventories** – An inventory is an accounting of all items of evidence/property in the custody of the agency.
- 5.3 **Inspections** – Inspections deal with safety, cleanliness, functionality, and efficiency related to an agency's evidence/property facilities.

GUIDELINE 5.1
Audits

Create or amend a written directive addressing procedures for conducting an audit to include, at a minimum, the following:

- Quarterly review of selected stored items and their corresponding completed property transactions, including special emphasis on sensitive items (e.g., firearms, narcotics, currency, jewelry, and other valuables)
- Review of packaged evidence seals for any evidence of tampering
- A requirement for audit results to be documented and directed to the agency head

Commentary

Evidence/property facility audits should ensure the following:

- Standards and policies are routinely followed
- Evidence/property is protected from damage or deterioration
- Appropriate chain of custody processes are utilized
- Written documentation (e.g., flow charts, property reports, and logs) are appropriately maintained
- Notification and release authorizations have been obtained
- Evidence/property location and status are validated
- Evidence/property having no evidentiary value is being disposed of according to policy

In addition, evidence/property facility audits should identify the following:

- Who seized the item
- What was the date and time of the evidence/property seizure

- Who documented it
- Who packaged it
- Who placed it in a temporary storage locker
- Who retrieved it from a temporary locker and processed it into the evidence system
- Who stored the evidence/property and at what time and date
- Who signed the property out for court use, when, and what was the disposition
- Who signed it out for analysis, who transported it, who analyzed it and when and with what results, and who transported it back to the evidence room
- Who authorized release of the property
- Who notified the owner to retrieve the property and what date was the owner notified
- Who released the property and the date and time of release
- What identification was obtained from the owner prior to release
- Does the release paperwork show final release information including release signature and date
- Have CLETS entries been updated to show release information or destruction information

Audits not only verify compliance, but identify areas that may require review, and can facilitate appropriate processes for identifying and correcting procedural deficiencies. One of the following auditing methods should be utilized:

- Select and review a single case, reviewing the file from collection through disposition
- Randomly select an item of evidence/property for review, and backtrack the storage process and documentation of the item from its shelved location through its submission to the evidence/property storage area
- Randomly select an inactive case file for review. If purged, documentation should be reviewed to ensure compliance from collection through disposition

(See further commentary below for considerations on ensuring the [“random selection process.”](#))

Audits should be thoroughly documented to demonstrate compliance and/or rectification of non-compliance issues, and the results forwarded to the agency head. When validating items, focus attention first on narcotics/controlled substances, currency/high value items, and firearms. After random items from these areas are selected and validated, the audit can then focus on general items of evidence/property.

Audits should be conducted on both a routine and random basis. Audits should be conducted when information is received that the integrity of the systems or facility is in question, when there is a change in the agency head, or when there is a change in evidence/property personnel.

An audit of evidence packaging and employee seals is critical to ensuring the safety and integrity of the evidence management system. Items should NOT be opened; however, if seals have been broken, the contents must be verified and documented prior to resealing. The replacement seal should be initialed, dated, and witnessed, updating the chain of custody as well. Special attention should be given to handling, packaging, and storing biological evidence to reduce the potential for cross-contamination. If a broken seal is identified during the audit, appropriate PPE should be utilized to safeguard both staff members and the integrity of the evidence.

Handling of biological evidence should be documented and appropriate decontamination procedures should be followed in the event biological evidence is unsealed.

Random Selection Process

In the case of random audits, the audit staff should ensure that items selected have been chosen randomly, without any personal bias. For example, an auditor checking the firearms vault might gravitate toward selecting a particular model of firearm of interest to the auditor. To minimize bias, a firearm could be selected randomly by placing all the case numbers of firearms located on a shelf into a hat, and blindly selecting a case number associated with one of the firearms. Programs and software for randomizing can be located on the Internet.

GUIDELINE 5.2 Inventories

Create or amend a written directive addressing procedures for conducting an inventory to include, at a minimum, the following:

- A process and timeline to ensure accountability of all evidence and property items, and the schedule for the inventory process
- Review of agency records
- Ensure integrity of specific storage locations or categories (narcotics, firearms, currency, etc.) and associated documentation.
- Shelf-to-file inventory process
- Routine inspection of "Unable to Locate" (UTL) files
- Procedures to follow if agencies employ RMS software with an inventory capability
- A requirement for inventory results to be documented and directed to the agency head

Commentary

Conduct an inventory under the following conditions:

- When information is received suggesting a breach of system integrity
- When there is a change of the agency head
- When there is a change of evidence/property personnel
- On an **annual basis** where the inventory is started and completed in its entirety at the end of the calendar or fiscal year and all items in the evidence/property storage facility are accounted for and verified

OR

- On a **perpetual basis** where the evidence/property facility is sectioned off at the beginning of a calendar or fiscal year, and each section is inventoried throughout the year until the entire evidence/property facility and its contents are accounted for and verified by year's end. As with audits, during an inventory, seals should remain unopened; however, if seals have been broken, contents must be verified and documented in a written report prior to resealing. The replacement seal should be initialed, dated, and witnessed

When completed, the file(s) should be reviewed for any unaccounted items. Items unaccounted for are considered to be missing and should immediately be brought to management's attention. In this situation, a written report should be filed to explain the discrepancy and its resolution. The record should be maintained on file until final disposition is determined.

In the event items are found on the shelf without documentation, the items should be researched to connect them to a case, even if a complete inventory of all items of evidence and property must be conducted. If, after all practical research has been exhausted, the items still cannot be connected to a case, they should be listed on a "Found Property Report," held for the statutory period, and then disposed of according to existing statutes.

Some RMS/Bar Coding systems may be equipped with an inventory function. Agencies using this module need to establish written procedures specifying how to use the module in the inventory process.

Inventory results should be thoroughly documented, with the results forwarded to the agency head. In the case of a perpetual inventory, the agency head should receive a report of the inventory results as each section is completed.

**GUIDELINE 5.3
Inspections**

Create or amend a written directive addressing procedures for conducting an inspection to include, at a minimum, the following:

- Frequency of inspections (e.g., scheduled and random)
- Inspector(s)

- Cleanliness, order, and functionality of storage facility
 - Health and safety
 - Quality assurance requirements
 - A requirement for inspection results to be documented and directed to the agency head
-

Commentary

Periodic inspection of the evidence/property facility is important to ensure the security, integrity, and safety of the evidence/property facility.

Formal inspections should be documented, with the results forwarded to the agency head and the EPM. When specific issues are identified, a proposed resolution designed to ensure compliance with agency policy should be developed. All inspection records should be retained based on agency records retention schedules.

Routine, informal inspections of the evidence/property facility are recommended to ensure the facility is maintained in a safe, clean, functional, and organized manner.

Inspection results should be thoroughly documented, with the results forwarded to the agency head.

INTENTIONALLY BLANK

PURPOSE

One of the critical functions of the evidence/property unit is ensuring the appropriate, timely, and lawful disposition of evidence/property.

This chapter provides guidance on the disposition and purging of evidence/property, with emphasis on the classifications of property, methods of disposal, and procedures for the disposition and purging of firearms, narcotics/controlled substances, currency/high-value items, and biohazardous materials. The following guidelines are addressed:

- 6.1 Considerations for Disposal
- 6.2 Methods of Disposal and Classifications of Property
- 6.3 Firearms: Special Procedures for Disposition/Purging
- 6.4 Narcotics: Special Procedures for Disposition/Purging
- 6.5 Currency/High-Value Items: Special Procedures for Disposition/Purging
- 6.6 Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging
(including explosives, ammunition, flammables, and pyrotechnics)

GUIDELINE 6.1 **Considerations for Disposal**

Create or amend a written directive addressing the issues to consider in determining the disposition and purging of evidence/property to include, at a minimum, the following:

- Obtaining proper authorization for final disposition of evidence and property
- Returning items to identified owners
- Lawful disposal of evidence and property
- Disposal of items requiring special consideration
- Reconciling all computerized data systems and hard-copy paperwork to reflect the final disposition of evidence/property items, including who authorized and handled the release or destruction, and to whom items were released

Commentary

When appropriate, district attorneys and investigating peace officers should be involved in decisions involving evidence/property disposition. This collaboration will aid in the prevention of erroneous disposal of evidence that may be classified as follows:

- Evidence and property associated with multiple cases
- Cases with multiple defendants
- Cases subject to DA refilling
- Evidence and property with questionable ownership

- Evidence and property subject to court order (e.g., search warrant, return of property order)
- Evidence and property associated with sexually violent predators [Refer to [WI 6600](#) (Welfare and Institutions Code)]
- Evidence and property associated with domestic violence incidents

Disposal of Digital Media Storage Devices

Before a device (e.g., computer, smart phone, or tablet) can be auctioned, its hard drives or storage media should be removed and recycled by a bonded recycler. A computer hard drive cannot be completely erased, and if sold with sensitive material (e.g., financial records), significant penalties may be imposed on the releasing agency. Agencies are encouraged to contact the [Department of Justice](#) or a digital forensics expert regarding disposal criteria.

Disposal of Serialized Property

Any person who knowingly buys, sells, receives, disposes of, or has in his or her possession any personal property from which the manufacturer's serial number, identification number, electronic serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, is guilty of a public offense (*refer to [PC 537e](#)*).

- When property comes into the custody of a peace officer, it becomes subject to the provision of [PC 1407–1411](#) relating to disposal of stolen or embezzled property. Property subject to this section shall be considered stolen or embezzled property and, prior to being disposed of, may have an identification mark imbedded or engraved in, or permanently affixed to it
- If serialized property is returned to the finder or auctioned, the appropriate disposition should be entered into the California Department of Justice Automated Property System. If the original serial number has been tampered with or destroyed, an attempt should be made to restore the serial number or a new serial number should be generated and affixed prior to release. A new number does NOT need to be generated if the property is to be destroyed (*refer to [PC 537e](#)*)
- Proper documentation of both the release and the newly generated serial number should be retained

GUIDELINE 6.2 **Methods of Disposal and Classifications of Property**

Create or amend a written directive addressing procedures for purging and disposing items of evidence/property to include, at a minimum, the following property classifications:

- Found property
- Property for safekeeping
- Evidence

- Property for auction/donation
- Property retained for agency use (must be secured separately and listed in the agency's general inventory)
- Property for destruction

Commentary

Agencies should determine the proper method of disposal associated with each classification of property. The primary methods used to dispose of items from the evidence/property facility are listed below.

- Returned to the owner or finder
- Sold at public auction
- Converted to agency use (includes asset-seizure items)
- Destroyed
- Other claims of ownership
- Donations

Found Property

Any property with no evidentiary value, and for which the owner may or may not be known, is defined as found property [*refer to [CC 2080–2080.9](#), (Civil Code)*].

Found property should be maintained separately from evidence. This separation ensures that found property is retained for the term prescribed by law.

Refer to the individual sections of this chapter for disposition of found weapons, narcotics, contraband, and valuables.

Returning to Owner

The agency is required to notify the owner , if known, that it possesses the property and where the property may be claimed. This notification should be made as soon as possible. The agency may require the property owner to make a “reasonable” payment to defray the costs of storage and care of the property. If the owner appears within 90 days after an agency receives the property, the owner proves his/her ownership of the property, and pays all reasonable charges, the agency will return the property (*refer to [CC 2080.2](#)*).

Returning to Finder

If the found property is valued at less than \$250 and no owner appears to claim the property within 90 days, the title shall vest in the person who found or saved the property without the requirement of published notification. (*Exception: If the property was found by a public employee in the course of employment, the employee will have no claim to the property and the said property will be sold at public auction, lawfully diverted to agency use, or destroyed.*)

If the property is valued at \$250 or more and the owner does NOT claim it, the law enforcement agency shall cause notice of the property to be

published at least once in a newspaper of general circulation. If after seven days, the owner fails to claim the property and the person who found or saved the property pays the costs of publication, the title shall vest in the person who found the property (*refer to [CC 2080.3](#)*). The agency may require the finder to pay the storage fees.

Adoption of Local Regulations

Any public agency may elect to be governed by the provisions of [CC 2080–2080.10](#) with respect to disposition of personal property found or saved on property subject to its jurisdiction, or may adopt reasonable regulations for the care, restitution, sale, or destruction of unclaimed property in its possession. The agency shall provide that such property will be held for a period of at least three months, that thereafter such property will be sold at public auction to the highest bidder, and that notice of the sale will be published at least five days prior to sale in a newspaper of general circulation published in the county in which such property was found (*refer to [CC 2080.6](#)*).

- With the concurrence of legal counsel, agencies may consider NOT returning found weapons or firearms to the finder. The weapons or firearms may be declared a nuisance and destroyed
- Agencies may adopt local legislation to allow the disposal of perishable foods and liquor at the time of intake to reduce health risks
- Agencies may consider procedures for the return or destruction of found prescription medications
- Any found item determined to be contraband should be processed for destruction

Abandoned Property

There is no application of [CC 2080–2080.6](#) to items that have been abandoned intentionally by their owners (*refer to [CC 2080.7](#)*).

Other Claims of Ownership

The agency should be mindful of other civil proceedings or claims against the held property. Pawn dealers and insurance companies may have a claim against the property.

Property for Safekeeping

Property that has no evidentiary value, which is being held by a public agency for the purpose of temporary storage for the owner, is considered property for safekeeping (*refer to [CC 2080.10](#)*).

Agency Responsibilities

When an agency takes property from an individual for safekeeping, the agency takes responsibility for the care, storage, documentation, and disposition of the property.

The agency must provide a receipt to the owner and provide instructions regarding the retrieval of the property. The receipt and instructions should either be given to the person from whom the property was taken at the time

of collection, or be immediately mailed, by first-class mail, to the person from whom the property was taken. (Refer to [Appendix C](#) for a Sample Property Receipt.)

The receipt and instructions should notify the owner or person from whom the property was taken that the property must be claimed within 60 days after the public agency obtains possession. If the owner of the property does NOT respond to the written notification and the property is NOT claimed within 60 days, the property will be considered abandoned and will be disposed of. To retrieve the property, the owner should be required to do one or more of the following:

- Make an appointment to pick up the property. The person claiming the property must identify him/herself with acceptable identification (e.g., driver's license, California identification card, passport, military identification card, or booking photo). The identification information should be recorded on the appropriate property form
- Authorize, in writing, another person to retrieve the property
- Notify the public agency, in writing, that he/she is unable to retrieve the property because he/she is in custody, and request the agency to hold the property. If a person notifies the agency that he/she is unable to retrieve the property within 60 days, or has an authorized person retrieve the property, the agency should hold the property for no more than ten additional months. The agency may then dispose of the property according to [CC 2080.10](#).

Evidence

Items taken, with or without a search warrant, in connection with the investigation of a crime, are considered evidence.

Authorization for Release or Destruction of Evidence

Evidence/property personnel may receive notification and authorization for release or destruction in any of the following ways:

- The district attorney's office forwards a case disposition to close, suspend, or reject a case or return property
- The court sends disposition on completed cases
- The property owner inquires about the disposition of his/her property
- The investigating peace officer authorizes release or disposal
- A court order authorizes the release of the property
- The property, or an accumulation of property, poses a storage problem or hazard and disposal is ordered by the agency head
- Department policy allows for property personnel to purge old items according to the statute of limitations in the Penal Code (photograph and release prior to disposition based on established criteria)

Appeals Period – Adjudicated Cases

Generally, evidence may NOT be released or disposed of prior to the adjudication of the case and the expiration of the appropriate appeals period following sentencing (30 days following sentencing on misdemeanors and 60 days on felony cases) in accordance with [CRC 8.320](#) and [CRC 8.782](#) (Rules of Court). It is advisable to wait an additional 30 days beyond these dates to verify that no appeal has been initiated.

Maintaining Evidence from Adjudicated Cases

Evidence/property from capital crime homicides, embezzlement of public funds, or falsification of public documents cases should be retained indefinitely, except when disposal release is ordered by the investigating peace officer, district attorney’s office, the court, or death of the defendant.

Biological material from convicted felons meeting the criteria of [PC 1405](#) must be maintained for the duration of the incarceration, or when notice of disposal is given to all appropriate parties, and no response is received within 90 days of notice being sent (*refer to [PC 1417.9](#)*).

Statute of Limitations* – Open Cases

- Misdemeanor Cases 1 year
Exceptions:
 - [PC 647.6](#) 2+ years
 - [BPC 729, 7027–7189](#) 2+ years
 (Business and Professions Code)

- Felony Cases:
 - Felony sexual offenses 10 years
 - Felonies punishable by 8 years or more 6 years
 - [PC 368](#) felonies 5 years
Exceptions: Theft or embezzlement
 - [PC 803\(c\)](#) felonies 4 years
 - All other felonies 3 years

- Cases that Involve:
 - Property from homicide Retain indefinitely
 - Embezzlement of public funds Retain indefinitely
 - Falsification of public documents Retain indefinitely

*Statute of limitations is only in effect when a suspect has NOT been established and there is no warrant issued.

Cases with Special Circumstances

When special circumstances exist, cases should be reviewed and agency policies established for each. Some agencies have special retention periods for the following:

- Suicides or unattended deaths (may vary based on age of decedent)
- Cases involving crimes against children
- Fatal accidents
- Cases involving city/county as a party to the case (civil lawsuits)
- Death penalty cases

Cases Involving Search Warrants

Items taken pursuant to a search warrant must have a court order prior to release or destruction per [PC 1536](#). Be aware that this circumstance does NOT preclude the need for waiting the full appeals period, nor for those special cases, which may need the evidence to be held for a longer period of time. Anytime a court order is received, the investigating peace officer should be notified prior to taking action. Consider a procedure to include PC 1536 in the search warrant for judge's signature.

Some agencies have a clause included in the original search warrant which allows for disposal of evidence upon adjudication without the need of an additional court order.

Court Exhibits

Items held by the court as exhibits need a court order for disposition, destruction, or diversion per [PC 1417](#), *et al.*

Property for Auction

Upon adjudication of a criminal case, all unclaimed, found, safekeeping, evidence, and property items may be subject to sale at public auction.

Authorization to Sell or Auction Property

The legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale, or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county (*refer to* [CC 2080.4](#)). All provisions of [CC 2080.3](#) and [CC 2080.6](#) must be adhered to.

- The police or sheriff's department may sell such property by public auction, in the manner and upon the notice of sale of personal property under execution, if it is a thing which is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or being found, refuses upon demand to pay the lawful charges provided by sections [CC 2080](#) and [CC 2080.1](#), or fails to respond to notifications and in the following cases (*refer to* [CC 2080.5](#)):

- The property is in danger of perishing, or of losing the greater part of its value
- The lawful charges provided by [CC 2080](#) and [CC 2080.1](#) amount to two-thirds (2/3) of its value
- In the case of other personal property, a similar notice must be posted not less than five days prior to sale in a newspaper of general circulation

Property Retained for Agency Use

Upon adjudication of a criminal case, all unclaimed, found, safekeeping, evidence, and property items may be retained and/or released to a public agency, in lieu of public auction as provided by [CC 2080.6](#) and [PC 1411](#). A memo from an agency head should document the approval of a transfer of property for agency use.

Property for Destruction

Any item in the custody of the agency whose disposition has been determined and is subject to destruction is considered property for destruction.

Suggested Methods for Destruction

- Property of little or no value can be disposed of in an appropriate dumpster after being made unserviceable
- Papers and digital media of a sensitive nature should be appropriately destroyed (e.g., in-house or contracted through a bonded shredding company)
- Alcoholic beverages should be poured out and containers should be properly recycled
- Ammunition can be disposed of by various means, including, but not limited to relinquishing it to a:
 - Rangemaster
 - Bomb squad
 - Military facility
 - Local range
 - Private disposal service
- Fireworks should be relinquished to the fire department or bomb squad for disposal
- Digital media components are considered hazardous waste and should be disposed of appropriately

GUIDELINE 6.3**Firearms:
Special Procedures
for Disposition/Purging**

Create or amend a written directive addressing procedure for the disposition or purging of firearms to include, at a minimum, the following:

- Automated Firearms System ([AFS](#)) inquiry to determine firearm status
- Conferring with the Department of Justice or local crime lab for potential evidentiary value of firearms booked as evidence, found property, or destruction

Releasing/Destroying Firearms:

- a) Establish criteria for approval from the district attorney's office and the investigating peace officer
- b) Query firearms through appropriate systems and databases
- c) Regardless of classification, conduct a DOJ Law Enforcement Gun Release and criminal history inquiry on the owner claiming custody of the firearm prior to its release
- d) Check current DOJ publications for definition of assault weapons and ownership restrictions
- e) Ensure firearms for destruction are made unserviceable through shredding, grinding, or melting at a commercial facility

Disposing of Firearms NOT Subject to Destruction:

- a) Auction by a federally licensed firearms dealer
- b) Conversion to agency use
- c) Transfer to a crime lab or other agency for official use (requires a court order)

Commentary

Prior to the release, destruction, or retention of any firearm in the custody of the agency, several criteria must be satisfied, including all appropriate database inquiries regarding ownership or possession of the firearm.

Before any firearm is released, an inquiry should be made through all applicable federal, state, and local databases.

Firearms taken at the scene of a domestic violence incident pursuant to [PC 18265](#) must be made available after 48 hours but no later than five business days after the seizure. In those cases where a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency shall advise the owner of the firearm or other deadly weapon, and within 60 days of the seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. Each agency should establish a policy or procedure to enable this process to be handled expeditiously.

When weapons are seized from an individual ([WI 5150](#)) pursuant to [WI 8100–8103](#), agencies may petition the court within 30 days of release of the individual from the mental health facility if the agency has reasonable

cause to believe the return of the weapon is likely to endanger the individual or others. The owner should contact the evidence/property officer, after 15 days from the date of seizure, to determine if a weapon can be returned. If no petition is filed with the court within 30 days of release of the individual from the mental health facility, the weapon may be made available upon request. Each agency should establish a policy to facilitate this process.

[FC 6389](#) (Family Code) states a person subject to a protective order may NOT own or possess a firearm and the civil court may order that the agency hold the firearm(s) for the duration of the protective order. This code allows agencies to charge fees for the actual cost of storing these firearms.

Weapons are turned in for safekeeping for a variety of other reasons (e.g., “cooling-off” period, taken from impounded vehicles, taken from an arrestee in legal possession of the weapon NOT related to the cause of arrest). There is no specified holding period; the owner may claim the firearm at any time within 60 days of notification.

In any event where a firearm is released to someone other than the owner, a federally licensed firearms dealer must conduct the transfer of ownership.

Firearms Disposition and Disposal

Each weapon subject to disposal must be entered into the Automated Firearms System ([AFS](#)) as destroyed ([PC 34010](#)). A master list of these firearms and their serial numbers should be retained indefinitely.

Firearms in transport for disposal should be accompanied by armed escort.

Methods of Disposal

- Shredding or grinding
 - Melting at a commercial facility
 - Conversion to agency use
 - Training
 - Transfer to crime lab or other agency (requires court order)
- ▶ **Firearms should NOT be disposed of through public auction**

Firearms Retained for Agency Use

[PC 34005](#) allows agencies to retain firearms for departmental use. With the approval of the agency head, the evidence and property personnel may release the firearms to the department armorer/rangemaster. A record of each firearm(s) make, model, and serial number should be maintained by both the EPM and armorer/rangemaster. Each weapon should be entered into the California Department of Justice AFS as converted to department use. When the department no longer requires the firearm, it shall be turned back over to the evidence/property room for destruction pursuant to [PC 34005\(c\)](#).

Firearms as Evidence

If a weapon is used in the commission of a crime, it may be destroyed as a “nuisance” pursuant to [PC 18005](#), [PC 18275](#), and [PC 34005](#) or, if stolen, returned to the owner after the adjudication of the case and following the appeal period. California law requires a DOJ Law Enforcement Gun Release inquiry be conducted prior to release to the lawful owner.

Ensure that the district attorney’s office and the investigating peace officer are in agreement that the firearm is no longer needed as evidence in any proceeding or investigation.

GUIDELINE 6.4

Narcotics: Special Procedures for Disposition/Purging

Create or amend a written directive addressing procedures for the disposition and purging of narcotics/controlled substances to include, at a minimum, the following:

- Seizure by search warrant
- Exception to court orders
- Destruction of large amounts of PCP
- Confiscation of large amounts of narcotics
- Hazardous chemicals
- Packaging and preparation for disposal
- Methods of destruction
- Clandestine labs

Commentary

All controlled substances and related items, paraphernalia, or objects contaminated by the controlled substances which were unlawfully used or possessed and which are in possession of the agency, shall be destroyed by the order of the court [refer to [HS 11473](#) and [HS 11473.5](#) (*Health & Safety Code*.)] The actual destruction may be done by a police or sheriff’s department, the California Highway Patrol, or by the State DOJ (refer to [HS 11474](#).)

Exception: Per [HS 11473](#) and [HS 11473.5](#), law enforcement may request of the court that certain uncontaminated science equipment be relinquished to a school or school district for science classroom education in lieu of destruction.

Some agencies temporarily divert narcotics to their K-9 unit for training. Agencies should develop policies and procedures for this process. When the unit has completed the training, the narcotics should be returned to evidence/property and will fall under the same guidelines for destruction as other narcotics or controlled substances.

Depending on the courts in the local jurisdiction, orders may or may not have been received to destroy controlled substances on a case-by-case basis as the cases were adjudicated. Regardless, an order encompassing all items to be destroyed shall be presented to the court for destruction/authorization.

Many cases are not prosecuted and there may be other found substances as well as paraphernalia. The court order should contain the name of the agency and the evidence/property controller responsible for the destruction. It should list the controlled substances, items, or paraphernalia to be destroyed and the case number relating to each. Jurisdictions may differ slightly as to form and content of order.

Controlled Substances Obtained by Search Warrant

If certain controlled substances and/or paraphernalia were obtained in connection with a search warrant, a separate court order for each case must be obtained for disposal (*refer to [PC 1536](#)*).

Exceptions to the Court Order Requirement

[HS 11479](#) allows for destruction prior to adjudication of anything in excess of 10 pounds in gross weight connected to one particular case by order of the agency head, chief, or sheriff of the law enforcement agency or designee. The following requirements must be met in order to proceed with the destruction:

- At least five random samples must be taken (not included in 10-lb weight requirement)
- Photos must be taken
- The evidence must be weighed
- The agency head must be satisfied that all other alternative storage methods have been exhausted

In addition, an affidavit must be filed with the court 30 days subsequent to destruction detailing the above and reciting the date and time of destruction.

Destruction of Large Amounts of PCP

[HS 11479.1](#) provides for destruction prior to adjudication of phencyclidine, or an analog thereof, in excess of one gram of a crystalline substance, 10 milliliters of liquid substance, two grams of plant material, or five hand-rolled treated cigarettes. The following requirements must be met in order to proceed with the destruction:

- Samples must be taken
- Photos must be taken
- The evidence must be weighed
- The agency head must be satisfied that all other alternative storage methods have been exhausted

In addition, an affidavit must be filed with the court 30 days subsequent to destruction detailing the above and reciting the date and time of destruction.

Confiscation of Large Amounts of Narcotics/Controlled Substances

If the agency confiscates a large amount (in excess of 57 grams) of a suspected controlled substance, except marijuana, [HS 11479.2](#) allows for its destruction prior to adjudication. A separate court order is required and there are several conditions, which must be met, including:

- Five random samples must be taken
- Photos must be taken
- The evidence must be weighed
- The agency head must be satisfied that all other alternative storage methods have been exhausted

When a defendant is charged, a motion must be filed for the destruction order in the court having jurisdiction over any pending criminal proceedings.

Hazardous Chemicals

[HS 11479.5](#) allows for the immediate disposal of amounts in excess of one fluid ounce of liquid, or one avoirdupois ounce of solid, of a suspected hazardous chemical believed to have been used, or intended to have been used, in the unlawful manufacture of controlled substances. The chemical, and its container, may be disposed of without a court order by the seizing agency. For the purposes of this section, “hazardous chemical” is defined as any material that is believed by the agency head to be toxic, carcinogenic, explosive, corrosive, or flammable, and that is believed by the agency head to have been used, or intended to have been used, in the unlawful manufacture of controlled substances. As with the above exceptions, these conditions must be met:

- At least a one-ounce sample must be taken from each different type of suspected hazardous chemical
- At least a one-ounce sample must be taken from each container of a mixture of a suspected hazardous chemical with a suspected controlled substance
- Photos must be taken
- The gross weight or volume of the suspected hazardous chemical seized must be determined

In addition, an affidavit must be filed with the court within 30 days, reciting all required information.

A law enforcement agency responsible for the disposal of any hazardous chemical must comply with the Health and Safety Code, as well as all applicable local, state, and federal statutes and regulations. When preparing for controlled substance destruction, it is appropriate to use the two-person rule. As each container of controlled substances is placed into the box, it should be verified by a second person. Once a box is filled, it should be sealed with tape and initialed by both individuals to verify contents.

Method of Destruction

Many law enforcement agencies burn their controlled substances (marijuana, cocaine, methamphetamine, and drug paraphernalia) at burn sites in Northern and Southern California that have been approved by the Air Quality Management District. An appointment for a disposal burn should be made in advance. Because of air quality laws, many burn facilities require that a general list of items to be incinerated be forwarded prior to the destruction.

During transport to an authorized burn facility, items to be destroyed must be accompanied by an armed escort. The disposal of all evidence must be witnessed.

Procedures should be taken to ensure that all conditionally exempt controlled substances are handled and transported in accordance with [CCR 66261.4](#) (California Code of Regulations) .

The following destruction guidelines should be followed:

- The destruction should NOT be publicized
- The destruction should be documented appropriately

Hazardous Waste and Clandestine Lab Disposal Procedures

With the exception of representative samples, handling, storing, and transporting hazardous chemicals should NOT be the responsibility of evidence/property personnel. When transporting “sharps” and other hazardous waste, the transporting agency falls under the category of “small quantity generator” under [HS 11760](#) and a permit is required from the Department of Health Services.

In all cases involving hazardous waste clean-up or disposal, agency personnel should first contact the local environmental health department or fire department.

The county environmental health department may be contacted for additional disposal options, as well as for collecting and disposing of small amounts of certain chemicals at the scene.

GUIDELINE 6.5 **Currency/High-Value** **Items: Special** **Procedures for** **Disposition/Purging**

Create or amend a written directive addressing procedures for the disposition of currency/high-value items to include, at a minimum, the following:

- Identify a threshold for cash prior to depositing it into a bank account
- Establish a ledger to keep a current accounting of the amount of cash and other contents stored in the safe, and specify when and how the ledger is to be used
- Identify the process for disposition/purging of items deemed by the agency as having potentially high value (e.g., jewelry)

Commentary:

The managing of cash may be accomplished by establishing a threshold for deposit into an account established by the city or county treasurer, or into a general account in a banking institution. Unclaimed money should be deposited to the general fund after all notification requirements have been met.

Any currency with specific evidentiary value (e.g., containing trace evidence or documented serial numbers) should be retained.

An ongoing ledger should be maintained in the safe to keep an accurate accounting of cash and other safe contents.

The disposition/purging of high-value items should be conducted in similar manner as general items of evidence/property.

GUIDELINE 6.6
Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging

Create or amend a written directive addressing procedures for the disposition of hazardous/biohazardous materials (**including explosives, ammunition, flammables, and pyrotechnics**) to include, at a minimum, the following:

- Ensure compliance with all applicable local environmental health agencies
- Use of qualified/approved disposal vendors, if applicable
- Comply with [PC 1417.9](#) where applicable/required
- Use of approved/authorized disposal sites

Commentary:

The disposal of hazardous/biohazardous materials falls under a number of local, state, and federal statutes. The California Department of Health Services regulates most disposals. Disposal services, if used, should be qualified and approved to handle, transport, and dispose of biohazardous material. Disposal of biohazardous materials should be in compliance with PC 1417.9. Consult with the fire department, agency bomb squad, and rangemaster when developing protocols for the disposal and destruction of explosives, ammunition, flammables, and pyrotechnics.

INTENTIONALLY BLANK

Audit	The process of reviewing and evaluating the systems used to locate, track, and account for items of evidence/property in the agency's custody.
Biological Evidence	Biological material recovered from crime scenes commonly appear in the form of hair, tissue, bones, teeth, blood, semen, or other bodily fluids. Biological evidence refers to samples of biological materials or evidence items containing biological material.
Biohazardous Material	Materials that contain blood or other potentially infectious materials. These materials include many of those found in biological evidence including: semen, vaginal secretions or any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids as well as any unfixed tissue or organ from a human (living or dead) that can be collected at a crime scene and stored. (<i>Occupational Safety & Health Administration, 2011</i>)
CALEA	The Commission on Accreditation for Law Enforcement Agencies (CALEA) is a nationally recognized accreditation body for law enforcement agencies.
Chain-of-Custody	A formal, written procedure to record all individuals who have taken custody of evidence/property from the time it is received to its final disposition.
Contamination	The unwanted transfer of material from another source to a piece of physical evidence. (Department of Justice, Office of Justice Programs, 1999)
Cool Room	A secure, temperature-controlled room that is maintained between 60°–75°F (15.5°–24°C), with less than 60% humidity.
Crime Lab	A facility (government or private) that analyzes physical evidence.
Crime Scene	A location in which (or a person upon whom) a crime may have occurred.
Currency/ High-Value Items	Evidence/property in the form cash/currency of any amount or denomination, or items such as travelers checks, negotiable bonds, jewelry, collector items, and any other item determined by the agency to be of potentially high value.
Degradation	The transition from a higher to a lower level of quality.
Disposition of Property	Authorized and approved method of purging evidence/property.
DNA	The genetic material; a double helix composed of two complementary chains of paired bases, known as nucleotides (National Institute of Justice , 2000); Deoxyribonucleic acid (DNA), often referred to as the “blueprint of life,” is the genetic material present in the nucleus of cells that is inherited, half from each biological parent. DNA is a chemical substance contained in cells that determines each person's individual characteristics. An individual's DNA is unique except in cases of identical twins.
Evidence	Property which may be related to a crime, or which may implicate or clear a person of a criminal charge.

Evidence Packaging	The manner in which items with potential evidentiary value are wrapped, bagged, or boxed to be preserved, documented, and labeled. (<i>Latta & Bowers, 2010</i>)
Evidence/Property Manager (EPM)	The agency employee selected and trained to be the lead person responsible for the overall daily operation of the evidence/property function with managerial authority over the routine functions and procedures and direct supervision over the unit staff. The EPM reports directly to the agency head, or a command-level staff member, to communicate evidence/property matters, resolve issues, formulate policy, and receive direction. This position has been previously referred to as the evidence/property controller or supervisor.
Evidence/Property Record – Field Receipt	A form used by law enforcement personnel to document evidence/property placed into custody (see Appendix C).
Evidence/Property Room/Unit	A location dedicated to housing evidence for the purpose of criminal investigations. Can be located in a law enforcement office, a crime lab, a hospital, or a court.
Evidence/Property Technician (EPT)	The agency employee selected and trained to perform the general duties, assignments, and functions associated with the evidence/property unit. The EPT reports to, and takes direction from, the Evidence/Property Manager.
Found Property	Non-evidentiary property which, after coming into the custody of a law enforcement agency, has been determined to be lost or abandoned and is NOT known or suspected to be connected with any criminal offense.
Frozen	Storing by freezing. Lab freezer storage temperatures are at or below –10°C (14°F).
HEPA	A High-Efficiency Particulate Air Filter (HEPA) that satisfies U.S. Department of Energy standards of efficiency and removes 99.97% of all particles greater than 0.3 micrometer from the air that passes through.
Inspection	The process of examining and evaluating the safety, cleanliness, functionality, and efficiency related to an agency’s evidence/property facility.
Inventory	An accounting of all evidence/property items in an agency’s custody.
Law Enforcement Agency	Any agency that enforces the law. This may be a local or state police or federal agencies, such as the Federal Bureau of Investigation or the Drug Enforcement Administration.
Long-Term Storage of Biological Evidence	A long-term storage location must be designated to secure all biological evidence or property items in the custody of the agency for the duration of the time it is held in the property room until the items are diverted, sold, released, or destroyed. The buildings, rooms, and shelves/bins designated for long-term storage must be large enough to hold all evidence and property.
Nonporous Container	Packaging through which liquids or vapors cannot pass (e.g., glass jars, metal cans, and plastic bags). (<i>Department of Justice, Office of Justice Programs, 1999</i>)
Packaging	Container used to house individual items of evidence.
Personal Protective Equipment(PPE)	Items used to prevent an individual’s direct contact with bloodborne pathogens. PPE includes disposable gloves, disposable overalls, disposable shoe covers, lab coats, masks, and eye protection.

Property Destruction	Non-evidentiary property which a law enforcement employee has requested to be destroyed in accordance with proper procedures and agency policies. This term generally applies to weapons and ammunition.
Property Officer	A worker responsible for the intake, submission, and/or retrieval of evidence in a property room.
Return of Property	The receipt used to document the return of property which had been temporarily checked out of agency custody for investigation, processing, court, or similar reasons.
Room Temperature	No temperature or humidity control guidelines.
Refrigerated	Stored between 2°C (35°F) and 8°C (46°F) with less than 25% humidity.
Refrigerator	Equipment used to keep an item or group of items cooler than room temperature.
Safekeeping	Non-evidentiary property which is placed into the custody of a law enforcement agency for temporary protection on behalf of the owner.
Sharps	Typically, a medical instrument or device, or a grooming implement (e.g., syringe, razor blade), that is capable of carrying a pathogen, and transmitting that pathogen via cutting or piercing the skin of the handler.
Temperature Controlled	Refers to storage conditions that are monitored to maintain a constant temperature between 15.5°C (60°F) and 24°C (75°F) with less than 60% humidity.
Temporary Storage	Storage of evidence from the time collected to reception by property room personnel. For the purposes of this handbook, temporary storage refers to any location that can hold evidence for up to 72 hours.
Temporary Storage Lockers	Secure lockers used to temporarily house evidence/property that has been properly packaged and tagged, and is accompanied by an Evidence/Property Record – Field Receipt.
Tickler File	A file that serves as a reminder and is arranged to bring matters to timely attention; can be manual, (e.g., folders into which copies of property records are placed when an item is temporarily signed out to the lab, court, investigation, etc.) or can be automated as part of a computer application that sets a reminder date that triggers a notification that an action is overdue (e.g., an item has not been returned from court).
Two-Person Rule	The process whereby two agency employees verify the condition/amount/description of evidence/property, and in particular, currency/high-value items, prior to packaging and submission.

INTENTIONALLY BLANK

LEGAL AND REGULATORY REFERENCES AND ISSUES

PURPOSE

Evidence/property functions must operate in accordance with federal, state, and local statutes and ordinances related to the storage, handling, and disposition of evidence and property. Agencies should ensure that all applicable codes and statutes are referenced appropriately when developing policies and procedures related to the evidence and property function. Failure to comply with statutes or agency policies and procedures has led not only to unsuccessful prosecution, but to charges against agency personnel, loss of employment, and civil sanctions.

Since codes and statutes are routinely modified, agencies have the responsibility to keep abreast of current case law and legislation affecting the evidence/property function, and adapt their written directives accordingly. Agencies should routinely review applicable laws and regulations to ensure compliance, and confer with legal counsel as may be required.

CATEGORY TABLE

The following list is an alphabetized reference of legal/regulatory codes pertinent to the evidence/property function. Agencies should confirm the accuracy and applicability of statutes within these codes when they are referenced within written policies. Use this list as a reference to abbreviations used for statutes cited within this appendix.

Category	Code
Business and Professions Code	BPC
Civil Code	CC
Code of Civil Procedure	CP
Code of Regulations	CR
Evidence Code	EC
Family Code	FC
Government Code	GC
Health and Safety Code	HS
Penal Code	PC
California Rules of Court	CRC
United States Code	US
Vehicle Code	VC
Welfare and Institutions Code	WI

REGULATORY CODES BY TYPE OF EVIDENCE/PROPERTY

ABANDONED PROPERTY

Bicycles/Toys [217 WI](#)
 Currency: District Attorney or Court Clerk Possession..... [1420-1422 PC](#)
 Exhibits: Court Clerk Possession [1417.5 PC](#)
 Firearms/Weapons..... [34000 PC](#)
 Found..... [2080.1 CC](#)
 Intentionally Abandoned..... [2080.7 CC](#)
 Stolen..... [1411 PC](#)

ADVERTISEMENT

Auction [2080.4, 2080.6 CC](#)
 Currency: District Attorney or Court Clerk Possession..... [1420-1422 PC](#)
 Found..... [2080.3 CC](#)
 Sale
 • Found/saved/unclaimed [2080.4, 2080.6 CC](#)
 • Seized pursuant to narcotics arrest..... [11488.6 HS](#)
 • Vehicle Lien [3071 CC](#)

AFFIDAVIT

Controlled Substances [11479 HS](#)
 Found or Saved..... [2080.1 CC](#)
 Hazardous Chemicals [11479.5 HS](#)
 PCP Destruction..... [11479.1 HS](#)

AMMUNITION

Prohibition against Possession by Convicted Felon..... [30305\(a\) PC](#)

APPEALS

Appeal Period on Felony Convictions (within 60 days) [8.308 CRC](#)
 Appeal Period on Misdemeanor Convictions (within 30 days) [8.782 CRC](#)

AUCTION

Auction [2080.3 CC](#)

BICYCLES/TOYS

Unclaimed/Diversion to Juvenile Programs..... [217 WI](#)

CONTRABAND/CONTROLLED SUBSTANCES

Ammunition: Armor Penetrating [34350-34370 PC](#)
 Booby Traps [16310, 20110 PC](#)
 Counterfeit/Forged
 • Counterfeiting equipment [480 PC](#)
 • Forged public or corporate seals [472 PC](#)
 • Forged keys..... [466.5-466.8 PC](#)
 • Identification card or drivers license [470a, 470b PC](#)
 • Lottery [319-326, 328, 329 PC](#)

Destruction	
• Controlled substances/contraband as exhibit.....	1417.6 PC
• Court order.....	11474 HS
• Large quantities of dangerous substances.....	11479 HS
• Property with conviction.....	11473 HS
• Property without conviction.....	11473.5 HS
• Transportation of exempt controlled substances.....	66261.4 CR
Destructive Device.....	18710–18780, 18800 PC
Diversion from Adjudicated Cases for Training.....	11367.5 HS
Firearms/Weapons.....	11370.1, 11550(e) HS / 25850(c)(5) PC
• Altered marks or number.....	23900, 23920, 23925 PC
• Prohibited persons.....	29800–29875 PC
• Commission of crime.....	1417.6 PC
• Confiscate.....	18000, 18250 PC
• Nuisance.....	19190, 21390, 21590, 25700, 29300 PC
• Prohibited persons.....	29800–29875 PC
• Prohibited weapons.....	29900–29905 PC
Forfeiture.....	11470 HS
• Containers.....	11470(c) HS
• Currency.....	11470(f) HS
• Materials and equipment.....	11470(b) HS
• Science equipment: Division for schools.....	11473(b), 11473.5(b) HS
• Written materials, books, or information.....	11470(d) HS
Hypodermic Needle.....	4141–4149.5 BPC
Knives.....	20310, 21590 PC
Mental Health.....	8103(f)(1) WI
Narcotics	
• Destruction: Controlled substances.....	11473, 11473.5, 11475, 11476 HS
• Forfeiture of substances, property, or valuables.....	11470 HS
• Possession: Controlled substances.....	11350, 11357 HS
• Science equipment for education.....	11473, 11473.5 HS
Paraphernalia.....	11364 HS
PCP (Large Quantity).....	11479.1 HS
Receipt for Property Taken.....	11488(b) HS
Seizure	
• Plants.....	11476 HS
• Recovery of expenses.....	11470.1 HS
• Schedule 1 substances.....	11475 HS
• Vehicles.....	11470(e) HS
Serialized Property.....	537e PC
Silencer.....	17210 PC
Sniper Scope.....	468 PC
Stun Gun.....	22610 PC
Tear Gas.....	22810 PC

COSTS

Found Property

- Agency storage [2080.1\(b\)](#), [2080.2 CC](#)
- Publication notice [2080.3 CC](#)

Controlled Substances/Material Seized: Recovery of Expenses..... [11470.1 HS](#)

Restitution to Agency [1203.1\(a\)\(3\) PC](#)

Vehicle

- Lien sale [3073 CC](#)
- Recovery by lien holder (low-value vehicle) [22851.2 VC](#)
- Recovery from lien sale [3074 CC](#)

COUNTERFEITING

Destruction: Dies and Plates [480 PC](#)

COURT

Controlled Substances (Claim for Third-party Interest in Property Seized) [11488.5 HS](#)

Motion to Return Property or Suppress Evidence [1538.5 PC](#)

Notification of Court-held Property [1417.7](#), [1420 PC](#)

Orders

- Destruction: Narcotics [11473.5](#), [11474 HS](#)
- Exhibits [1417](#), [1417.1 PC](#)
- Mental health restriction/Authorization Certificate for Firearm [8103 WI](#)
- Motion to challenge order: 10 days [1008 CP](#)
- Search warrant [1536 PC](#)
- Stolen or embezzled property [1408 PC](#)

Vehicle/Components Seizure Hearing [10751 VC](#)

CURRENCY/VALUABLES

Abandoned/Unclaimed

- Exhibits [1420 PC](#)
- Found [2080–2080.3 CC](#)
- Stolen [1411 PC](#)

Controlled Substances

- Valuables seized upon conviction [11470 HS](#)
- Disposition of proceeds from sale of forfeited property [11489 HS](#)

DECLARATION OF OWNERSHIP

Stolen/Embezzled Property [1413\(b\) PC](#)

DESTRUCTION/DISPOSAL

Controlled Substances:

- Controlled substances/paraphernalia [11474 HS](#)
- Large quantities of dangerous substances [11479 HS](#)
- Without conviction [11473.5 HS](#)

Counterfeiting Dies, Plates, Etc. [480 PC](#)

Cremated Remains (Human) [7104 HS](#)

Destructive Devices [18710](#), [18800 PC](#)

Firearms/Weapons	34000 PC
• Nuisances	18000, 19190, 21390, 21590, 25700, 29300(a) PC
• Official use no longer needed	34005 PC
Lottery/Gambling Devices	335a PC
Machine Guns.....	32750 PC
Obscene Material.....	312 PC
PCP (Large Quantity).....	11479.1 HS
Unclaimed Property	2080.4, 2080.6 CC
Vehicles/Components.....	10751 VC
DISCOVERY	
Effect of Discovery.....	1054 PC
Exclusive Means, Procedures.....	1054.5 PC
DISPOSITION	
Explosives	12355 HS
Firearms/Weapons	
• Destruction requirements	34000 PC
• DOJ notification requirement.....	34010 PC
• Firearms to crime lab	34005(b)(2) PC
• Nuisances	25700 PC
Found/Saved	2080.6 CC
Funds	
• Sale of forfeited property.....	11489 HS
• Sale proceeds	11495 HS
Identification Marks.....	537e, 1413 PC
Narcotics	
• Liens on seized property.....	11488.6 HS
• Property: Seized.....	11495 HS
• Property: Third-party interest or forfeiture	11488.5 HS
Search Warrant.....	1536 PC
Vehicle	
• Lien holder cost recovery	22851.12 VC
• Lien sale proceeds	3073 CC
• Low valued.....	22851.10, 22851.2, 22851.8 VC
• Numbers removed.....	10751 VC
DIVERSION/DELIVERY	
Agency Use	
• Found or saved: Unclaimed	2080.4, 2080.6 CC
• Stolen: Unclaimed	1411 PC
• Firearms/Weapons	
– Agency: Law enforcement use	34005(b) PC
– Firearms: Military use.....	34005(a)(1), 34005(c)(2) PC
Bicycles/Toys.....	217 WI

Controlled Substances

- Agency: Delivery to for destruction [11474 HS](#)
- Forfeiture: Vehicles [11470\(e\) HS](#)
- Science equipment: School use [11473\(b\) HS](#)

Stolen/Embezzled Property

- County officer [1411 PC](#)
- Owner [1408-1411, 1413\(b\) PC](#)
- Pawnbroker [1411 PC](#)

DNA EVIDENCE

Post-conviction

- Disposal [1417.9\(b\) PC](#)
- Retention [1405 PC, 1417.9\(a\) PC](#)

DOMESTIC VIOLENCE

Liability: Officer (Good Faith Actions) [18500 PC](#)

Weapons

- Court-ordered retention [6389\(f\) FC](#)
- Disposal process [18415 PC](#)
- Prior cases/holding of evidence [1109\(e\) EC](#)
- Receipt/seizure [18255 PC](#)
- Stolen [18270 PC](#)
- Time-frame for holding [18265\(c\) PC](#)
- Unclaimed [18275 PC](#)

EMBEZZLED PROPERTY (see [Stolen Property](#))

EMPLOYEE IN CHARGE OF PROPERTY SECTION

DMV Confidentiality [1808.4\(22\) VC](#)
 Liability [1413\(d\), 18500 PC](#)

EVIDENCE

Admissibility: Relevant [350, 351 EC](#)
 Defined [140 EC](#)
 Retaking: Illegal Attempt to Obtain Evidence from Officer [102 PC](#)

EXPLOSIVES

Disposal [12355 HS](#)
 Return: Petition [12353, 12354 HS](#)
 Storage [12353 HS](#)

FIREARMS/WEAPONS

Assault Weapons

- Definition [30510, 30515, 30710 PC](#)
- Possession [30605 PC](#)
- Relinquishment [30605 PC](#)
- Nuisance [30800 PC](#)

Delivery	
• Lawful owner	18005(b) PC
• Military agency	34005(a) PC
Destruction/Sale/Preservation	18005 PC
• Destructive devices	19000 PC
• Exhibit in criminal action.....	34000 PC
• Machine guns.....	32750 PC
• Nuisances: Other weapons.....	18010 PC
Domestic Violence	
• Conviction	29805 PC
• Federal laws.....	18 [921(a)(33)(A), 922(d)(9), 922(g)(9) US
• Firearms storage fees	6389(e) FC
• Petition for destruction	18400 PC
• Relinquish firearms	6389(c) FC
• Restraining orders.....	29825 PC
Eligibility: Personal Firearms Eligibility Check	30105 PC
Exhibit: Use in Commission of Crime.....	1417.6 PC
Found Firearms	
• Return to finder	16960(i) PC
• DOJ notification.....	11108 PC
Identification Mark/Serial Number: Assigned by DOJ	23910 PC
• Serial number restoration plan	11108.9 PC
Mental Health	
• Prohibition and return.....	8100–8103 WI
Minors	
• BB guns: Furnish to minor.....	19915 PC
• Sale of BB device.....	19910 PC
Notification	
• ATF: Trace firearm used in crime (Crime Firearms, used in)	11108.3 PC
• DOJ for firearm used in crime	11108 PC
• Retention or destruction	34010 PC
Retention	
• Certification	32005 PC
– Official use	34005(b) PC
• Sale.....	18005(a) PC
• Firearm storage fees	33880 PC
Short-Barreled Shotguns/Rifles: Permit for Use as Props.....	33300 PC
Transfer of Firearm from Prohibited Person	29810 PC
Unclaimed Firearms: Disposition	18275, 34000 PC
Violent Use of Firearm: Offenses.....	23515 PC
FOUND PROPERTY	
Abandoned	2080.7 CC
Affidavit.....	2080.1 CC

Controlled Substances/Paraphernalia..... [11473.5\(a\) HS](#)
 Firearms: Return to Finder [16960\(i\) PC](#)
 Illegal Appropriation: Known Owner [485 PC](#)
 Public Employee as Finder [2080.3\(b\) CC](#)
 Requirements
 • Advertisement:
 – Auction [2080.4–2080.6 CC](#)
 – Value over \$250 [2080.3\(a\) CC](#)
 • Legislative body: Adopted regulations [2080.4 CC](#)
 • Public agency: Adopted regulations [2080.6 CC](#)
 • Submission to agency [2080.1\(a\) CC](#)
 Restoration to Owner [2080.2 CC](#)
 Serialized/Non-Serialized Property: Report to DOJ..... [11108 PC](#)
 Storage Costs: Agency [2080.1\(b\), 2080.2 CC](#)

GAMBLING DEVICES

Antique Slot Machines [330.7 PC](#)
 Destruction/Notice of Intent to Destroy..... [335a PC](#)

HEARINGS

Controlled Substances:
 • Seized property [11488.1, 11488.5 HS](#)
 • Third-party interest [11488.5 HS](#)
 Explosives [12353 HS](#)
 Firearms/Weapons
 Mental health [8102, 8103 WI](#)
 Pawnbrokers/Second-Hand Dealers [21647 BPC](#)
 Stolen Property [1413\(c\) PC](#)
 Vehicles:
 • Lien sale [3071 VC](#)
 • Low-valued [22851.8 VC](#)
 • Post-seizure [10751 VC](#)
 • Storage..... [22852 VC](#)

IDENTIFICATION NUMBERS

Altered/Removed:
 • Property..... [537e PC](#)
 • Vehicles/components [10751 VC](#)
 Requirements/Notifications
 • DOJ: Firearms
 – Destruction or agency retention..... [34010 PC](#)
 – Firearm history [11108.3 PC](#)
 – Sheriff: Release for academy training..... [34005\(d\) PC](#)
 Serialized/Uniquely Marked Property [11108 PC](#)
 • Notice to owner of stolen serialized property..... [11108.5 PC](#)

INVENTORY

Annual County Property.....[24051 GC](#)

LIENS (see [Vehicles](#))

LOTTERY DEVICES (see [Gambling Devices](#))

MENTAL HEALTH

Weapons

- Hearing[8102, 8103 WI](#)
- Prohibition
 - Giving weapon to mental patient[8101 WI](#)
 - Patient prohibition (5 years)[8103 WI](#)

MONEY (see [Currency/Valuables](#))

NOTICES

Auction: Found, Unclaimed, Perishable, or Saved Property[2080.4–2080.6 CC](#)

Controlled Substances

- Sale of seized property[11488.6 HS](#)
- Third-party interest in seized property[11488.5 HS](#)

Firearms/Weapons

- ATF: Trace of firearm used in crime[11108.3 PC](#)
- Department of Health Services: Firearm Injury Report (Juvenile).[23685 PC](#)
- DOJ
 - Agency recovery of firearms..... [11108 PC](#)
 - Destruction/retention of firearms[34010 PC](#)
 - Firearm acquired by operations of law[27875, 27870 PC](#)
 - Serial number restoration plan[11108.9 PC](#)
 - Sheriff: Use of weapons for academy/training (AFS)[34005\(d\)\(2\) PC](#)
- Owner: Notice prior to destruction of stolen[18005\(d\) PC](#)

Found Property

- Finder affidavit.....[2080.1\(a\) CC](#)
- Value over \$250[2080.3\(a\) CC](#)

Gambling Devices.....[335a PC](#)

Serialized/Uniquely Marked Property.....[11108 PC](#)

- Notice to owner of stolen serialized property[11108.5 PC](#)

Stolen/Embezzled Property

- Owner: Return to identifiable owner[1411 PC](#)
- Ownership claim: Person from whom property was taken[1413 PC](#)
- Pawnbroker[21647 BPC](#)

Vehicles

- DMV
 - Disposal of low-valued vehicle to dismantler.....[22851.10 VC](#)
 - Lien holder notification (low-valued vehicle).....[22851.8 VC](#)
 - Removal of low-valued vehicle.....[22851.2 VC](#)

- Vehicle seizures/impounds.....[10751 VC](#)
- Vehicle storage: No owner notification[22852](#), [22853 VC](#)
- Lien sale
 - Application.....[3071 CC](#)
 - Value \$4000 or less.....[3072 CC](#)

NUISANCES

- Destructive Device[19000 PC](#)
- Firearms/Weapons
 - Unclaimed/abandoned[18275](#), [34000 PC](#)
 - Used in commission of crime: Upon conviction[29300 PC](#)
- Machine Guns[32750 PC](#)
- Weapons Classified as Nuisances[18010 PC](#)

OBSCENE MATERIALS

- Destruction upon Conviction[312 PC](#)

PAYMENT

- Found Property
 - Finder: Cost of publication (property over \$250 value).....[2080.3\(a\) CC](#)
 - Storage costs[2080](#), [2080.1\(b\)](#), [2080.2 CC](#)
- Pawnbroker: Cost Recovery/Surrender of Stolen Property[21647 BPC](#)

PHOTOGRAPHS

- Controlled Substances
 - Large quantities/Hazardous.....[11479\(b\) HS](#)
 - PCP (large quantities)[11479.1\(a\)\(2\) HS](#)
- Exhibits[1417.7 PC](#)
 - Toxic/hazardous introduced in court.....[1417.3\(b\) PC](#)
- Stolen/Embezzled: Notification upon Release to Owner[1413\(b\) PC](#)

RECORDS/FORMS/REPORTS

- Controlled Substances, Materials, or Property
 - Receipt requirement.....[11488 HS](#)
 - Large quantities/hazardous (samples, photographs, court orders).....[11479](#) / [11479.1 HS](#)
- Court Clerk
 - Money: Unclaimed exhibits.....[1420 PC](#)
 - Photographic record of exhibits[1417.3\(a\)](#), [1417.7 PC](#)
- Firearms/Weapons: Delivery to Military.....[34005\(a\) PC](#)
- Found Property: Affidavit.....[2080.1 CC](#)
- Reports: Misdemeanors/Felonies: Notice to DOJ[11107 PC](#)
- Search Warrant: Receipt.....[1535 PC](#)
- Serialized/Uniquely Marked Property: Notice to DOJ.....[11108 PC](#)
- Stolen/Embezzled Property
 - Photographic record[1413\(b\) PC](#)
 - Receipt to person property taken from[1412 PC](#)
 - Record of property.....[1413\(a\) PC](#)

Vehicle

- Storage: Notice to DOJ [22853 VC](#)
- Lien: DMV prescribed forms [3067.1CC](#)
- Lien satisfaction: Notice to DMV [22851.6 VC](#)

REGULATIONS (ADOPTING)

Found/Saved Property: Public Agency [2080.6 CC](#)

Unclaimed Property

- Local legislative body [2080.4 CC](#)
- Public agency [2080.6 CC](#)

RELEASE (see [Return and Release](#))

REPORTS (see [Records/Forms](#))

RETENTION FOR OFFICIAL USE

Firearms for Official Duties [34005\(b\) PC](#)

Unclaimed Property

- Exhibits [1417.5\(c\)\(2\) PC](#)
 - Currency [1420 PC](#)
 - Found [2080.4, 2080.6 CC](#)
 - Stolen [1411 PC](#)
- Uncontaminated science equipment for schools [11473\(b\), 11473.5\(b\) HS](#)

RETURN AND RELEASE

Controlled Substances

- Lawfully possessed [11473.5\(a\) HS](#)
- Seized property [11488.5 HS](#)

Explosives [12353, 12354 HS](#)

Firearms/Weapons

- Mental health hold [8102, 8103 WI](#)
- Stolen weapon: Notification to owner prior to destruction [18005\(d\) PC](#)
- Used in crime without owner’s knowledge [18005\(d\) PC](#)

Found Property [2080.1, 2080.2 CC](#)

Motion to Return Property: Defendant [1538.5 PC](#)

Pawnbroker

- Claim to unclaimed stolen property [1411 PC](#)
 - Stolen property held [21647 BPC](#)

Stolen/Embezzled Property to Owner [1408, 1411 PC](#)

- Declaration of ownership [1413\(b\) PC](#)

Vehicles

- Impounded on hit and run investigation [22655 VC](#)
- Owner’s interest: Vehicle possessed by lienor [3071.5 CC](#)
- Stored [22853 VC](#)

SAFEKEEPING

Receipt/Retrieval Instructions [2080.10\(2\) CC](#)
 Responsibilities of Public Agency..... [2080.10 CC](#)
 Serialized Property: Notice to DOJ Required [11108 PC](#)

SALE

Auction: Found, Unclaimed, Perishable, or Saved Property [2080.4–2080.6 CC](#)
 Controlled Substances Forfeiture Property
 • Sale and distribution of proceeds from sale..... [11489, 11495 HS](#)
 • Third-party interest [11488.5, 11488.6 HS](#)
 Exhibits: Disposition [1417.5 PC](#)
 Firearms/Weapons..... [18005\(a\) PC](#)
 Found/Saved: Unclaimed [2080.4, 2080.6 CC](#)
 • Advertisement
 – Auction [2080.4–2080.6 CC](#)
 – Value over \$250 [2080.3\(a\) CC](#)
 • Legislative body: Adopted regulations [2080.4 CC](#)
 • Perishables..... [2080.5\(1\) CC](#)
 • Public agency: Adopted regulations [2080.6 CC](#)
 • Public employee: Finder [2080.3 CC](#)
 Stolen/Embezzled: Unclaimed [1411 PC](#)
 Vehicle
 • Identification number altered or removed [10751 VC](#)
 • Lien sale
 – Application..... [3071 CC](#)
 – Cost recovery by lien holder [22851.2 VC](#)
 – Lien sale proceeds [3073 CC](#)
 – Recovery from lien sale..... [3074 CC](#)
 – Vehicle value \$4000 or less..... [3072 CC](#)

STOLEN/EMBEZZLED PROPERTY

Agency Use of Unclaimed [1411 PC](#)
 Disposition [1407 PC](#)
 Firearms/Weapons
 • Destruction of stolen firearms [34000 PC](#)
 • Return to owner [18270, 18005\(b\), 18005\(d\) PC](#)
 Pawnbroker
 • Claim to unclaimed stolen property [1411 PC](#)
 • Stolen property held [21647 BP](#)
 Return to Owner
 • Declaration of ownership/Photographs requirement..... [1413\(b\) PC](#)
 • Ownership claim: Person from whom property was taken [1413\(b\) PC](#)
 • Photographic record [1413\(b\) PC](#)
 • Property in custody of court..... [1409 PC](#)

- Property in custody of peace officer [1408 PC](#)
- Return by order of the court [1410 PC](#)
- Receipt to Person Property Taken From..... [1412 PC](#)
- Record of Property.....[1413\(a\) PC](#)
- Sale of Unclaimed..... [1411 PC](#)
- Serialized Property: Notice to Owner [11108.5 PC](#)

STORAGE

- Explosives: Return of Seized [12353, 12354 HS](#)
- Found Property: Reasonable Costs Paid for Storage [2080/2080.1\(b\), 2080.2 CC](#)
- Stolen/Embezzled: Costs for Storage [1408, 1409, 1411 PC](#)
- Vehicles [22850–22854 VC](#)

TIME REQUIREMENT

- Controlled Substances
 - Affidavit with court: Large quantities/dangerous substances destruction [11479\(d\) HS](#)
 - Affidavit with court: PCP (large quantity) [11479.1\(3\)\(b\) HS](#)
 - Claimant on forfeiture property seized [11488.5 HS](#)
 - Return of seized property/non-forfeiture..... [11488.2 HS](#)
- Currency: Possession of District Attorney or Court Clerk..... [1420 PC](#)
- DOJ Reports [11107, 11108 PC](#)
- Exhibits
 - Disposition [1417.1, 1417.5, 1417.7 PC](#)
 - Instruments used in the commission of crime [1417.6 PC](#)
- Explosives: Return to Petitioner [12353, 12354 HS](#)
- Firearms/Weapons
 - Convicted felon [29800\(a\)\(1\) PC](#)
 - Convicted of certain misdemeanors [29805 PC](#)
 - Destruction: Unclaimed firearm [34000 PC](#)
 - Domestic violence
 - Petition for holding by agency [18400 PC](#)
 - Temporary holding by agency [18250 PC](#)
 - Unclaimed [18275 PC](#)
 - Nuisances [18010, 18275 PC](#)
- Found Property [2080.2–2080.6 CC](#)
 - Finder claim..... [2080.3 CC](#)
 - Owner [2080.2 CC](#)
- Gambling Devices: Destruction [335a PC](#)
- Inventory: County Property [24051 GC](#)
- Mental Health
 - Hearing for weapon destruction [8102 WI](#)
 - Prohibition for committed persons [8103 WI](#)
- Motion by Defendant to Return Property..... [1538.5 PC](#)
- Pawnbroker: Property Hold Placed by Agency [21647 BP](#)

Sexual Assault/DNA Evidence (statute of limitations) [803\(f\)–\(h\) PC](#)

Stolen or Embezzled Property

- Notice of claim: Person from whom property was taken [1413 PC](#)
- Unclaimed: Notification to owner [1411 PC](#)

Vehicles (see [Vehicles: Controlled Substances](#))

TOYS/BICYCLES

Unclaimed: Use in Programs to Prevent Juvenile Delinquency [217 WI](#)

UNCLAIMED PROPERTY

Bicycles/Toys [217 WI](#)

Exhibits [1417.5\(c\) PC](#)

- Currency [1420 PC](#)

Found [2080.4, 2080.6 CC](#)

Stolen [1411 PC](#)

VEHICLES

Controlled Substances

- Forfeiture hearing on vehicles used to transport [11488.5 HS](#)
- Return of property [11488.2 HS](#)
- Seizure of vehicle used in narcotics crime [11470\(e\) HS](#)

Identification Number Altered or Removed [10751 VC](#)

Impound: Hit and Run Investigation [22655, 22655.5 VC](#)

Liens

- Application for sale [3071 CC](#)
- Lien holder cost recovery [22851.12 VC](#)
- Lien sale: Proceeds [3073 CC](#)
- Lien satisfaction: Notice to DMV [22851.6 VC](#)
- Lien holder notification (low-valued vehicle) [22851.8 VC](#)
- Loss through trick, fraud, or device [22852.5 VC / 3070 CC](#)
- Notice to DMV [3067.1 CC](#)
- Recovery by lien holder (low-valued vehicle) [22851.2 VC](#)
- Recovery from lien sale [3074 CC](#)
- Service [3068 CC](#)
- Vehicle value \$4000 or less [3072 CC](#)
- Vehicle storage [22852 VC](#)
 - No owner notification [22853 VC](#)

Low-Valued Vehicle

- Disposal to dismantler [22851.10 VC](#)
 - Disposition [22851.2, 22851.8 VC](#)
 - Notice to DOJ of removal [22851.2 VC](#)
- Mobile homes: Non-applicable [3067.2 CC](#)
- Owner's interest: Vehicle possessed by lienor [3071.5 CC](#)
- Storage
 - Notice to DOJ [22853 VC](#)
 - Notice to owner [22852 VC](#)

VIDEO/DIGITAL MEDIA

Mobile Video System Tapes [34090.6 GC](#)
Video Digital Media [1550, 1553 EC](#)

LOCAL ORDINANCES

Many jurisdictions have created local ordinances to further direct the proper handling of evidence/property when the scope of the governing code needs further specificity, such as:

- Medical Waste Management
- Firearms Storage Fees
- Diversion of Unclaimed Property to Programs which Prevent Juvenile Delinquency
- Records Retention (Body-worn Video Cameras, In-car Cameras)

Ensure all local ordinances refer to the appropriate state and federal statutes within the policies.

MEDICAL WASTE MANAGEMENT

The California Health and Safety Code ([HS 117605](#)) allows local ordinances to regulate infectious waste, providing the ordinances meet or exceed the state regulations to ensure statewide standards. Each agency should research its respective city and/or county requirements in order to ensure compliance in this area as required.

CONFERRING WITH LEGAL COUNSEL ON POLICY

When the governing legal codes, ordinances, and policies contain gray areas, or areas of conflict or contradiction, an agency must evaluate the laws and adjust its policies and procedures to acquire the necessary compliance.

If the agency leadership is unsure about its authority to make policy, or there is uncertainty regarding the overall compliance with federal, state, and local laws and ordinances, the agency should consider conferring with its legal representatives to verify the legal soundness of policy, or request that a county or municipal regulation be created allowing the agency to handle the evidence/property issue as it believes appropriate. Areas for consideration in this matter might be:

- Perishables and Open Containers
- Retention/Release of Prescription Medication/Medical Marijuana
- Photo and Release Policy
- Found Firearms
- Syringe Disposal

INTENTIONALLY BLANK

PURPOSE

The following pages contain various examples of forms pertinent to the evidence/property function. This list is NOT all-inclusive, and agencies are urged to create, adapt, or amend forms as necessary to best serve agency needs and remain in compliance with their respective county crime labs and district attorney’s offices. Agency forms should be reviewed annually for relevance and compliance. An additional and expanded list of forms can be located at the California Association for Property and Evidence (CAPE) website at www.cape-inc.us.

Form #	Page
1 Evidence/Property Record – Field Receipt	C-3
2 Evidence/Property Record (with Bar Coding Option).....	C-5
3 Property Report/Receipt (with Supplemental Sheet)	C-7
4 Found Property Affidavit.....	C-11
5 NOTICE: Regarding Firearm or Other Deadly Weapon Confiscation – California Penal Code 18400	C-13
6 NOTICE: Regarding Firearm or Other Deadly Weapon Confiscation – Welfare and Institutions Code 5150 Deadly Weapon Receipt	C-15
7 Letter of Notification (Biological Material) Penal Code Section 1417.9	C-17
8 Property Release Notification.....	C-19
9 MEMORANDUM: Evidence Correction Notice.....	C-21
10 MEMORANDUM: Notice to Supervisor.....	C-23
11 Evidence/Property Tracking Record	C-25
12 MEMORANDUM: Evidence Not Returned from Court.....	C-27
13A Chain of Custody (Layout Option 1)	C-29
13B (Layout Option 2)	C-31
14 Currency Envelope	C-33
15 Narcotics Envelope	C-35
16 Evidence/Property Transfer Form.....	C-37
17 Property Release Authorization – Authorized Disposition on Side 2	C-39
18 Property Release Receipt	C-41
19 Property Invoice Receipt.....	C-43
20 Evidence/Property Storage Facility Access Log	C-45

INTENTIONALLY BLANK

EVIDENCE/PROPERTY RECORD – FIELD RECEIPT

CASE NO. <input type="checkbox"/> LG <input type="checkbox"/> MS <input type="checkbox"/> SUPP	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> HEALTH HAZARD
------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------

LOCATION STORED/ LOCKER #	REPORT TYPE/CHARGES	RELATED CASES			
	LOCATION OF EVENT (STREET ADDRESS)	REPORTING	DATE	TIME	
	CITY	ST	ZIP	EVENT OCCURRED:	<input type="checkbox"/> am <input type="checkbox"/> pm
				REPORTED/ RECEIVED:	<input type="checkbox"/> am <input type="checkbox"/> pm

EVIDENCE FOUND PROPERTY DOMESTIC VIOLENCE SEARCH WARRANT
 SAFEKEEPING CLAIM – *Notify finder if not claimed within 90 days* EPRO ISSUED DESTRUCTION PER:
 LOST NO CLAIM – *Finder does not wish to claim* 5150 / 8102 Owner Officer

Use additional sheet(s) as needed

CITIZEN CODE – Enter applicable code: F = Finder V = Victim O = Owner X = Other					
CODE	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH	<input type="checkbox"/> JUV	PH-HOME	PH-WORK
	STREET ADDRESS	CITY		ST	ZIP
CODE	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH	<input type="checkbox"/> JUV	PH-HOME	PH-WORK
	STREET ADDRESS	CITY		ST	ZIP

SUSPECTS – List ALL suspects; (provide full name)					
1)	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH	<input type="checkbox"/> JUV	PH-HOME	PH-WORK
	STREET ADDRESS	CITY		ST	ZIP
	SOCIAL SECURITY NUMBER		CII	<input type="checkbox"/> CITED <input type="checkbox"/> NON ARREST	
2)	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH	<input type="checkbox"/> JUV	PH-HOME	PH-WORK
	STREET ADDRESS	CITY		ST	ZIP
	SOCIAL SECURITY NUMBER		CEN	<input type="checkbox"/> CITED <input type="checkbox"/> NON ARREST	

EVIDENCE/PROPERTY – Describe in detail (provide make, model, color, size, condition, etc.)					
ITEM #	QTY	ITEM DESCRIPTION	SERIAL NUMBER	FCN	EVIDENCE/PROPERTY ROOM USE ONLY
ITEM #	QTY	ITEM DESCRIPTION	SERIAL NUMBER	FCN	EVIDENCE/PROPERTY ROOM USE ONLY
ITEM #	QTY	ITEM DESCRIPTION	SERIAL NUMBER	FCN	EVIDENCE/PROPERTY ROOM USE ONLY

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS		
RECEIVING OFFICER	CITIZEN SIGNATURE	PAGE ___ OF ___
I.D. NUMBER	DATE	

INSTRUCTIONS FOR PROPERTY RETRIEVAL**PROPERTY IS RELEASED BY APPOINTMENT ONLY
CALL EVIDENCE/PROPERTY AT (###) ###-#### FOR AN APPOINTMENT**

The property listed on the front of this sheet or attached sheets is currently in the possession of Xxx Department. Please review the appropriate sections (listed below) for information on how to recover your items.

WEAPONS (WELFARE & INSTITUTIONS CODE SECTIONS [5150](#), [8102](#))

Weapons seized pursuant to either of these sections may be returned to the owner after **30 days** unless the law enforcement agency has petitioned the court for an order for other disposition of the weapon(s). Contact the detective, after **30 days** from the date of seizure, to determine if the weapon can be returned. If the Xxx Department has requested a court hearing regarding the weapon(s), the weapon(s) cannot be returned until the disposition of the court hearing. If the court orders the weapon(s) returned, you have **30 days** to pick up the weapon(s).

SAFEKEEPING

Items submitted for temporary safekeeping must be claimed within **60 days** of the Department taking possession or they will be disposed of as specified in the law. All perishable and open containers of alcohol will be destroyed at intake. You or an authorized representative will need to call to make an appointment. If items are to be released to a representative, the representative will need written authorization from the owner and photo identification before property or evidence can be released. (Civil Code Section [2080.10](#))

FOUND PROPERTY

Items submitted as found property will be held for **90 days**. The finders wanting to claim the items need to complete a found property statement at the time the property is turned over to the Department. Finders making a claim will be notified by mail at the end of the 90-day period for pick up if no owner has come forward.

RECOVERED PROPERTY/EVIDENCE (STOLEN OR EMBEZZLED PROPERTY)

Property has been taken from you which is allegedly stolen or embezzled. Pursuant to Penal Code Section [1413](#), upon being served a notice of a claim of ownership from this Department, you will have **15 days**, from the date of service to notify the property officer, in writing, if you wish to dispute the claim. After you have been given an opportunity to be heard on this matter, the property in question may be released to you or the person claiming to be the true owner. If criminal charges are filed, you may ask the court hearing the case to review the decision of the Department. If you choose to waive your rights, such action may not be held against you in any criminal proceeding.

EVIDENCE

Items submitted as evidence will only be released if the assigned investigator authorizes the release **in writing** OR you present a **Superior Court order** ordering the release of the items. Court orders will need to be presented to the evidence/property officer along with photo identification.

WEAPONS DUE TO DOMESTIC VIOLENCE

The weapon has been held as required by law. The weapon will be made available **48 hours** after the seizure or as soon thereafter as possible, but no later than **72 hours** after seizure. Every person claiming ownership will be subject to a criminal background check for any firearm ownership restrictions, prior to the release of the weapon. The criminal background check may delay the release of weapons.

Property is released by appointment only
Call (###) ###-#### to arrange for the release of your item(s)

Department Address

Hours: 8:00 am – 4:00 pm, Monday thru Friday

Closed on Holidays and Weekends

Closed for lunch 12 noon – 1:00 pm

**EVIDENCE/PROPERTY RECORD
WITH BAR CODING OPTION**

RECEIVED BY	ID NUMBER	DATE	TIME <input type="checkbox"/> am <input type="checkbox"/> pm
CASE NUMBER	INCIDENT TYPE	<input type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND <input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> SAFEKEEPING	
LAB NUMBER	DATE AND TIME SEIZED <input type="checkbox"/> am <input type="checkbox"/> pm		
OFFICER	ID NUMBER	LOCATION	

SUSPECTS – List ALL suspects; (provide full name)	DATE OF BIRTH	INDICATE:
1)		<input type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE
2)		<input type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE
3)		<input type="checkbox"/> ADULT <input type="checkbox"/> JUVENILE

CITIZEN CODE – Enter applicable code below: F = Finder V = Victim O = Owner X = Other

CODE	NAME	DATE OF BIRTH	PHONE
ADDRESS	CITY	ST	ZIP
CODE	NAME	DATE OF BIRTH	PHONE
ADDRESS	CITY	ST	ZIP
REMARKS			

FOR EVIDENCE/PROPERTY USE ONLY			
ITEM NUMBER	DESCRIPTION	STORAGE AREA	BAR CODE

PRE-PROCESS	COMP ENTRY	OWNER CLEAR	CLEAR GUN	SEND LETTER	SUPV REVIEW	CLEAR GUN	CLEAR CASH	CLEAR COMP	CLEAR LETTER	DISPO EVID	COURT ORDER	SUPV DATE

INTENTIONALLY BLANK

PROPERTY REPORT/RECEIPT

XXX DEPARTMENT/OFFICE

FILE NUMBER	DATE	TIME <input type="checkbox"/> am <input type="checkbox"/> pm
-------------	------	-----------------------------------------------------------------

TYPE OF INCIDENT			LOCATION			
VICTIM			STREET ADDRESS			
DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP	

Use Supplemental Sheet(s) as needed

ARRESTEE/SUSPECT			STREET ADDRESS			
DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP	

ARRESTEE/SUSPECT			STREET ADDRESS			
DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP	

REASON PROPERTY HELD
 Evidence Lost/Found – Finder to be notified: Yes No Safekeeping Destruction Other

FINDER			STREET ADDRESS		PHONE
DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP

OWNER			STREET ADDRESS		PHONE
DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP

PROPERTY TAKEN INTO CUSTODY AT:	FROM	DATE	TIME
BY OFFICER(S) – Last Name, First Name	I.D. NUMBER	DOJ RI NUMBER	EVIDENCE/PROPERTY TECHNICIAN
1)			
2)			

Property Taken into Custody				
ITEM NUMBER	OWNER	DESCRIPTION OF ITEMS <i>Enter one item per line; include serial when available.</i>	PROPERTY LOCATION	RELEASE DISPOSITION

FIREARMS: In those cases where Xxx Department has confiscated a firearm(s) or other deadly weapon(s) into custody pursuant to PC 18400, a petition may be initiated in the Superior Court within **60 days** of seizure. (An *ex parte* petition may be filed to extend the time if necessary.) In those instances where a petition is filed, the Superior Court will determine whether the firearm(s) or other deadly weapon(s) should be returned. When a petition is not filed, the Evidence/Property Unit shall obtain a Department of Justice firearms clearance and an authorization for release of the weapon(s) from the assigned case agent. **Under no circumstances will a weapon be released before 5 business days have passed.** Upon receipt of the clearance and authorization for release, the Evidence/Property Unit will notify the owner by mail to call for an appointment. Inquiries regarding the status of the potential release of weapon(s) may be directed to the Xxx Agency Evidence/Property Unit by calling (###) ###-####. WC 8102 mandates law enforcement personnel confiscate weapons from persons detained under the provisions of WC 5150. Pursuant to WC 8102, the health care facility must notify the detained individual of the procedure for return of the weapons. (See reverse side for release instructions.)

PROPERTY RECEIVED BY (SIGNATURE)	DATE ISSUED	ISSUED BY:	I.D. NUMBER
PERSON CLEARING PROPERTY REPORT	DATE	OWNER NOTIFIED BY	VIA
			DATE
			TIME

Property Released					
ITEM NUMBER	RELEASED BY	RECEIVED BY	ADDRESS (City, State)	DATE	TIME

[Back to form](#)

INSTRUCTIONS FOR PROPERTY REPORT/RECEIPT

**PROPERTY IS RELEASED BY APPOINTMENT ONLY
CALL EVIDENCE/PROPERTY AT (###) ###-#### FOR AN APPOINTMENT**

The property listed is currently under the protection of the Xxx Department. This field receipt is your guide to our procedures regarding disposal of property. It is your responsibility to contact the Evidence/Property Unit as soon as possible if you wish to claim your property. Property will not be held longer than the indicated dates. Please review the appropriate direction to recover your property. If a special circumstance or need arises, please contact the Evidence/Property Unit.

EVIDENCE

- **FELONY ARREST CASES:** Evidence items will be held for a minimum of **60 days** from the date of final disposition. If the owner does not claim the items at that time, they may be disposed of or destroyed in the manner prescribed by law.
- **MISDEMEANOR ARREST CASES:** Evidence will be held for **30 days** from the date of sentencing, and then items will be disposed of or destroyed in the manner prescribed by law.
- **IF NO ARREST HAS BEEN MADE AND/OR NO SUSPECT IDENTIFIED:** Evidence items may be held up to **1 year or longer** depending on the status of the case.

*When evidence items are ready to be released, you will be notified by mail. It is your responsibility to notify DMV of address changes. Property will be held for **15 days** from the date the notification is mailed and if unclaimed, the property will be disposed of or destroyed in the manner prescribed by law.*

STOLEN OR EMBEZZLED PROPERTY

If criminal charges are filed you may ask the court that hears the case to review the decision of this department concerning return of property.

SAFEKEEPING – Civil Code 2080.10(a)

Items will be held for **60 days**. If the owner is unable to retrieve the property, the owner must notify us **in writing** to hold the property and name an authorized person. That person will make an appointment with the Evidence/Property Unit to retrieve the property. Items not claimed within 60 days will be disposed of or destroyed in the manner prescribed by law.

SEARCH WARRANT – Penal Code 1536

Penal Code 1536 requires a court order to release property held by a search warrant. A certified copy of the court order shall be submitted to front counter personnel at the **Location/Address**. The responsible case agent has **15 days** to respond to the court order and may authorize the release of property. Contact the Evidence/Property Unit regarding returning of property seized by calling (###) ###-####.

FOUND PROPERTY – Civil Code 2080

Found property will be held for **90 days**. If at the end of the 90 days the property is not claimed or returned to the rightful owner, the finder may claim the found property by calling (###) ###-####.

FIREARMS – Penal Code 18250, 18400

NOTE: *Firearm seizures require separate receipts for each owner.*

FIREARMS: In those cases where Xxx Department has confiscated a firearm(s) or other deadly weapon(s) into custody pursuant to Penal Code 18400, a petition may be initiated in the Superior Court within **60 days** of seizure. (An *ex parte* petition may be filed to extend the time if necessary.) In those instances where a petition is filed pursuant to Penal Code 18400, the Superior Court will determine whether the firearm(s) or other deadly weapon(s) should be returned. When a petition is not filed, the Property Unit shall obtain a Department of Justice firearms clearance and an authorization for release of the weapon(s) from the assigned case agent. **Under no circumstances will a weapon be released before 5 business days have passed.** Upon receipt of the clearance and authorization for release, the Property Unit will notify the owner by mail to call for an appointment. Inquiries regarding the status of the potential release of weapon(s) may be directed to the Xxx Department Property Unit by calling (###) ###-####. Welfare and Institutions Code 8102 mandates law enforcement personnel confiscate weapons from persons detained under the provisions of Welfare and Institutions Code 5150. Pursuant to Welfare and Institutions Code 8102, the health care facility must notify the detained individual of the procedure for return of the weapons.

RECEIPT RECEIVED BY _____ DATE ISSUED _____
ISSUED BY _____ ID# _____

Property is released by appointment only
Hours: 8:00 am – 4:00 pm, Monday thru Friday

INTENTIONALLY BLANK

FOUND PROPERTY AFFIDAVIT

XXX DEPARTMENT

CASE # _____

ITEM # _____

In accordance with Sections 2080.1, 2080.2, and 2080.3, of the California Civil Code, the following information is furnished about property I found with a value of one hundred dollars (\$100) or more:

(Please print)

Name of Finder _____

Address _____

City _____ St _____ Zip _____

Contact Number (_____) _____

Where and how was the property found or saved, and describe condition:

Date / Time Property Was Found _____ / _____ am pm

Name of Owner (if known) _____

Address _____

City _____ St _____ Zip _____

Contact Number (_____) _____

I certify that I have not secreted, withheld, or disposed of any part of the property. I also understand that if the owner does not appear within **90 days**, I may claim the above property under the following condition:

Check applicable box:

- If the property is valued at one hundred dollars (\$100) but not more than two hundred and fifty dollars (\$250), and no owner appears and proves ownership within **90 days**, I request to be notified so that I may claim the property.
- If the property is valued at two hundred and fifty dollars (\$250) or more and no owner appears and proves ownership within **90 days**, the finder shall cause a notice of the property to be published in a newspaper of general circulation. If, after **7 days**, no owner appears and proves ownership to the above property, the finder may claim the property with proof of publication.
- I do not wish to claim ownership to this property.

NOTE: The California Penal Code restricts Law Enforcement from releasing found firearms to the finder.

Signature _____ Date _____

INTENTIONALLY BLANK

NOTICE**REGARDING FIREARM OR OTHER DEADLY WEAPON CONFISCATION****California Penal Code Sections 18250, 18255, 18265, 18400**

DATE _____

TO _____

CASE # _____

FROM _____

ITEM # _____

SUBJECT _____

DESCRIPTION OF WEAPON(S):

Pursuant to California Penal Code 18400, please be advised of the following:

In those cases in which a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency shall advise the owner of the firearm or other deadly weapon, and within **60 days** of the date of seizure, initiate a petition in Superior Court to determine if the firearm or other deadly weapon should be returned. The law enforcement agency may make an *ex parte* application stating good cause for an order extending the time to file a petition. Including any extension of time granted in response to an *ex parte* request, a petition must be filed within **90 days** of the date of seizure of the firearm or other deadly weapon.

The petition, if filed, will contain details as to how you must respond to the court clerk if you request a hearing concerning the return of your firearm or other deadly weapon, and notice that if you do not respond to any such petition, a default order forfeiting the confiscated firearm or other deadly weapon will result. The notice will be sent to you at your known address at the time of your detention or apprehension.

If this agency does not file a petition within **60 days**, unless good cause otherwise is shown, we are required to make a weapon available for return.

Sincerely,

 Chief / Sheriff

 By

 Title

INTENTIONALLY BLANK

NOTICE**REGARDING FIREARM OR OTHER DEADLY WEAPON CONFISCATION
Welfare and Institutions Code 5150 Deadly Weapon Receipt**

Pursuant to Welfare and Institutions Code 8102, please be advised of the following:

When a person detained for examination of his or her mental condition is found to own, possess, or control a firearm or other deadly weapon, that firearm or other deadly weapon must be confiscated by the detaining law enforcement agency or peace officer, who is to keep custody of the firearm or other deadly weapon.

When following the examination of your mental condition, an individual in charge of the mental health facility where you are examined will notify the confiscating agency that you have been so released. We will have **30 days** following your release without further judicial commitment, unless we can show good cause otherwise, to file a petition in the Superior Court for a hearing to determine whether the return of your firearm or other deadly weapon would be likely to result in endangering you or anyone else, and we are required to send a notice to you advising you of your right to a hearing on this issue if we file that petition. The petition, if filed, will contain details as to how you must respond to the court clerk if you request a hearing concerning the return of your firearm or other deadly weapon, and notice that if you do not respond to any such petition, a default order forfeiting the confiscated firearm or other deadly weapon will result. The notice will be sent to you at your last known address at the time of your detention or apprehension

If this agency does not file a petition within **30 days** of your release, unless good cause otherwise is shown, we are required to make the weapon available for return.

I received a copy of the above notice on _____, 20____, at the time my firearm or other deadly weapon was confiscated.

Case Number

Signature of Detainee

I hereby certify that I gave a copy of the above notice to the detainee, _____, at _____ am pm on _____, 20____, at such time as I confiscated the following firearm or other deadly weapon from _____.

Description of weapon(s):

Signature of Detaining Peace Officer

I.D. Number

Print Name

Date

This box has been checked by the detaining peace officer to indicate that the detainee is unable or unwilling to sign.

INTENTIONALLY BLANK

LETTER OF NOTIFICATION

Penal Code Section 1417.9 (Biological Material)

[Date]

[Addressee]

[Address]

[City, State, Zip]

RE: NAME OF CASE: Xxx CASE NUMBER: #####
 NAME OF COURT: Xxx
 LAW ENFORCEMENT AGENCY NAME: Xxx

PLEASE TAKE NOTICE that, in accordance with Penal Code Section 1417.9, subdivisions (a) and (b), any biological material secured in connection with the above-entitled case will be disposed of within **30 days** of _____, the date this notification was sent, unless this notifying agency received any of the following:

- I. A motion filed pursuant to Penal Code Section 1405. However, upon filing of that application, the Xxx Department will retain the material only until the time that the court's denial of the motion is final.
- II. A request under penalty of perjury that the material not be destroyed or disposed of because the declarant will file within **180 days** a motion for DNA testing pursuant to Penal Code Section 1405 that is followed within **180 days** by a motion for DNA testing pursuant to Penal Code Section 1405, unless a request for an extension is requested by the convicted person and agreed to by the Xxx Department.
- III. A declaration of innocent under penalty of perjury that has been filed with the court within **180 days** of the judgment of conviction or July 1, 2002, whichever is later. However, the court shall permit the destruction of the evidence upon a showing that the declaration is false or there is no issue of identity that would be affected by additional testing. The convicted person may be cross-examined on the declaration at any hearing conducted under Penal Code Section 1417.9 or on an application by or on behalf of the convicted person filed pursuant to Penal Code Section 1405.

All other non-biological property taken as evidence under the above case will be disposed of _____ unless claimed by the named suspects or their designated party

[Name]

[Title]

XXX LAW ENFORCEMENT AGENCY

INTENTIONALLY BLANK

XXX DEPARTMENT

PROPERTY RELEASE NOTIFICATION

The **XXX** Department **XXX** Station/Division records indicate that we have property belonging to you which is ready for release.

Please contact our property officer _____

at **(###) ###-###** to make arrangements for release of your property. If you fail to contact our property officer within **15 working days**, your property will be destroyed.

REPORT # _____ ITEM # _____

Comments:

— *In accordance with California Penal Code 1413* —

INTENTIONALLY BLANK

INTENTIONALLY BLANK

EVIDENCE/PROPERTY UNIT
MEMORANDUM

NOTICE TO SUPERVISOR

DATE _____

TO _____

FROM _____

SUBJECT **NOTICE TO CORRECT EVIDENCE/PROPERTY SUBMITTED
TO EVIDENCE/PROPERTY UNIT**

On _____, 20__ Officer(s) _____
_____ incorrectly submitted evidence/property on
CR#_____. The officer was advised of the problem and has not responded to correct
the problem. Please advise the Officer(s) to immediately return to the Evidence/Property Unit **with this
form** and correct the following error(s)

- Property report does not match with evidence/property submitted.
- No property tag.
- Classification unclear.
- Lack of information on Evidence/Property Report.
- Evidence/Property Report not received.
- Other: _____

Comments:

— **Corrections must be made within 3 days from the date of this Notice.** —

INTENTIONALLY BLANK

EVIDENCE/PROPERTY TRACKING RECORD

XXX DEPARTMENT

CASE # _____

On _____, 20__ the following item(s) were taken by the Court/District Attorney's Office or Other Agency.

TAKEN BY _____

TITLE _____

EMPLOYEE # _____

ITEM #	ITEM #
ITEM #	ITEM #
ITEM #	ITEM #

If any of the above items are released to the **Court, District Attorney, or Other Agency**, you must have a court officer, district attorney, or the other agency **sign** and date on the lines below and return this form to Evidence/Property Officer _____, so that the proper disposition can be entered into the Evidence/Property Tracking System.

RELEASED TO COURT/DISTRICT ATTORNEY'S OFFICE		
DATE RELEASED	NAME	EMPLOYEE #
SIGNATURE		
▶		
RELEASED TO OTHER AGENCY		
DATE RELEASED	NAME	EMPLOYEE #
AGENCY NAME		
SIGNATURE		
▶		

— Return this form to the Evidence/Property Unit —

INTENTIONALLY BLANK

EVIDENCE/PROPERTY UNIT
MEMORANDUM

EVIDENCE NOT RETURNED FROM COURT

DATE _____
TO _____
FROM _____
SUBJECT **Notice to Correct Evidence/Property Submitted to Evidence/Property Unit**

Our records indicate that you checked out evidence on:

_____ Date _____ Case Number

Attached is a copy of the evidence form that indicates which items were obtained. This evidence was checked against the current property/evidence room inventory.

As of _____, 20__ the evidence that you checked out has not been returned.

Please provide an explanation below regarding the whereabouts of this evidence.

Your response is required by _____, 20__. If you are still in possession of the evidence and the Evidence/Property Unit is closed, place the evidence in a temporary locker along with this form. If you do not have the evidence, please explain and return this form to the Evidence/Property Unit.

Your signature: _____

INTENTIONALLY BLANK

CHAIN OF CUSTODY

EVIDENCE/PROPERTY RECORD # _____

REPORT # _____

ITEM NUMBER	RECEIVED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
CODE	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
	RETURNED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
COMMENTS					

ITEM NUMBER	RECEIVED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
CODE	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
	RETURNED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
COMMENTS					

ITEM NUMBER	RECEIVED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
CODE	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
	RETURNED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
COMMENTS					

ITEM NUMBER	RECEIVED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
CODE	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
	RETURNED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME	<input type="checkbox"/> am <input type="checkbox"/> pm
COMMENTS					

CODES:

- | | | | | |
|------------------------------------|-----------------------------|--------------------------------|------------------------------|------------------|
| A – Returned by legal owner | E – Coroner’s Office | I – DMV | M – FBI | Q – Other |
| B – Taken to court | F – Destroyed | J – District Attorney | N – Secret Service | _____ |
| C – Asset seizure | G – Auction | K – Cnty Forensic Lab | O – City General Fund | R – Other |
| D – Investigation | H – Narcotics Burn | L – Identification Unit | P – Charity | _____ |

INTENTIONALLY BLANK

FORM 13B – Layout Option 2

CHAIN OF CUSTODY

PROPERTY/EVIDENCE RECORD # _____

REPORT # _____

ITEM NUMBER	RECEIVED BY (I.D. NUMBER AND SIGNATURE)	DATE RECEIVED	ENTER CODE <input type="checkbox"/>	EVIDENCE/PROPERTY EMPLOYEE (I.D. NUMBER AND SIGNATURE)	RETURNED BY (I.D. NUMBER AND SIGNATURE)	DATE RETURNED	EVIDENCE/PROPERTY EMPLOYEE (I.D. NUMBER AND SIGNATURE)
		TIME <input type="checkbox"/> A <input type="checkbox"/> P					
COMMENTS							
ITEM NUMBER	RECEIVED BY (I.D. NUMBER AND SIGNATURE)	DATE RECEIVED	ENTER CODE <input type="checkbox"/>	EVIDENCE/PROPERTY EMPLOYEE (I.D. NUMBER AND SIGNATURE)	RETURNED BY (I.D. NUMBER AND SIGNATURE)	DATE RETURNED	EVIDENCE/PROPERTY EMPLOYEE (I.D. NUMBER AND SIGNATURE)
		TIME <input type="checkbox"/> A <input type="checkbox"/> P					
COMMENTS							
ITEM NUMBER	RECEIVED BY (I.D. NUMBER AND SIGNATURE)	DATE RECEIVED	ENTER CODE <input type="checkbox"/>	EVIDENCE/PROPERTY EMPLOYEE (I.D. NUMBER AND SIGNATURE)	RETURNED BY (I.D. NUMBER AND SIGNATURE)	DATE RETURNED	EVIDENCE/PROPERTY EMPLOYEE (I.D. NUMBER AND SIGNATURE)
		TIME <input type="checkbox"/> A <input type="checkbox"/> P					
COMMENTS							
ITEM NUMBER	RECEIVED BY (I.D. NUMBER AND SIGNATURE)	DATE RECEIVED	ENTER CODE <input type="checkbox"/>	EVIDENCE/PROPERTY EMPLOYEE (I.D. NUMBER AND SIGNATURE)	RETURNED BY (I.D. NUMBER AND SIGNATURE)	DATE RETURNED	EVIDENCE/PROPERTY EMPLOYEE (I.D. NUMBER AND SIGNATURE)
		TIME <input type="checkbox"/> A <input type="checkbox"/> P					
COMMENTS							

CODES:

- | | | | | | |
|------------------------------------|-----------------------------|---------------------------|--------------------------------|------------------------------|--------------------|
| A – Returned by legal owner | D – Investigation | G – Auction | J – District Attorney | M – FBI | P – Charity |
| B – Taken to court | E – Coroner’s Office | H – Narcotics Burn | K – County Forensic Lab | N – Secret Service | Q – _____ |
| C – Asset seizure | F – Destroyed | I – DMV | L – Identification Unit | O – City General Fund | R – _____ |

INTENTIONALLY BLANK

CURRENCY ENVELOPE

XXX DEPARTMENT

DR #	PLACE BAR CODE LABEL HERE
EMPLOYEE #	
CHARGE	
DATE	
CASE AGENT	CASE #
TYPE OF CRIME	OPT #
LOCATION FOUND	PROPERTY/EVIDENCE #
NAME	<input type="checkbox"/> Suspect <input type="checkbox"/> Owner <input type="checkbox"/> Victim <input type="checkbox"/> Other
Type of Booking: <input type="checkbox"/> Search Warrant <input type="checkbox"/> Evidence <input type="checkbox"/> Found Property <input type="checkbox"/> Safekeeping <input type="checkbox"/> Do Not Deposit	

U.S. Currency	U.S. Coins
_____ x \$100 bill = \$ _____	_____ x \$1 coin = \$ _____
_____ x \$50 bill = \$ _____	_____ x 50¢ coin = \$ _____
_____ x \$20 bill = \$ _____	_____ x 25¢ coin = \$ _____
_____ x \$10 bill = \$ _____	_____ x 10¢ coin = \$ _____
_____ x \$5 bill = \$ _____	_____ x 5¢ coin = \$ _____
_____ x \$1 bill = \$ _____	_____ x 1¢ coin = \$ _____
_____ x ____ bill = \$ _____	_____ x ____ coin = \$ _____
SUBTOTAL = \$ _____	SUBTOTAL = \$ _____
GRAND TOTAL:	\$ _____

COUNTED AND SEALED BY	EMPLOYEE #	DATE	TIME <input type="checkbox"/> am <input type="checkbox"/> pm
EMPLOYEE VERIFYING COUNT	EMPLOYEE #	COMMENTS	

IDENTIFICATION DIVISION USE ONLY			
RECEIVED BY	EMPLOYEE #	DATE	TIME <input type="checkbox"/> am <input type="checkbox"/> pm

CHAIN OF CUSTODY			
FROM	TO	DATE	TIME <input type="checkbox"/> am <input type="checkbox"/> pm
FROM	TO	DATE	TIME <input type="checkbox"/> am <input type="checkbox"/> pm
FROM	TO	DATE	TIME <input type="checkbox"/> am <input type="checkbox"/> pm

INTENTIONALLY BLANK

NARCOTICS ENVELOPE

XXX DEPARTMENT

EVIDENCE
 FOUND PROPERTY
 FOR DESTRUCTION

CASE #	CONTROL #	ITEM #
LAST NAME (PLEASE PRINT)		FIRST NAME, MI
		<input type="checkbox"/> Suspect <input type="checkbox"/> Finder
CRIME STATUTE		
RECOVERED/FOUND	LOCATION WHERE NARCOTICS WERE RECOVERED/FOUND	
Date: Time:		
	<input type="checkbox"/> am <input type="checkbox"/> pm	
TOTAL PACKAGE WEIGHT		
RECOVERED/FOUND BY	EMPLOYEE #	
CONTENTS		

ANALYZE FOR: <input type="checkbox"/> COCAINE <input type="checkbox"/> AMPHETAMINE <input type="checkbox"/> PCP <input type="checkbox"/> MARIJUANA <input type="checkbox"/> HEROIN <input type="checkbox"/> OTHER: _____

ENTERED AND SEALED BY	EMPLOYEE #
WITNESSED BY	EMPLOYEE #
DATE	TIME
	<input type="checkbox"/> am <input type="checkbox"/> pm

CHAIN OF CUSTODY		
FROM	TO	DATE
FROM	TO	DATE
FROM	TO	DATE
FROM	TO	DATE

INTENTIONALLY BLANK

EVIDENCE/PROPERTY TRANSFER FORM

XXX DEPARTMENT

CASE #	CASE ASSIGNED TO	INVESTIGATOR
DELIVERY DATE	STATUS	REASON FOR REMOVAL

ITEM NUMBER	ARTICLE	BRAND	MODEL
SERIAL #	OTHER INFORMATION		STORAGE LOCATION

ITEM NUMBER	ARTICLE	BRAND	MODEL
SERIAL #	OTHER INFORMATION		STORAGE LOCATION

ITEM NUMBER	ARTICLE	BRAND	MODEL
SERIAL #	OTHER INFORMATION		STORAGE LOCATION

ITEM NUMBER	ARTICLE	BRAND	MODEL
SERIAL #	OTHER INFORMATION		STORAGE LOCATION

ITEM NUMBER	ARTICLE	BRAND	MODEL
SERIAL #	OTHER INFORMATION		STORAGE LOCATION

PROPERTY RECEIVED BY	EMPLOYEE #	DATE	VERIFIED BY	RELEASED BY
PROPERTY RETURNED BY	EMPLOYEE #	DATE	VERIFIED BY	RESTORED BY

If retained by court for disposition, notify **Xxx within 30 days, by phone **(###) ###-####****

COURT NAME	DEPARTMENT OR DIVISION	COURT CASE #
OTHER DISPOSITION	REMARKS	

INTENTIONALLY BLANK

PROPERTY RELEASE AUTHORIZATION

XXX DEPARTMENT

DATE _____

TO _____

FROM Evidence/Property Unit

SUBJECT **PROPERTY DISPOSITION – CASE #** _____

- We have received a disposition for the above case
- We have received a DA reject for the above case
- We have received an in-house reject for the above case
- We are reviewing older/inactive cases

The property booked by you under the above case number requires disposition by the date of _____, 20____. Should you desire the property to be retained, state your justification in the space below. If the property should be disposed of or returned to the owner, fill out the back of this form specifying disposition for each item with complete owner information when applicable.

This form **MUST** be returned to the Evidence/Property Unit **by the above date**, regardless of the disposition.

NARRATIVE: (Justification for held property)

COPIES TO: EVIDENCE/PROPERTY UNIT OTHER: _____

DATE AND TIME REPORTED	<input type="checkbox"/> am <input type="checkbox"/> pm	REPORTING OFFICER	I.D. NUMBER
		APPROVED BY	I.D. NUMBER

PROPERTY RELEASE RECEIPT

XXX DEPARTMENT

PROPERTY TAG AND/OR CASE NUMBER

NAME OF RECIPIENT OF EVIDENCE/PROPERTY

STREET ADDRESS	PHONE
----------------	-------

CITY	ST	ZIP	DRIVER'S LICENSE NUMBER	STATE OF ISSUE
------	----	-----	-------------------------	----------------

The following property has been received from the **Xxx Department:**

WARNING! SOME OR ALL OF THE ITEMS RELEASED TO YOU MAY HAVE BEEN TREATED WITH CHEMICALS OR OTHER AGENTS THAT MAY BE POISONOUS OR CONTAIN KNOWN CARCINOGENS.

<input type="checkbox"/>	I HEREBY CERTIFY THAT I AM/REPRESENT THE LEGAL OWNER OF THE ABOVE PROPERTY.
<input type="checkbox"/>	I HAVE NO KNOWLEDGE OF ANY OHER CHALLENGES TO THE EVIDENCE/PROPERTY.

SIGNATURE OF RECIPIENT OF PROPERTY: _____

RELEASE AUTHORIZED BY: _____

ISSUED BY: _____ DATE _____ TIME _____ am pm

WITNESSED BY:: _____

INTENTIONALLY BLANK

PROPERTY INVOICE RETURN


XXX DEPARTMENT

PROPERTY OWNER		STREET ADDRESS		CASE NUMBER	RELEASE DATE
BIRTH DATE		CITY		CONTACT NUMBER ()	
				ST	ZIP

PROPERTY RETURNED							
ITEM NO.	ITEM I.D. NUMBER	BRAND	ARTICLE	MODEL NUMBER	SERIAL NUMBER	SEIZURE LOCATION	STORAGE LOCATION

NOTE: Fill in this section if property owner's address has changed or if you are authorized to receive the released items for the above-named property owner.

AUTHORIZED RECIPIENT
STREET ADDRESS (AUTHORIZED RECIPIENT'S OR ADDRESS CHANGE)
CITY / STATE / ZIP
CONTACT NUMBER ()

OWNER/AUTHORIZED RECIPIENT VERIFICATION I.D. (TYPE/NUMBER)
ITEM NUMBER(S) RELEASED
RELEASE BY (PRINT NAME)
This is to certify that I have received from the XXX Department the above property. Pursuant to California Penal Code 1413(b), I certify under penalty of perjury that I am the legal owner of, or authorized to receive, the above-described property.
REQUIRED SIGNATURE 

Notes / Narrative:

INTENTIONALLY BLANK

EVIDENCE/PROPERTY STORAGE FACILITY ACCESS LOG

XXX DEPARTMENT

Entry into the Evidence/Property Storage Facility is limited to authorized staff for official business ONLY. All other entry must be documented to include identification and the purpose for entry. Failure to comply with this order may result in disciplinary action.

DATE IN	TIME IN	NAME/ I.D. NUMBER	SIGNATURE	DATE OUT	TIME OUT	REASON FOR ENTRY/ CASE NUMBER	ACCOMPANIED BY
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		
	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		

Log reviewed by _____ Date _____

INTENTIONALLY BLANK

EVIDENCE/PROPERTY RETENTION REFERENCES

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
32 PC	Accessories to Crimes	3 Yrs	801 PC	1 Yr	Accessory to felony
37 PC	Treason	Indefinite	799 PC	Death or life without parole	--
38 PC	Misprision of Treason	3 Yrs	801 PC	1 Yr	--
67 PC	Bribing Executive Officer	3 Yrs	801 PC	2-4 Yrs	--
67.5(a) PC	Bribing Ministerial Officer	1 Yr	802 PC	--	Petty theft section – Misdemeanor
67.5(b) PC	Bribing Ministerial Officer	3 Yrs	801 PC	--	Grand theft section – Felony
68 PC	Officer Asking or Receiving Bribes	3 Yrs	801 PC	2-4 Yrs	--
69 PC	Resisting or Deterring Officer	3 Yrs	801 PC	1 Yr	--
70 PC	Asking/Accepting Gratuity for Official Act	1 Yr	802 PC	--	Misdemeanor
71 PC	Threat of Injury Made to Officer in Performance of Duties	3 Yrs	801 PC	1 Yr	--
72 PC	Presenting False Claim to Public Board or Officer	3 Yrs	801 PC	1 Yr	--
72.5 PC	Presenting Claim for Reimbursement of Costs Incurred for Political Functions/Public Funds	3 Yrs	801 PC	1 Yr	--
73 PC	Offering Gratuity for Appointment to Office	1 Yr	802 PC	--	Misdemeanor
74 PC	Receiving Gratuity for Appointment to Office	1 Yr	802 PC	--	Fine only
76 PC	Threatening Life of or Serious Bodily Harm to Public Official, Staff, or Member of Immediate Family	3 Yrs	801 PC	1 Yr	--
85 PC	Bribing Legislators	3 Yrs	801 PC	2-4 Yrs	--
86 PC	Accepting Bribes	3 Yrs	801 PC	2-4 Yrs	Legislature
92 PC	Bribing Judicial Officer	3 Yrs	801 PC	2-4 Yrs	--

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
93 PC	Accepting Bribes	3 Yrs	801 PC	2-4 Yrs	Judicial officer, juror, referee, arbitrator, or umpire
94 PC	Gratuity or Reward to Judicial Officer	1 Yr	802 PC	--	Misdemeanor
94.5 PC	Fees/Gratuities for Performing Marriage	1 Yr	802 PC	--	Misdemeanor
95 PC	Influencing Jurors, Referees, or Umpires	3 Yrs	801 PC	1 Yr	--
95.1 PC	Threatening Jurors Following Verdict in Criminal Proceeding	3 Yr	801 PC	1 Yr	--
95.2 PC	Providing Sealed Juror Identification Information to Defendant	1 Yr	802 PC	--	Misdemeanor
95.3 PC	Private Investigator Providing Criminal Defendant with Information on Jurors	1 Yr	802 PC	--	Misdemeanor
96 PC	Juror – Promise of Decision for or Against Party	3 Yrs	802 PC	--	Misdemeanor
99 PC	State Printer Not to Be Interested in Public Contracts	3 Yrs	801 PC	1 Yr	--
100 PC	Forfeiture of Office	3 Yrs	801 PC	1 Yr	--
102 PC	Retaking of Property from Officer	1 Yr	802 PC	--	Misdemeanor
107 PC	Escape from Hospital or Reformatory	3 Yrs	801 PC	1 Yr	--
109 PC	Assisting Escape from Reformatory	3 Yrs	801 PC	1 Yr	--
110 PC	Supplying Anything to Aid Escape from Reformatory	3 Yrs	801 PC	1 Yr	--
113 PC	Manufacturing, Distributing, or Selling Documents to Conceal True Citizenship – Felony	3 Yrs	801 PC	1 Yr	--
114 PC	Using False Documents to Conceal True Citizenship – Felony	3 Yrs	801 PC	5 Yrs	--
115 PC	Attempt to Record False or Forged Instrument	3 Yrs	801 PC	1 Yr	--
115.1 PC	Use of Unauthorized Signature in Campaign Advertisement	3 Yrs	801 PC	1 Yr	--
115.2 PC	Publication of Campaign Advertisement Containing False Depictions or Representation of Official Public Documents	1 Yr	802 PC	--	Misdemeanor
115.25 PC	Production or Distribution of Document Containing Inaccurate Emergency Service Phone Numbers – Punishment	1 Yr	802 PC	--	Misdemeanor

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
115.3 PC	Alteration of Official Record	1 Yr	802 PC	--	Misdemeanor
115.5 PC	Forgery of Real Property Documents	3 Yrs	801 PC	1 Yr	--
116 PC	Tampering with Jury Lists or Jury Box	3 Yrs	801 PC	1 Yr	--
116.5 PC	Jury Tampering by Payment for Information	1 Yr	802 PC	--	--
117 PC	Certifying False Jury List	3 Yrs	801 PC	1 Yr	--
118 PC	Perjury	3 Yrs	801 PC	2-4 Yrs	--
118.1 PC	False Report Filed by Peace Officer	3 Yrs	801 PC	2-4 Yrs	--
127 PC	Subornation of Perjury	3 Yrs	801 PC	2-4 Yrs	--
128 PC	Perjury Resulting in Capital Punishment	Indefinite	799 PC	Death or life without parole	--
132 PC	Offering Forged or Altered Document as Genuine	3 Yrs	801 PC	1 Yr	--
132.5 PC	Witness Accepting Payment for Information	1 Yr	802 PC	--	County jail only
133 PC	For Impeachment or Corroboration	1 Yr	802 PC	--	Misdemeanor
134 PC	Falsifying Documents to Be Used in Evidence	3 Yrs	801 PC	1 Yr	--
135 PC	Destroying or Concealing Documentary Evidence	1 Yr	802 PC	--	Misdemeanor
136.1 PC	Preventing or Dissuading from Attending or Giving Testimony	3 Yrs	801 PC	1 Yr	--
136.1(a) PC	Preventing or Dissuading from Attending or Giving Testimony	1 Yr	802 PC	Up to 1 Yr	Involved party or witness in offense
136.1(b) PC	Preventing or Dissuading from Making a Report to Law Enforcement	1 Yr	802 PC	Up to 1 Yr	Victim of offense
136.5 PC	Carrying Deadly Weapon to Prevent Witness from Testifying	3 Yrs	801 PC	1 Yr	--
136.7 PC	Persons Imprisoned for Sexual Offense	3 Yrs	801 PC	1 Yr	Disclosure of witness' or victim's name and address to another prisoner to initiate unauthorized correspondence
137(a) PC	Inducing False Testimony / Bribery of Witness	3 Yrs	801 PC	1 Yr	Giving witness material information pertaining to crime to law enforcement official

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
137(b) PC	Inducing False Testimony / Bribery of Witness	3 Yrs	801 PC	1 Yr	Force or threat of force to induce false testimony
137(c) PC	Inducing False Testimony / Bribery of Witness	1 Yr	802 PC	--	Misdemeanor
138 PC	Witness-Bribing or Receiving Bribe Not to Attend Trial	3 Yrs	801 PC	1 Yr	--
139 PC	Threatening Witnesses	3 Yrs	801 PC	2-4 Yrs	--
140 PC	Threat of Force or Violence Because of Assistance in Prosecution	3 Yrs	801 PC	2-4 Yrs	--
142 PC	Officer Refusing to Receive or Arrest Criminal	3 Yrs	801 PC	1 Yr	Sheriff's determination of facility purpose and class of prisoners
145 PC	Delay of Arresting Officer to Take Arrested Person Before Magistrate	1 Yr	802 PC	--	Misdemeanor
146 PC	Officer Acting without Regular Process	1 Yr	802 PC	--	Misdemeanor
146(a) PC	Officer Acting without Regular Process	1 Yr	802 PC	--	Arrests any person or detains that person against his/her will – Misdemeanor
146(b)	Officer Acting without Regular Process	1 Yr	802 PC	--	Seizes or levies upon any property – Misdemeanor
146a PC	Arrest or Search by Person Impersonating an Officer	1 Yr	802 PC	Up to 1 Yr	Misdemeanor
146b PC	Simulating Official Inquires	1 Yr	802 PC	--	Misdemeanor
146c PC	Designation of Nongovernmental Organization Composed of Law Enforcement Personnel	1 Yr	802 PC	--	Misdemeanor
146d PC	Devices Promising Immunity from Law Enforcement	1 Yr	802 PC	--	Misdemeanor
146e(a)PC	Disclosure of Residence Address or Telephone Number of Peace Officer or Agency Personnel	1 Yr	802 PC	--	Misdemeanor
146e(b) PC	Telephone Number of Peace Officer or Agency Personnel	3 Yrs	801 PC	--	Felony
147 PC	Inhumane Treatment or Oppression of Prisoner	1 Yr	802 PC	--	Fine and removal from office
148(a) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	1 Yr	802 PC	Up to 1 Yr	Misdemeanor
148(b) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	3 Yrs	801 PC	--	Taking of firearm from public officer – Imprisonment in county jail
148(c) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	3 Yrs	801 PC	--	Taking of firearm from public officer – Imprisonment in state prison

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
148(d) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	3 Yrs	801 PC	--	Taking of firearm from public officer – Imprisonment in county jail
148.1 PC	Falsely Reporting Planting of Bomb	3 Yrs	801 PC	Up to 1 Yr	--
148.2 PC	Interfering with Discharge of Duty by Firefighter or Emergency Personnel	1 Yr	802 PC	--	Misdemeanor
148.3 PC	Falsely Reporting Emergency	3 Yrs	801 PC	--	--
148.4 PC	Tampering with Fire Alarm / Giving False Alarm	3 Yrs	801 PC	--	--
148.5 PC	Falsely Reporting Crime	1 Yr	802 PC	--	Misdemeanor
148.6 PC	Falsely Alleging Police Misconduct, Civil Claims, or Property Liens Against an Officer	1 Yr	802 PC	--	Misdemeanor
148.7PC	Serving Sentence of Another	1 Yr	802 PC	--	Misdemeanor
148.9 PC	Giving False Identification	1 Yr	802 PC	--	Misdemeanor
148.10 PC	Willful Resistance to Peace Officer – Cause of Death or Serious Bodily Injury	3 Yrs	801 PC	2-4 Yrs	--
149 PC	Assault and Battery by Officer – Third Degree	3 Yrs	801 PC	1 Yr	--
150 PC	Refusal to Aid Posse or Assist in Making Arrest	1 Yr	802 PC	--	Fine only
151 PC	Advocating Injury or Death of Peace Officer	3 Yrs	801 PC	--	<ul style="list-style-type: none"> No injury – Misdemeanor Injury – Felony
153 PC	Compounding or Concealing Crime	3 Yrs	801 PC	--	<ul style="list-style-type: none"> If crime is punishable by death or imprisonment in state prison – Felony If crime is not punishable by death or imprisonment in state prison – Misdemeanor
154(a) PC	Defrauding Creditors by Selling or Concealing Property	1 Yr	802 PC	6 Mo	Misdemeanor
154(b) PC	Defrauding Creditors by Selling or Concealing Property	3 Yrs	801 PC	--	Value exceeding \$100
155(a) PC	Defendant or Judgment Debtor	1 Yr	802 PC	--	Concealing or selling of property to be used as evidence in a court case
155(b) PC	Defendant or Judgment Debtor	3 Yr	801 PC	--	Value exceeding \$100
155.5(a) PC	Disposition of Property by Criminal Defendant to Avoid Making Restitution	1 Yr	802 PC	--	Misdemeanor

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
155.5(b) PC	Disposition of Property by Criminal Defendant to Avoid Making Restitution	3 Yrs	801 PC	--	Felony
156 PC	Producing Spurious Heir	3 Yrs	801 PC	2-4 Yrs	Fraudulently produce an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit any real estate
157 PC	Substitution of Child	3 Yrs	801 PC	2-4 Yrs	--
158 PC	Common Barratry	1 Yr	802 PC	6 Mo	Exciting groundless judicial proceedings
165 PC	Giving or Offering Bribe to Councilman or Supervisor	3 Yrs	801 PC	2-4 Yrs	--
166(a) PC	Contempt of Court	1 Yr	802 PC	--	To exhibit disorderly conduct, resistance, or to give false report in court
166(b) PC	Contempt of Court	1 Yr	802 PC	Up to 1 Yr	Willfully contacting a victim by phone
166(c) PC	Contempt of Court	1 Yr	802 PC	Up to 1 Yr	Willful violation of protective or stay-away order
166(c)(1) PC	Contempt of Court	3 Yrs	801 PC	--	Second conviction
167PC	Recording Jury Proceedings	1 Yr	802 PC	--	Misdemeanor
168 PC	Disclosing Warrant Prior to Execution – Exceptions	3 Yrs	801 PC	--	--
169 PC	Picketing Near Court to Obstruct Administration of Justice	1 Yr	802 PC	--	Misdemeanor
170 PC	Maliciously Procuring Warrant to Search or Arrest	1 Yr	802 PC	--	Misdemeanor
171 PC	Communication with Inmate of Reformatory	1 Yr	802 PC	--	Misdemeanor
171b PC	Bringing Weapons or Deadly Weapons into State or Local Public Building	3 Yrs	801 PC	Up to 1 Yr	--
171c PC	Bringing Loaded Firearm into State Office, State Capitol Grounds, or Public School Grounds	3 Yrs	801 PC	Up to 1 Yr	--
171d PC	Bringing Loaded Firearm into Residence of Governor or Constitutional Officer	3 Yrs	801 PC	Up to 1 Yr	--
172(b) PC	Selling Liquor in Prohibited Area Near College and State Institutions	1 Yr	802 PC	--	Prohibiting the sale within 1,900 ft of youth institution
172(d) PC	Selling Liquor in Prohibited Area Near College and/or State Institutions	1 Yr	802 PC	--	Provision of distance to not be measured by airline but by shortest highway as defined in Section 360 CVC
173PC	Importation of Foreign Convict	1 Yr	802 PC	--	Misdemeanor

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
181 PC	Involuntary Servitude and Sale of Slaves	3 Yrs	801 PC	2-4 Yrs	--
182(a) PC	Conspiracy	3-6 Yrs	800 PC	5-9 Yrs	If two or more persons conspire
185PC	Wearing Mask or Disguise	1 Yr	802 PC	--	Misdemeanor
186.10 PC	Acts Constituting Money Laundering	3 Yrs	801 PC	1-4 Yrs	--
186.22 PC	Criminal Street Gang Activity	3 Yrs	801 PC	16 Mo-3 Yrs	--
186.26 PC	Coercion of Minor to Participate in Street Gang – Felony or Misdemeanor	3 Yrs	801 PC	1-3 Yrs	--
186.28 PC	Supplying or Selling Firearm Used in Criminal Street Gang Activity	3 Yrs	801 PC	--	--
187 PC	Murder – First Degree	Indefinite	799 PC	25 Yrs to Life	--
187 PC	Murder – Second Degree	Indefinite	799 PC	15 Yrs to Life	--
191.5 PC	Vehicular Manslaughter while Intoxicated; Multiple Convictions for Offenses Related to Driving while Under the Influence of Alcohol or Drugs	6 Yrs	800 PC	4-10 Yrs	--
192(a) PC	Voluntary Manslaughter	6 Yrs	800 PC	3-11 Yrs	Voluntary
192(b) PC	Manslaughter	3 Yrs	801 PC	2-4 Yrs	Involuntary
192(c) PC	Manslaughter	3 Yrs	801 PC	16 Mo-6 Yrs	Vehicular
193.5 PC	Manslaughter Committed during Operation of Vessel	3 Yrs	801 PC	2-6 Yrs	--
193.8PC	Adult Relinquishing Possession of Motor Vehicle to Minor Under Specified Conditions	1 Yr	802 PC	1/2 Yr	Conditions: 1) Intoxicated, 2) Violation of Section 23103, 3) No lawful right to possession of vehicle
203 PC	Mayhem / Dismemberment	6 Yrs	800 PC	2-8 Yrs	--
205 PC	Aggravated Mayhem	Indefinite	799 PC	Life w/o	--
206 PC	Torture (Proof of Pain Not Required)	Indefinite	799 PC	Life	--
207 PC	Kidnapping	6 Yrs	800 PC	3-8 Yrs	--
209 PC	Kidnapping for Ransom or Extortion, or to Commit Robbery or Sex Crime	Indefinite	799 PC	Life without parole	--

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
210 PC	Posing as Kidnapper, Etc. – when Felony	3 Yrs	801 PC	2-4 Yrs	--
210.5 PC	Taking Hostages	6 Yrs	800 PC	3-8 Yrs	--
211 PC	Robbery	6 Yrs	--	--	--
212.5 PC	Robbery – First Degree	6 Yrs	800 PC	3-9 Yrs	--
212.5 PC	Robbery – Second Degree	3 Yrs	801 PC	2-5 Yrs	--
214 PC	Train Robbery	3 Yrs	801 PC	--	--
215 PC	Carjacking	6 Yrs	800 PC	3-9 Yrs	--
218 PC	Derailing or Wrecking Train	Indefinite	799 PC	Life without parole	--
219 PC	Wrecking Train or Firing Bridge	Indefinite	799 PC	Life without parole	--
219.1 PC	Throwing Missile at Vehicle of Common Carrier	3 Yrs	801 PC	2-6 Yrs	--
219.2 PC	Throwing Missile or Shooting at Trains, Streetcars, or Vessels	3 Yrs	801 PC	--	--
219.3PC	Throwing Missile from Toll Bridge	1 Yr	802 PC	--	Throwing object from toll bridge
220 PC	Assault with Intent to Commit Mayhem or Sex Crimes	3 Yrs	801 PC	2-6 Yrs	--
222 PC	Administering Controlled Substance or Anesthetic to Aid Felony	3 Yrs	801 PC	--	--
237PC	False Imprisonment	1-3 Yrs	801 PC	--	Involving violence – Felony
241PC	Assault Against Peace Officer or Other Specified Persons	1 Yr	802 PC	1/2 Yr	--
241.1 PC	Assault on Custodial Officer	3 Yrs	801 PC	--	--
241.2PC	Assault on Any Person on School or Park Property	1 Yr	802 PC	Up to 1 Yr	County jail only
241.3PC	Assault on Public Transportation Provider's Property or Vehicle	1 Yr	802 PC	Up to 1 Yr	County jail only
241.4PC	Assault on School Police Department Member	1-3 Yrs	801 PC	--	If a reasonable person would have known it was an officer – Felony
241.6PC	Assault on School Employee	1 Yr	802 PC	Up to 1 Yr	Misdemeanor

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
242 PC	Battery – Definition	1-3 Yrs	801 PC	Up to 3 Yrs	See various 243 sections for statute
243(a)PC	Battery	1 Yr	802 PC	1/2 Yr	Battery against a person with minimal injuries – Misdemeanor
243(b)PC	Battery	1 Yr	802 PC	Up to 1 Yr	Battery against public duty officer
243(c)PC	Battery	3 Yrs	801 PC	16 Mo-3 Yrs	Battery against custodial officer
243(d) PC	Battery	3 Yrs	801 PC	2-4 Yrs	Battery against a person with major injuries – Felony
243(e)PC	Battery	1 Yr	802 PC	Up to 1 Yr	Battery against a spouse or whom they are cohabitating with
243.1 PC	Battery Against Custodial Officer	3 Yrs	801 PC	--	--
243.2PC	Battery Committed on Any Person on School, Park, or Hospital Property	1 Yr	802 PC	Up to 1 Yr	--
243.3PC	Battery Committed Against Public Transit Employee or Passenger	3 Yrs	801 PC	16 Mo-3 Yrs	--
243.4 PC	Sexual Battery	3 Yrs	801 PC	2-4 Yrs	--
243.6PC	Battery Committed Against School Employee	1-3 Yrs	801 PC	16 Mo-3 Yrs	Injury – Felony
243.7 PC	Battery Committed Against Juror	3 Yrs	801 PC	16 Mo-3 Yrs	--
243.8PC	Battery Committed Against Sports Official	1 Yr	802 PC	Up to 1 Yr	--
244 PC	Throwing Acid or Flammable Substance with Intent to Disfigure or Burn – "Flammable Substance" Defined	3 Yrs	801 PC	2-4 Yrs	--
244.5 PC	Assault with Stun Gun or Taser	3 Yrs	801 PC	2-4 Yrs	--
245(a)(1) PC	Assault with a Deadly Weapon	3 Yrs	801 PC	2-4 Yrs	--
245(a)(2) PC	Assault with a Deadly Weapon – Firearm	3 Yrs	801 PC	2-4 Yrs	--
245(a)(3) PC	Assault with a Deadly Weapon – Machine Gun	6 Yrs	800 PC	4-12 Yrs	--
245(b) PC	Assault with a Deadly Weapon – Semiautomatic Firearm	6 Yrs	800 PC	3-9 Yrs	--
245(c) PC	Assault with a Deadly Weapon – Other than Firearm	3 Yrs	801 PC	3-5 Yrs	--

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
245(d) PC	Assault with a Deadly Weapon – Firearm	6 Yrs	800 PC	2-8 Yrs	Against peace officer or firefighter
245.2 PC	Assault with a Deadly Weapon Committed Against Public Transit Employee	3 Yrs	801 PC	3-5 Yrs	--
245.3 PC	Assault with a Deadly Weapon on Custodial Officer	3 Yrs	801 PC	3-5 Yrs	--
245.5 PC	Assault with a Deadly Weapon on School Employee	3 Yrs	801 PC	3-5 Yrs	--
246 PC	Firearms, Discharge of, at Inhabited Dwelling, Vehicle, or Aircraft	3 Yrs	801 PC	3-7 Yrs	--
246.3 PC	Discharge of Firearm in Grossly Negligent Manner that Could Result in Injury or Death of Person	3 Yrs	801 PC	--	--
247 PC	Discharging Firearm at Unoccupied Aircraft, Motor Vehicle, or Uninhabited Building or Dwelling House	3 Yrs	801 PC	--	--
247.5 PC	Discharging Laser at Aircraft	3 Yrs	801 PC	16 Mo-3 Yrs	--
248PC	Shining Light at Aircraft with Intent to Impair Operation	1 Yr	--	Up to 1 Yr	--
261 PC	Rape	10 Yrs	803 PC	--	Retain 10 Years
261.5(b)PC	Unlawful Sexual Intercourse with a Minor	1 Yr	--	--	Age difference is within 3 years
261.5(c) PC	Unlawful Sexual Intercourse with a Minor	3 Yrs	801 PC	1 Yr	Age difference 3 years younger
261.5(d) PC	Unlawful Sexual Intercourse with a Minor	3 Yrs	801 PC	2-4 Yrs	Suspect 21 or older and victim under 16 years
262 PC	Rape of Person Who Is Spouse of Perpetrator	10 Yrs	800 PC	5-9 Yrs	--
264.1 PC	Defendant Acted in Concert with Another Person to Commit Rape	10 Yrs	800 PC	5-9 Yrs	--
265 PC	Abduction to Force Marriage or Defilement	3 Yrs	801 PC	--	--
266 PC	Enticing, procuring, or luring minor into house of prostitution	3 Yrs	801 PC	--	--
266a PC	Procuring Person by Force or False Inducement	3 Yrs	801 PC	--	--
266b PC	Compelling Illicit Relation by Menace	3 Yrs	801 PC	--	--
266c PC	Inducing Commission of Sexual Act through False Representation Creating Fear	3 Yrs	801 PC	2-4 Yrs	--

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
266d PC	Paid Procuring of Person – Pandering	3 Yrs	801 PC	--	--
266e PC	Hiring Panderer	3 Yrs	801 PC	--	--
266f PC	Selling Person for Illicit Use	3 Yrs	801 PC	--	--
266g PC	Prostituting Wife	3 Yrs	801 PC	2-4 Yrs	--
266h(a) PC	Pimping – Punishment/Enhancement	3-10 Yrs	800 PC	3-8 Yrs	Felony if victim is under 16 years of age
266i PC	Pandering	10 Yrs	800 PC	3-8 Yrs	--
266j PC	Providing or Transporting Child Under 16 for Purpose of Lewd or Lascivious Act	10 Yrs	800 PC	3-8 Yrs	--
267 PC	Abduction for Prostitution	3 Yrs	801 PC	--	--
269 PC	Aggravated Sexual Assault of Child	Indefinite	799 PC	15 Yrs to Life	--
270 PC	Child Neglect	3 Yrs	801 PC	Up to 1 Yr	--
270c PC	Neglect of Indigent Parent	1 Yr	802 PC	--	Misdemeanor
270.5PC	Refusing to Accept Minor Child into Home	1 Yr	802 PC	--	Misdemeanor
271 PC	Child Under 14 Years of Age – Abandonment	3 Yrs	801 PC	--	--
271a PC	Failure to Provide For	3 Yrs	801 PC	--	Child is under 14 years of age
272 PC	Contributing to Delinquency of Minor	1 Yr	802 PC	Up to 1 Yr	--
273 PC	Paying Parent for Adoption of Child	1 Yr	802 PC	--	Beyond Adoption Services
273a PC	Abusing or Endangering Health of Child	3 Yrs	801 PC	2-6 Yrs	--
273ab PC	Assault on Child with Force Likely to Produce Great Bodily Injury Resulting in Death	Indefinite	799 PC	25 Yrs to Life	--
273d PC	Felony to Inflict Corporal Injury Upon Child	3 Yrs	801 PC	2-6 Yrs	Enhancement for prior conviction / Conditions of probation
273e PC	Sending or Permitting Minor to Enter House of Prostitution or Variety Theater	1 Yr	802 PC	--	Misdemeanor

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
273f PC	Sending Minor to Saloon, Gambling House, or House of Prostitution	1 Yr	802 PC	--	Misdemeanor
273g PC	Lewdness or Drunkenness in Presence of Child	1 Yr	802 PC	--	Misdemeanor
273.5 PC	Domestic Violence	3 Yrs	801 PC	2-4 yrs	Retain 10 years – 1109 Evidence Code
273.55 PC	Corporal Injury on Spouse or Cohabitant	3 Yrs	801 PC	2-5 Yrs	Punishment for repeat offender
273.6 PC	Protective Order Violations Pursuant to Family Code and Code of Civil Procedure	1 Yr	802 PC	Up to 1 Yr	If injury, additional jail term
273.7 PC	Disclosing Location of Domestic Violence Shelter	1 Yr	802 PC	--	Misdemeanor
274 PC	Abortion – Exception	3 Yrs	801 PC	--	Abortions
275 PC	Woman Soliciting and Submitting to – Exception	3 Yrs	801 PC	--	Abortions
276 PC	Solicitation of Woman to Submit to or Procure – Exception	3 Yrs	801 PC	Up to 1 Yr	Abortions
277 PC	Child Abduction	3 Yrs	801 PC	2-4 Yrs	Child abductions
278 PC	Taking, Enticing Away, Keeping, Withholding, or Concealing Child by Person without Right of Custody – Punishment	3 Yrs	801 PC	2-4 Yrs	--
278.5 PC	Taking, Enticing Away, Keeping, Withholding, or Concealing Child in Order to Deprive Lawful Custodian of Custody or Visitation Rights – Punishments	3 Yrs	801 PC	16 Mo-3 Yrs	--
280 PC	Punishment, Removal, or Concealment of Child Involved in Adoption Proceedings	1-3 Yrs	801 PC	Up to 1 Yr	Within or removed from county of abduction
281 PC	Bigamy – Proof	3 Yrs	801 PC	--	--
284 PC	Punishment for Marrying Spouse of Another	3 Yrs	801 PC	--	--
285 PC	Incest	3 Yrs	801 PC	--	--
286 PC	Sodomy	3-10 Yrs	800 PC	Up to 8 Yrs	Age of victim and force used
286.5 PC	Assault – Animals	1 Yr	802 PC	--	Including sexual assault
288 PC	Sexual Offense Against a Child	10 Yrs	800 PC	3-8 Yrs	Victim under the age of 14
288(a) PC	Lewd Act on Child	3-10 Yrs	800 PC	3-8 Yrs	Child under 14 years of age

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
288 (b)(1) PC	Unlawful Oral Copulation	3 Yrs	800 PC	3-8 Yrs	By force, violence, duress, menace, or fear
288(b)(2) PC	Unlawful Oral Copulation	3 Yrs	800 PC	3-8 Yrs	Against a dependent adult
288(c)(1) PC	Unlawful Oral Copulation	3 Yrs	800 PC	3-8 Yrs	Suspect more than 10 years older / Victim under 14
288 (c)(2) PC	Unlawful Oral Copulation	3 Yrs	800 PC	3-8 Yrs	Against victim's will.
288.2 PC	Distribution or Exhibition of Lewd Material to Minor	3 Yrs	801 PC	--	--
288.5 PC	Engaging in Three (3) or More Acts of Substantial Sexual Conduct with Child Under Age 14	10 Yrs	801.1 PC	6-16 Yrs	--
289 PC	Unlawful Sexual Penetration	6-10 Yrs	800 PC	3-8 Yrs	Against victim's will – Retain 10 years
289.6 PC	Employee, Officer, or Agent of Detention Facility Prohibited from Engaging in Sexual Activity with Confined Consenting Adult	3 Yrs	800 PC	--	--
302 PC	Disorderly Conduct at Church Service	1 Yr	802 PC	Up to 1 Yr	--
303 PC	Encouraging Sale of Alcoholic Beverage	1Yr	802 PC	--	Misdemeanor
303a PC	Soliciting Purchase of Alcoholic Beverage	1Yr	802 PC	--	Misdemeanor
307 PC	Furnishing Foods Containing Alcohol to Persons Under 21	1 Yr	802 PC	--	Misdemeanor
308 PC	Selling Cigarettes or Tobacco to Minor	1 Yr	802 PC	--	--
308b PC	Unsolicited Delivery of Tobacco	1 Yr	802 PC	--	Misdemeanor
308.2 PC	Sale of Cigarettes Not in Sealed and Properly Labeled Package	1 Yr	802 PC	--	Infraction
308.5 PC	Sale , Lease, or Offer of Video Games, Alcohol, or Tobacco Advertising to Minors	1 Yr	802 PC	--	Misdemeanor
309 PC	Admitting or Keeping Minor in House of Prostitution	1 Yr	802 PC	--	Misdemeanor
310 PC	Attendance of Minor at Prizefight or Cockfight	1 Yr	802 PC	--	Misdemeanor
310.2 PC	Furnishing Diet Pills, Diuretic, or Laxatives to Minors/Athletic Team Members for Nonmedical Purposes	1 Yr	802 PC	--	Misdemeanor
310.5 PC	Entering Into Contract to Pay Minor Victim of Unlawful Sex Act	1 Yr	802 PC	--	Misdemeanor

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
311.1 PC	Bringing Into State Matter Depicting Child in Sexual Conduct	3 Yrs	801 PC	--	--
311.2 PC	Bringing Obscene Matter into or Distributing within State	3 Yrs	801 PC	2-6 Yrs	--
311.3 PC	Developing, Duplicating, Printing, or Exchanging Obscene Matter Depicting Sexual Conduct of Person Under Age 18	3 Yrs	801 PC	--	--
311.4 PC	Using Minor to Assist in Distribution of Obscene Matter / Posing or Modeling Involving Sexual Conduct	6 Yrs	800 PC	3-8 Yrs	--
311.5 PC	Advertising Obscene Matter	1 Yr	802 PC	--	Misdemeanor
311.6 PC	Engaging in Obscene Live Conduct	1 Yr	802 PC	--	Misdemeanor
311.7 PC	Requiring Acceptance of Obscene Matter as Condition for Receiving Other Merchandise	1 Yr	802 PC	--	Misdemeanor
311.10 PC	Punishment for Distributors of Obscene Matter Depicting Person Under Age 18	3 Yrs	801 PC	2-4 Yrs	--
311.11 PC	Possession or Control of Matter, Representation of Information, Data, or Image, Depicting Sexual Conduct of Person Under Age 18	3 Yrs	801 PC	2-6 Yrs	--
313.1 PC	Distribution to Minors / Restricting Display, Sale, Rental, Video Recordings, or Transmissions of Telephone Messages	1 Yr	802 PC	Up to 1 Yr	Infraction
314 PC	Indecent Sample #	3 Yrs	801 PC	Up to 1 Yr	Prior conviction of 288 PC of prior 314
315 PC	Keeping or Living in House of Prostitution	1 Yr	802 PC	--	--
316 PC	Keeping Disorderly or Assignment House	1 Yr	802 PC	--	Misdemeanor
318 PC	Pimping, Capping, or Soliciting Patrons	1 Yr	802 PC	6 Mo	County jail only
320 PC	Contriving, Proposing, or Drawing	1 Yr	802 PC	--	Contrives, prepares, sets up lottery
321 PC	Selling Chances, Shares, or Tickets	1 Yr	802 PC	--	Misdemeanor
322 PC	Assisting by Printing or Advertising	1 Yr	802 PC	--	Misdemeanor
323 PC	Opening or Keeping Agency for Sale or Registration of Tickets	1 Yr	802 PC	--	Misdemeanor
324 PC	Insuring For or Against Drawing	1 Yr	802 PC	--	Misdemeanor
326 PC	Renting Premises for Lottery Purposes	1 Yr	802 PC	--	Misdemeanor

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
327 PC	Endless-Chain Schemes	3 Yrs	801 PC	16 Mo-3 Yrs	--
330 PC	Prohibited Gaming	1 Yr	802 PC	6 Mo	Games played for representative value or betting – County jail only
330.1 PC	Slot Machines Forbidden	1 Yr	802 PC	6 Mo	County jail only
330.4 PC	Mere Possession Prohibited	1 Yr	802 PC	6 Mo	County jail only
330.8 PC	Permissible Sale/Transportation/Storage/Manufacture of Gambling Devices	1 Yr	802 PC	--	Misdemeanor
331 PC	Liability of Owner or Lessor of Gaming House	1 Yr	802 PC	6 Mo	Knowingly permits – County jail only
332 PC	Card-Monte, Trick, and Sure-Thing Games	1 Yr	802 PC	--	Wobbler – Based on dollar amount
333 PC	Witnesses in Prosecution	1 Yr	802 PC	--	Misdemeanor
334 PC	Sale/Manufacture/Use of Hidden Mechanical Device or Obstruction – Razzle-Dazzle Concession	1 Yr	802 PC	--	Misdemeanor
335 PC	Officers Charged with Detection and Prosecution	1 Yr	802 PC	--	Misdemeanor
336 PC	Permitting Minors to Play Games Where Liquor Is Sold	1 Yr	802 PC	--	Misdemeanor
337 PC	Receiving "Protection-Money" or Granting Privileges	3 Yrs	801 PC	--	--
337a PC	Pool Selling, Bookmaking, or Wagering	3 Yrs	801 PC	--	--
337b PC	Bribing Player or Participant to "Throw" Sporting Event	3 Yrs	801 PC	--	--
337c PC	Accepting Bribe to "Throw" Sporting Event	3 Yrs	801 PC	--	--
337d PC	Bribing Judge of Sporting Event	3 Yrs	801 PC	--	--
337e PC	Accepting Bribe	3 Yrs	801 PC	--	--
337f PC	"Doping" Race Horse / Entry of Horse Under Unregistered Name	3 Yrs	801 PC	--	--
337h PC	Administering Drugs to Any Animal Entered in Race or Other Competition	1 Yr	802 PC	--	Misdemeanor
337i PC	Transmitting Race Information for Gambling Purposes	3 Yrs	801 PC	--	--

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
337.1 PC	False Persuasion in Betting – A Tout	1 Yr	802 PC	6 Mo	County jail only
337.3 PC	Felony to Misrepresent Source of Information	3 Yrs	801 PC	--	--
337.5 PC	Refusing to Leave a Race Track – Touting	1 Yr	802 PC	--	Misdemeanor
337.7 PC	Misrepresenting Self by Wrongful Use of Credential or License	3 Yrs	801 PC	--	--
343 PC	Withholding Register of Gold Bars from Officer	1 Yr	802 PC	--	Misdemeanor
346 PC	Tickets to Entertainment Events	1 Yr	802 PC	--	Misdemeanor
347 PC	Mingling Harmful Substance with Food or Drink	3 Yrs	801 PC	2-5 Yrs	--
347b PC	Poisoned Alcohol	1 Yr	802 PC	1 Yr	County jail only
350 PC	Manufacture or Sale of Counterfeit Mark	1 Yr	801 PC	1-3 Yrs	Wobbler – Based on dollar amount
351a PC	Misrepresenting Name of Maker of Goods Sold	1 Yr	802 PC	--	Misdemeanor
355 PC	Removing Identifying Marks on Wreckage	1 Yr	802 PC	--	Misdemeanor
356 PC	Cutting or Altering Brands on Logs or Lumber	1 Yr	802 PC	--	Misdemeanor
359 PC	Solemnizing Illegal Marriage	1 Yr	802 PC	3 Mo-1 Yr	County jail only
360 PC	In Absence of License – Marriage	1 Yr	802 PC	--	Misdemeanor
362 PC	Disobedience of Habeas Corpus Writ	1 Yr	802 PC	--	Misdemeanor
363 PC	Recommitting or Restraining Person Discharged on Return of Habeas Corpus	1 Yr	802 PC	--	Misdemeanor
364 PC	Evading Service of Writ of Habeas Corpus	1 Yr	802 PC	--	Misdemeanor
365 PC	Refusal to Accommodate Hotel Guest or Receive Passenger for Hire	1 Yr	802 PC	--	Misdemeanor
365.5 PC	Equal Access for Disabled Persons with Specially Trained Dogs	1 Yr	802 PC	--	Misdemeanor
365.6 PC	Interfering with Use of Guide Dog – Misdemeanor	1 Yr	802 PC	6 Mo	County jail only
365.7 PC	Guide Dog – Fraudulent Representation as Misdemeanor	1 Yr	802 PC	6 Mo	Misdemeanor

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
367f PC	Sale of Human Organs for Purposes of Transplantation and Valuable Consideration	3 Yrs	801 PC	3-5 Yrs	--
368 PC	Person Causing Pain, Suffering, or Injury to Elder or Dependent Adult / Theft or Embezzlement by Caretaker	3 Yrs	801 PC	2-4 Yrs	--
369b PC	Penalties for Rail Transit-Related Traffic Violations	1 Yr	802 PC	--	Only applies to counties with a population greater than 500,000
369d PC	Leaving Right-of-Way Gates Open	1 Yr	802 PC	--	Misdemeanor
369g PC	Trespass on Railroad or Rail-Line Track	1 Yr	802 PC	--	Misdemeanor
369h PC	Placing Light in Line of Vision Along Railroad Track – Exceptions	1 Yr	802 PC	--	--
369i PC	Trespass on Railroad- or Rail Transit-Related Property	1 Yr	802 PC	--	Misdemeanor
374d PC	Leaving Carcass of Dead Animal on Highway	1 Yr	802 PC	--	Misdemeanor
374.3 PC	Dumping Refuse on Public or Private Roads or Property – Commercial Quantities	1 Yr	802 PC	--	--
374.4 PC	Littering on Public or Private Property	1 Yr	802 PC	--	Infraction
374.7 PC	Dumping Rubbish in Water	1 Yr	802 PC	--	Misdemeanor
374.8 PC	Depositing Hazardous Substance	3 Yrs	801 PC	16 Mo-3 Yrs	--
375 PC	Gassing Theater, Restaurant, or Store – Making Gas	3 Yrs	801 PC	--	Amount of injury
377 PC	False Representation to Procure Drug	1 Yr	802 PC	--	Misdemeanor
380 PC	Sale or Distribution of Toluene to Persons Under 18 Years	1 Yr	802 PC	--	--
381 PC	Possessing Toluene or Similar Substance with Intent to Inhale and Become Intoxicated	1 Yr	802 PC	--	Misdemeanor
381a PC	Misrepresenting Quality of Dairy Products	1 Yr	802 PC	6 Mo	County jail only
381b PC	Nitrous Oxide – Penalties for Use	1 Yr	802 PC	--	Misdemeanor
382 PC	Adulteration – Drugs, Liquor, and Food	1 Yr	802 PC	--	--
382.4 PC	Only Veterinarian to Administer Succinylcholine	1 Yr	802 PC	--	Misdemeanor

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
382.5 PC	Dinitrophenol Sale a Felony	3 Yrs	801 PC	--	Punishment – Exceptions
382.6 PC	Sale or Prescribing of Preparations Containing Diphenylamine, Paraphenylenediamine, or Paratoluenediamine – Felony	3 Yrs	801 PC	--	--
382.7 PC	Silicone Injection	1 Yr	802 PC	--	Misdemeanor
383 PC	Disposal of Adulterated Food, Drink, and Drugs	1 Yr	802 PC	--	--
383a PC	Process or Renovated Butter	1 Yr	802 PC	--	Misdemeanor
383b PC	Kosher Meat Preparations – Sale	1 Yr	802 PC	--	Misdemeanor
384 PC	Emergency Use of Party Telephone Lines	1 Yr	802 PC	--	Misdemeanor
384a PC	Cutting or Destroying Shrubs	1 Yr	802 PC	6 Mo	County jail only
384f PC	Violation of 384b through 384f	1 Yr	802 PC	6 Mo	County jail only
384h PC	Killing or Injuring Domestic Animal	1 Yr	802 PC	--	Misdemeanor
384.5 PC	Removing Minor Forest Products without Permit or Bill of Sale	1 Yr	802 PC	6 Mo	County jail only
385 PC	Place or Operate Certain Implements Near High Voltage Overhead Conductor	1 Yr	802 PC	--	Misdemeanor
386 PC	Willful Construction or Maintenance of Inoperable or Unsafe Fire Protection System	3 Yrs	801 PC	2-4 Yrs	--
387 PC	Criminal Liability for Concealing Dangerous Business Practices	3 Yrs	801 Yrs	16 Mo-3 Yrs	Penalties/Definitions
395 PC	False Rumor to Affect Price of Goods	1 Yr	802 PC	--	Misdemeanor
396 PC	Increasing Prices for Consumer Goods or Services or Repairs or Reconstruction Services During an Emergency	1 Yr	802 PC	Up to 1 Yr	County jail only
396.5 PC	Federal Food Stamp Act – Violations by Retail Food Store or Wholesale Food Concern	1 Yr	802 PC	90 Days	County jail only
397 PC	Selling Intoxicants to Common Drunkards or Incompetents	1 Yr	802 PC	--	Misdemeanor
399 PC	Allowing Vicious Animals at Large	3 Yrs	801 PC	--	--
399.5 PC	Owner's Failure to Exercise Ordinary Care with Dog that Bites Human Being	1 Yr	802 PC	6 Mo	County jail only

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
401 PC	Advising or Encouraging Suicide	3 Yrs	801 PC	--	--
402 PC	Sightseeing at Scene of Emergency	1 Yr	802 PC	--	Misdemeanor
402a PC	Adulterating Candy with Clay or Deleterious Mixtures or Selling Same	1 Yr	802 PC	--	Misdemeanor
402b PC	Abandoning Refrigerator or Other Appliances	1 Yr	802 PC	--	Misdemeanor
402c PC	Integral Lock Necessary for Refrigerator, Icebox, or Deep-Freeze Locker	1 Yr	802 PC	--	Misdemeanor
403 PC	Disturbing Assembly	1 Yr	802 PC	--	Misdemeanor
404.6 PC	Incitement to Riot	1 Yr	802 PC	Up to 1 Yr	County jail only
405 PC	Participating in Riot	1 Yr	802 PC	Up to 1 Yr	County jail only
405b PC	Lynching	3 Yrs	801 PC	2-4 Yrs	Punishment
408 PC	Participating in Rout or Unlawful Assembly	1 Yr	802 PC	--	Misdemeanor
409 PC	Refusal to Disperse when Ordered	1 Yr	802 PC	--	Misdemeanor
409.5 PC	Closing Areas in Emergencies	1 Yr	802 PC	--	Misdemeanor
409.6 PC	Closing Areas in Disasters – Avalanche	1 Yr	802 PC	--	Misdemeanor
410 PC	Duty to Suppress Riot or Rout	1 Yr	802 PC	--	Misdemeanor
412 PC	Prize Fighting Regulated	1 Yr	--	--	--
413 PC	Guilt of Spectator	1 Yr	802 PC	--	Misdemeanor
414 PC	Leaving State to Evade	1 Yr	--	--	--
415 PC	Fighting, Causing Loud Noise, or Using Offensive Words in Public Place	1 Yr	802 PC	90 Days	County jail only
415.5 PC	Unlawful Acts Committed in Buildings or Grounds of College or University	1 Yr	802 PC	90 Days	County jail only
416 PC	Duty of Crowds to Disperse when Ordered / Restitution for Property Damage	1 Yr	802 PC	--	Community service or restitution only

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
417 PC	Threatening with Weapon	3 Yrs	801 PC	--	<ul style="list-style-type: none"> If done to public – Misdemeanor If done to peace officer – Felony
417.25 PC	Drawing or Exhibiting Laser Scope in Threatening Manner	1 Yr	802 PC	--	Misdemeanor
417.3 PC	Drawing or Exhibiting Firearm to Person in Motor Vehicle	3 Yrs	801 PC	16 Mo-3 Yrs	--
417.4 PC	Drawing or Exhibiting Imitation Firearm in Threatening Manner	1 Yr	802 PC	--	County jail only
417.6 PC	Intentional Infliction of Great Bodily Injury with Weapon	3 Yrs	801 PC	--	--
417.8 PC	Exhibiting Weapon at Peace Officer	3 Yrs	801 PC	2-4 Yrs	--
418 PC	Forcible Entry or Detainer of Land	1 Yr	802 PC	--	Misdemeanor
419 PC	Reentry on Land After Legal Ouster	1 Yr	802 PC	--	Misdemeanor
420 PC	Obstructing Entry on Government Lands	1 Yr	802 PC	--	Misdemeanor
422 PC	Criminal Threats	3 Yrs	801 PC	1 Yr	--
422.6 PC	Use of Force, Threats, or Destruction of Property to Interfere with Another's Exercise of Civil Rights	1 Yr	802 PC	--	Community service only
422.7 PC	Commission of Crime for Purpose of Interfering with Another's Exercise of Civil Rights	3 Yrs	801 PC	--	--
422.75 PC	Commission of Hate Crime – Additional Term	3 Yrs	801 PC	1-3 Yrs	--
422.9 PC	Violation of Civil Order Protecting Exercise of Civil Rights	1 Yr	802 PC	--	County jail only
424 PC	Misappropriation of Public Funds	Indefinite	799 PC	2-4 Yrs	--
426 PC	Misappropriation of Moneys Belonging to the State, or Any City, County, Town, District, or Public Agency	Indefinite	799 PC	--	--
428 PC	Hindering Collection of Revenue	1 Yr	802 PC	--	Misdemeanor
429 PC	Failure to Collect State Imposed Telecommunications Fees	1 Yr	802 PC	--	Misdemeanor
431 PC	Misuse of Tax or License Receipt	1 Yr	802 PC	--	Misdemeanor
432 PC	Sale of License or Tax Receipt	3 Yrs	801 PC	--	--

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
436 PC	Auctioneer	1 Yr	802 PC	--	Misdemeanor
439 PC	Procuring Insurance from Unlicensed Company	1 Yr	802 PC	--	Misdemeanor
440 PC	Refusal to Permit Inspection of Official Books	1 Yr	802 PC	--	Misdemeanor
451 PC	Arson	6 Yrs	800 PC	5-9 Yrs	Great bodily injury
451 PC	Arson	6 Yrs	800 PC	3-8 Yrs	Property/Dwellings
451 PC	Arson	3 Yrs	801 PC	2-4 Yrs	Land
451.5 PC	Aggravated Arson	Indefinite	--	--	\$5,000,000 loss or damage
452 PC	Unlawfully Causing a Fire	3 Yrs	801 PC	2-6 Yrs	--
453 PC	Possession or Manufacture of Combustible Material or Incendiary Device for Malicious Use	3 Yrs	801 PC	--	--
454 PC	Punishment for Unlawful Burning within Area of Insurrection or Emergency Proclaimed Because of Riot	3 Yrs	801 PC	3-7 Yrs	Probation restricted
455 PC	Attempts	3 Yrs	801 PC	16 Mo-3 Yrs	Set fire
457.1 PC	Person Required to Register with Chief of Police, Sheriff, or Campus Police Chief after Arson Conviction	1 Yr	--	--	Registration requirements only
459 PC	Burglary – First Degree	3 Yrs	801 PC	2-6 Yrs	--
459 PC	Burglary – Second Degree	3 Yrs	801 PC	1 yr	--
463 PC	Violations Committed During State of Emergency or Local Emergency – "Looting"	3 Yrs	801 PC	--	--
464 PC	Use of Acetylene Torch or Explosive / Safe-Blowing	3 Yrs	801 PC	3-5 Yrs	--
466 PC	Burglar Tools	1 Yr	802 PC	--	Misdemeanor
466.1 PC	Sale of Burglar Tools	1 Yr	802 PC	--	Misdemeanor
466.3 PC	Vending Machine Theft	1 Yr	802 PC	--	County jail only
466.5 PC	Motor Vehicle Master Key / Motor Vehicle Wheel Lock Master Key	1 Yr	802 PC	--	Misdemeanor

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
466.6 PC	Motor Vehicle Ignition Key Made Other than by Duplication of Existing Key	1 Yr	802 PC	--	Misdemeanor
466.7 PC	Unlawful Possession of Key Made Other than by Duplication	1 Yr	802 PC	--	Misdemeanor
466.8 PC	Duplication of Key Involving Onsite Inspection	1 Yr	802 PC	--	Misdemeanor
466.9 PC	Possession of Code Grabbing Device with Intent to Use in Unlawful Act	1 Yr	802 PC	--	Misdemeanor
468 PC	Sniperscope	1 Yr	802 PC	Up to 1 Yr	County jail only
469 PC	Duplication of Keys to State Buildings	1 Yr	802 PC	--	Misdemeanor
470 PC	Forgery	4 Yrs	801.5 PC	1 Yr	From time of discovery or crime
470a PC	Forging Driver's License	3 Yrs	801 PC	--	--
470b PC	Possessing Forged Driver's License/Identification Card	3 Yrs	801 PC	--	--
471 PC	Altering Entries in Books and Records	4 Yrs	801.5 PC	--	Forgery
471.5 PC	Altering Medical Records	1 Yr	802 PC	--	Misdemeanor
472 PC	State, Corporate, and Official Seals	4 Yrs	801.5 PC	--	Forgery
474 PC	Sending False Message by Phone or Telegraph	3 Yrs	801 PC	--	--
475 PC	Possessing , Receiving, or Uttering Forged Paper	4 Yrs	801.5 PC	--	Forgery
475a PC	Possessing , Receiving, or Uttering Forged Paper	4 Yrs	801.5 PC	--	Reference Section 470(d)
476 PC	Making, Passing, or Possessing Fictitious Bill, Note, or Check	4 Yrs	801.5 PC	--	Forgery
476a PC	Making, Drafting, or Passing Worthless Check, Draft, or Order	4 Yrs	801.5 PC	--	Investigation, collection, and processing fee
477 PC	Counterfeiting – Elements of Offense	3 Yrs	801 PC	2-4 Yrs	--
479 PC	Having or Uttering Counterfeit	3 Yrs	801 PC	2-4 Yrs	--
480 PC	Making or Having Counterfeit Die or Apparatus	3 Yrs	801 PC	2-4 Yrs	--
481 PC	Counterfeiting or Altering Passenger Ticket	3 Yrs	801 PC	--	--

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
481.1 PC	Counterfeiting or Altering Public Transportation Fare Media	3 Yrs	801 PC	--	--
482 PC	Removing "Cancel" Mark From Passenger Ticket	1 Yr	802 PC	Up to 6 Mo	County jail only
483 PC	Ticket Scalping	1 Yr	802 PC	--	Misdemeanor
483.5 PC	Deceptive Identification Document	3 Yrs	801 PC	--	Possession or transportation within state / Disclaimer requirements / Definition / Penalty
484 PC	Acts Constituting Theft	1 Yr	--	--	--
484b PC	Diversion of Construction Funds	3 Yrs	801 PC	--	<ul style="list-style-type: none"> Under \$1,000 – Misdemeanor Over \$1,000 – Felony
484c PC	Obtaining Construction Funds by False Voucher as Embezzlement	3 Yrs	--	--	Amount of funds
484e PC	Acquiring Access Card without Cardholder's or Issuer's Consent	3 Yrs	--	--	--
484f PC	Forging Access Card or Cardholder's Signature	3 Yrs	801 PC	--	--
484g PC	Using Access Card or Card Account Information to Obtain Items of Value without Consent of Cardholder or Issuer	3 Yrs	801 PC	--	<ul style="list-style-type: none"> Under \$400 – Misdemeanor Over \$400 – Felony
484h PC	Offenses by Merchant / Knowingly Honoring Illegally Obtained Access Card / Receiving Payment for Items Not Furnished	3 Yrs	801 PC	--	<ul style="list-style-type: none"> Under \$400 – Misdemeanor Over \$400 – Felony
484i PC	Access Cards – Counterfeiting	3 Yrs	801 PC	--	--
484j PC	Publishing Access Card Number/Code to Avoid Payment or Defraud	1 Yr	802 PC	--	Misdemeanor
484.1 PC	Providing False Identity Information to Pawnbroker or Secondhand Dealer to Obtain Money or Valuables	1 Yr	802 PC	--	Theft
485 PC	Lost Property – Effort to Locate Owner	1 Yr	802 PC	--	Theft
487	Grand Theft	4 Yrs	801.5 PC	1 Yr	--
487	Grand Theft	4 Yrs	801.5 PC	1.5-3 Yrs	Gun stolen
487a PC	Anima – Theft Feloniously/Grand Theft	3 Yrs	801 PC	16 Mo-3 Yrs	--
487b PC	Conversion by Severance from Real Property	3 Yrs	801 PC	16 Mo-3 Yrs	\$100 or more
487c PC	Conversion by Severance from Real Property – Less than \$100	1 Yr	802 PC	1 Yr	County jail only

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
487d PC	Gold Dust, Amalgam, or Quicksilver	3 Yrs	801 PC	16 Mo-3 Yrs	Grand theft
487e PC	Theft of Dogs – Value of \$400 or More	3 Yrs	801 PC	16 Mo-3 Yrs	Grand theft
487f PC	Theft of Dogs – Value of \$400 or Less	1 Yr	802 PC	--	Petty theft section – Misdemeanor
487g PC	Theft of Animals – For Sale, Research, Commercial Use, or Slaughter	3 Yrs	801 PC	--	--
490.5 PC	Petty Theft of Merchandise from Merchant or Library Facility or Operating Video Recording Device in Theater without Authority	1 Yr	802 PC	6 Mo	County jail only
496 PC	Stolen Property, Buying – Presumption	3 Yrs	801 PC	--	<ul style="list-style-type: none"> • Under \$400 – Misdemeanor • Over \$400 – Felony
496a PC	Railroad, Telegraph, Gas, or Power Company Material – Junk Dealer	3 Yrs	801 PC	--	--
496b PC	Books Bearing Mark of Library	1 Yr	802 PC	1 Mo	County jail only
498 PC	Unauthorized Diversion, Tampering with, Connection, Reconnection, or Use of Utility Services	3 Yrs	801 PC	--	<ul style="list-style-type: none"> • Under \$400 – Misdemeanor • Over \$400 – Felony
499 PC	Enhancements for Repeat Offenses Involving Vehicles and Vessels	3 Yrs	801 PC	16 Mo-3 Yrs	--
499b PC	Taking Bicycle or Vessel Temporarily	1 Yr	802 PC	3 Mo	County jail only
499c PC	Trade Secrets	3 Yrs	801 PC	--	--
499d PC	Aircraft – Stealing, Taking, or Operating without Consent of Owner	3 Yrs	801 PC	--	--
500 PC	Receiving Money for Transmittal to Foreign Countries	3 Yrs	801 PC	16 Mo-3Yrs	<ul style="list-style-type: none"> • Under \$400 – Misdemeanor • Over \$400 – Felony
502 PC	Computer-related Crimes	3 Yrs	801 PC	16 Mo-3 Yrs	<ul style="list-style-type: none"> • Under \$400 – Misdemeanor • Over \$400 – Felony
502.7 PC	Telephone and Telegraph Service	3 Yrs	801 PC	--	If prior conviction of same section – Felony
502.8 PC	Cellular Radiotelephone Service	3 Yrs	801 PC	--	If prior conviction of same section – Felony
503 PC	Embezzlement	3 Yrs	801 PC	--	Embezzlement of public funds – No statute of limitations
504 PC	Persons Liable – Officers, Clerks, and Servants	3 Yrs	801 PC	--	--
504a PC	Lessee or Bailee	3 Yrs	801 PC	--	Embezzlement

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
504b PC	Debtor Selling Property Covered by Security Agreement	3 Yrs	801 PC	--	Embezzlement
505 PC	Carrier	3 Yrs	801 PC	--	Embezzlement
506 PC	Fiduciaries of Trust	3 Yrs	801 PC	--	Embezzlement
506a PC	Collector	3 Yrs	801 PC	--	Embezzlement
506b PC	Violator of Civil Code '2985.3 or '2985.4	3 Yrs	801 PC	--	Embezzlement
507 PC	Bailee, Tenant, or Lodger	3 Yrs	801 PC	--	Embezzlement
508 PC	Clerk, Agent, or Servant	3 Yrs	801 PC	--	Embezzlement
509 PC	Taking Unnecessary	3 Yrs	801 PC	--	Embezzlement
518 PC	Extortion – Defined	3 Yrs	801 PC	2-4 Yrs	Extortion
521 PC	Extortion – When Under Color of Office	1 Yr	802 PC	--	Misdemeanor
524 PC	Attempt or Threat to Extort	3 Yrs	801 PC	--	--
527 PC	Printing, Publishing, or Selling	1 Yr	802 PC	--	Misdemeanor
528 PC	Marriage by False Personation	3 Yrs	801 PC	16 Mo-3 Yrs	--
529 PC	Acts in Assumed Character	3 Yrs	801 PC	16 Mo-3Yrs	--
529a PC	Manufacture, Sale, or Possession of False Birth Certificate or Baptismal Certificate	1 Yr	802 PC	1 Yr	County jail only
529.5 PC	Manufacture, Sale, or Transfer of Document Purporting to Be Government-issued Identification Card or Driver's License	1 Yr	802 PC	1 Yr	County jail only
530 PC	Receiving Property in Assumed Character	3 Yrs	801 PC	--	Punishable similar to larceny
531 PC	Conveyance to Defraud Creditors and Others	1 Yr	802 PC	--	Misdemeanor
531a PC	Making or Recording Deed without Title	1 Yr	802 PC	1 Yr	--
532 PC	False Pretenses – Obtaining Property, Labor, or Services	3 Yrs	801 PC	--	Proof at trial – Punishable similar to larceny
532a PC	Financial Statement	3 Yrs	801 PC	16 Mo-3Yrs	--

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
532b PC	False Representation of Military Service, Veteran, or Ex-Serviceman	1 Yr	802 PC	6 Mo	County jail only
532c PC	Land Lotteries	1 Yr	802 PC	6 Mo	County jail only
532d PC	Soliciting Charitable Contributions	1 Yr	802 PC	1 Yr	County jail only
532e PC	Rebates from Construction Funds	1 Yr	802 PC	6 Mo	County jail only
532f PC	Making False Statement Regarding Financial Condition when Applying for Real Property Loan	1 Yr	802 PC	1 Yr	County jail only
533 PC	Selling Same Land Twice	3 Yrs	801 PC	16 Mo-3 Yrs	--
534 PC	Concealing Necessity that Spouse Join in Deed	3 Yrs	801 PC	16 Mo-3 Yrs	--
535 PC	Pretended or Mock Auction	3 Yrs	801 PC	16 Mo-3 Yrs	--
536 PC	Factor or Broker – Holding Out on Principal	1 Yr	802 PC	6 Mo	County jail only
536a PC	False Accounting	1 Yr	802 PC	6 Mo	County jail only
537 PC	Nonpayment of Hotel, Lodging, Apartment, Bungalow Court, or Marina Accommodations	3 Yrs	801 PC	16 Mo-3 Yrs	<ul style="list-style-type: none"> • Under \$400 – Misdemeanor • Over \$400 – Felony
537b PC	Defrauding Liveryman or Abusing Hired Horses	1 Yr	802 PC	6 Mo	County jail only
537c PC	Liveryman Using or Loaning Animal or Vehicle of Guest	1 Yr	802 PC	6 Mo	County jail only
537e PC	Transfer of Possession of Articles from Which Serial Number Is Altered	3 Yrs	801 PC	16 Mo-3 Yrs	<ul style="list-style-type: none"> • Under \$400 – Misdemeanor • Over \$400 – Felony
537f PC	Batteries – "Rebuilt"	1 Yr	802 PC	6 Mo	County jail only
537g PC	Alteration or Destruction of Owner Identification Number	1 Yr	802 PC	1 Yr	County jail only
538a PC	False Signature on Letter to Newspaper	1 Yr	802 PC	6 Mo	County jail only
538b PC	Using or Wearing Insignia	1 Yr	802 PC	6 Mo	County jail only
538d PC	Misrepresenting Oneself as Peace Officer	1 Yr	802 PC	6 Mo	County jail only
538e PC	Fraudulent Personation of Firefighter	1 Yr	802 PC	6 Mo	County jail only

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
538f PC	Employee of Public Utility or District, Fraudulent Personation of	1 Yr	802 PC	6 Mo	County jail only
538.5 PC	Fraudulent Use of Wire, Radio, or Television Transmissions	3 Yrs	801 PC	16 Mo-3 Yrs	--
539 PC	Fraudulent Certification of Completion of Community Service	1 Yr	802 PC	--	--
548 PC	Defrauding Insurer	3 Yrs	801 PC	2-5 Yrs	--
549 PC	Solicitation or Referral for Purposes of Insurance Fraud	3 Yrs	801 PC	16 Mo-3 Yrs	--
550 PC	Making False or Fraudulent Claims	3 Yrs	801 PC	2-5 Yrs	<ul style="list-style-type: none"> Under \$400 – Misdemeanor Over \$400 – Felony
551 PC	Unlawful Referrals to Auto Repair Dealers	3 Yrs	801 PC	16 Mo-3 Yrs	<ul style="list-style-type: none"> Under \$400 – Misdemeanor Over \$400 – Felony
555 PC	Entry without Permission	1 Yr	802 PC	6 Mo	County jail only
555.1 PC	Destruction of Signs	1 Yr	802 PC	6 Mo	County jail only
556 PC	Unlawful to Place Advertising Sign on Public Property without Permission	1 Yr	802 PC	6 Mo	County jail only
556.1 PC	Unlawful to Place Advertising Sign on Private Property without Permission	1 Yr	802 PC	6 Mo	County jail only
558 PC	Trespass at Scripps Institution of Oceanography	1 Yr	802 PC	30 Days	County jail only
560 PC	Issuance of False Documents of Title	3 Yrs	801 PC	--	--
560.1 PC	Issuance of False Receipt for Goods	1 Yr	802 PC	1 Yr	County jail only
560.2 PC	Delivering Goods without Receiving Negotiable Instrument of Title	1 Yr	802 PC	1 Yr	County jail only
560.3 PC	Fraudulent Negotiation of Document of Title	1 Yr	802 PC	1 Yr	County jail only
560.4 PC	Issuance of Fraudulent Duplicate Document of Title	3 Yrs	801 PC	--	--
560.5 PC	Failure to Show Warehouseman's Ownership on Document of Title	1 Yr	802 PC	1 Yr	County jail only
560.6 PC	Negotiation of Fraudulent Warehouse Receipt	1 Yr	802 PC	6 Mo	County jail only
565 PC	Misdemeanor Dairy Equipment Offenses	1 Yr	802 PC	6 Mo	County jail only

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
566 PC	Felony Dairy Equipment Offenses	3 Yrs	801 PC	--	--
570 PC	Penalty for Unlawfully Subleasing	3 Yrs	801 PC	--	--
577 PC	Bill of Lading, Receipt, or Voucher	3 Yrs	801 PC	--	--
578 PC	Warehouse or Wharf Receipt	3 Yrs	801 PC	--	--
580 PC	Failure to Show that Receipt Is "Duplicate"	3 Yrs	801 PC	--	--
581 PC	Sale or Pledge of Chattel without Written Consent of Person Holding Receipt	3 Yrs	801 PC	--	--
587 PC	Injuring or Obstructing Railroad Tracks, Rights-of-Way, or Structures	3 Yrs	801 PC	--	--
587a PC	Injuring Brakes of Appliances on Railroad Cars or Engines	1 Yr	802 PC	6 Mo	County jail only
587b PC	Riding Engine or Train without Authority	1 Yr	802 PC	30 Days	County jail only
587c PC	Evading Payment of Fare	1 Yr	802 PC	6 Mo	County jail only
587.1 PC	Unauthorized Moving of Locomotives	3 Yrs	801 PC	--	Likelihood of injury makes this a felony
588 PC	Injuring Public Road or Bridge	1 Yr	802 PC	6 Mo	County jail only
588a PC	Depositing Glass, Tacks, or Other Substances	3 Yrs	801 PC	--	Likelihood of injury makes this a felony
588b PC	Removing Barriers, Notices, or Danger Signals on Closed Road	1 Yr	802 PC	6 Mo	County jail only
590 PC	Injuring Road Signs or Guide Posts	1 Yr	802 PC	6 Mo	County jail only
591 PC	Injuring or Tapping Telegraph, Telephone, Cable Television, or Any Electrical Line	3 Yrs	801 PC	--	--
592 PC	Taking or Polluting Water by Injuring Ditch or Canal	3 Yrs	801 PC	--	<ul style="list-style-type: none"> Under \$400 – Misdemeanor Over \$400 – Felony
593 PC	Injuring Electric Power Line	3 Yrs	801 PC	--	--
593a PC	Driving Iron or Other Hard Substance into Trees, Saw-Logs, or Other Wood	3 Yrs	801 PC	--	Additional punishment for causing bodily injury
593b PC	Tower or Pole Climbing	1 Yr	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
593c PC	Interference or Obstruction of Flow of Gas or Other Hazardous Liquids	3 Yrs	801 PC	--	--
593d PC	Unauthorized Connection with Multichannel Video or Information Services Provider	3 Yrs	801 PC	--	--
593e PC	Manufacture, Distribution, or Sale of Device for Intercepting or Decoding Subscription Television Transmissions	1 Yr	802 PC	1 Yr	Repeat offense carries 2-year sentence
593f PC	Multi-Point Distribution Service or Instructional Television Fixed Service	1 Yr	802 PC	90 Days	County jail only
593g PC	Possession of Substance Hard Enough to Injure Saws or Wood Manufacturing Equipment	1 Yr	802 PC	1 Yr	County jail only
594 PC	Vandalism	3 Yrs	801 PC	--	Amount of damage in dollars
594.1 PC	Giving or Selling Aerosol Containers of Paint to Minor	1 Yr	802 PC	90-240 Days	Community service only
594.2 PC	Possession of Tools or Marking Substance with Intent to Commit Vandalism	1 Yr	802 PC	--	--
594.3 PC	Vandalism – Place of Worship	3 Yrs	801 PC	--	--
594.4 PC	Vandalism of Structure with Butyric Acid or Similar Caustic Substance	3 Yrs	801 PC	--	--
594.7 PC	Subsequent Conviction for Vandalism	3 Yrs	801 PC	--	--
596 PC	Poisoning Animals	1 Yr	802 PC	6 Mo	County jail only
596.5 PC	Abuse of Elephants	1 Yr	802 PC	6 Mo	County jail only
597 PC	Killing, Maiming, or Abusing Animals	3 Yrs	801 PC	--	Counseling for offenders
597a PC	Cruelty in Transporting Animals	1 Yr	802 PC	6 Mo	County jail only
597b PC	Animal Fights / Worrying Animals	1 Yr	802 PC	6 Mo	County jail only
597c PC	Training Animals to Fight / Attending Training Quarters or Fight	1 Yr	802 PC	6 Mo	County jail only
597e PC	Impounding Animal with Insufficient Food and Water	1 Yr	802 PC	6 Mo	County jail only
597f PC	Animal Neglect / Killing Neglected, Sick, or Useless Animal	1 Yr	802 PC	6 Mo	County jail only
597g PC	Poling or Tripping of Horses	1 Yr	802 PC	6 Mo	County jail only

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
597h PC	Animals Attached to Motor Vehicles	1 Yr	802 PC	6 Mo	County jail only
597i PC	Manufacture, Sale, or Possession of Gaffs, Slashers, or Sharp Implements	1 Yr	802 PC	6 Mo	County jail only
597j PC	Owning, Possessing, or Keeping Any Cock with Intention to Engage in Fighting	1 Yr	802 PC	6 Mo	County jail only
597k PC	Use of Bristle or Tack Bur on Animals	1 Yr	802 PC	10-175 Days	County jail only
597l PC	Pet Shops	1 Yr	802 PC	90 Days	County jail only
597m PC	Conducting Bullfighting Exhibitions	1 Yr	802 PC	6 Mo	County jail only
597n PC	Docking Horses	1 Yr	802 PC	6 Mo	County jail only
597o PC	Requirement for Transporting Equine to Slaughter	1 Yr	802 PC	6 Mo	County jail only
597r PC	Purebred Imported Horses	1 Yr	802 PC	6 Mo	--
597s PC	Abandoning Domestic Dog or Cat	1 Yr	802 PC	6 Mo	County jail only
597t PC	Mistreatment of Confined Animals	1 Yr	802 PC	6 Mo	County jail only
597x PC	Sale or Transport of Disabled Animal for Slaughter Out of State	1 Yr	802 PC	6 Mo	County jail only
597y PC	Violations	1 Yr	802 PC	6 Mo	County jail only
597.1 PC	Keeping Animal without Proper Care	1 Yr	802 PC	6 Mo	County jail only
597.5 PC	Dog Fights – Training, Conducting, Attending	3 Yrs	801 PC	16 Mo-3 Yrs	--
598 PC	Killing birds or Robbing Nests in Cemeteries	1 Yr	802 PC	6 Mo	County jail only
598a PC	Killing or Possessing Dog or Cat with Intent of Selling or Giving Away Pelt	1 Yr	802 PC	6 Mo	County jail only
598b PC	Possession, Importation, Exportation, Buying, or Selling of Pet for Food	1 Yr	802 PC	6 Mo	County jail only
599 PC	Mistreatment of Poultry or Rabbits	1 Yr	802 PC	6 Mo	County jail only
599e PC	Added Authority for Killing Animal Outliving Usefulness	1 Yr	802 PC	6 Mo	County jail only

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
599f PC	Non-ambulatory Animals	1 Yr	802 PC	6 Mo	County jail only
600 PC	Punishment – Harming, Interfering with or Obstructing a Peace Officer's Horse or Dog	3 Yrs	801 PC	16 Mo-3 Yrs	--
600.5 PC	Intentional Injury to or Death of Guide Dog	1 Yr	802 PC	1 Yr	Restitution and imprisonment
601 PC	Trespass – Threat to Cause Serious Bodily Injury	3 Yrs	801 PC	--	--
602 PC	Trespass to Land	1 Yr	802 PC	6 Mo	County jail only
602.1 PC	Interference with Business by Obstructing or Intimidating Persons Attempting to Carry on Business or Their Customers	1 Yr	802 PC	90 Days	County jail only
602.4 PC	Unauthorized Sales at Airports	1 Yr	802 PC	6 Mo	County jail only
602.5 PC	Unauthorized Entry of Dwelling	1 Yr	802 PC	6 Mo	County jail only
602.6 PC	Unauthorized Entry of Fairgrounds	1 Yr	802 PC	6 Mo	County jail only
602.7 PC	Unauthorized Peddling on Rapid Transit District Property or Vehicles	1 Yr	802 PC	--	Infraction
602.8 PC	Trespass – Entering Cultivated, Fenced, or Posted Land	1 Yr	802 PC	6 Mo	County jail only
602.10 PC	Physical Obstruction of Student or Teacher from Attending or Instructing at the University of California, California State University, or Community Colleges	1 Yr	802 PC	1 Yr	County jail only
602.11 PC	Obstructing Individual from Entering or Exiting Health Care Facility, Place of Worship, or School	1 Yr	802 PC	5-30 Days	County jail only
603 PC	Injury to Dwelling House	1 Yr	802 PC	6 Mo	County jail only
604 PC	Injuring Crops of Grain, Fruit, or Vegetables	1 Yr	802 PC	6 Mo	County jail only
605 PC	Injuring Survey Marks or Monuments	1 Yr	802 PC	6 Mo	County jail only
607 PC	Injuring Hydro-Power Equipment	1-3 Yrs	801 PC	--	Dollar amount of damage
610 PC	Endangering Navigation by Masked or False Light	3 Yrs	801 PC	--	--
615 PC	Tampering with Coast or Geodetic Survey Monument	1 Yr	802 PC	6 Mo	County jail only
616 PC	Tampering with Posted Legal Notice	1 Yr	802 PC	1 Mo	County jail only

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
617 PC	Mutilating Writings	3 Yrs	801 PC	--	--
618 PC	Opening or Disclosing Contents of Sealed Letter	1 Yr	802 PC	6 Mo	County jail only
620 PC	Altering Telegram or Phone Message	3 Yrs	801 PC	--	--
621 PC	Vandalism to Law Enforcement or Firefighter's Memorial	3 Yrs	801 PC	--	--
622 PC	Destroying Monuments or Civic Improvements	1 Yr	802 PC	6 Mo	County jail only
622.5 PC	Willful Injury of Any Archeological or Historical Object	1 Yr	802 PC	6 Mo	County jail only
623 PC	Destruction of Caves and Contents	1 Yr	802 PC	1 Yr	County jail only
624 PC	Injuring Water Pipes	1 Yr	802 PC	6 Mo	County jail only
625 PC	Using Water after Shut-Off	1 Yr	802 PC	6 Mo	County jail only
625b PC	Aircraft – Tampering with or Removing Parts from	1-3 Yrs	801 PC	--	If aircraft is rendered unsafe – Felony
625c PC	Willful Tampering with Passenger Transit Vehicle or System	3 Yrs	801 PC	--	--
626.2 PC	Suspended or Dismissed Student or Employee Willfully Entering Campus	1 Yr	802 PC	6 Mo	County jail only
626.4 PC	Authority of Chief Administrative Officer to Revoke Authority of Person to Remain on Campus	1 Yr	802 PC	6 Mo	County jail only
626.6 PC	Person Not a Student, Officer or Employee – Interference with Peaceful Conduct on Campus / Failure to Leave or Reentering Campus	1 Yr	802 PC	6 Mo	County jail only
626.7 PC	Interference with Peaceful Conduct of Campus Activities	1 Yr	802 PC	6 Mo	County jail only
626.8 PC	Person Upon or Near School Ground without Lawful Business – Interference with Peaceful Conduct	1 Yr	802 PC	6 Mo	County jail only
626.85 PC	Specified Drug Offender Upon or Near School Ground – Failure to Leave or Reentering Campus	1 Yr	802 PC	6 Mo	County jail only
626.9 PC	Gun-free School Zone Act of 1995 – Bringing or Possessing Firearm on Grounds of Public or Private School, College, or University	1-3 Yrs	801 PC	2-5 Yrs	--
626.10 PC	Stabbing Instruments, Razors, Tasers, Stun, or Pellet Guns on School Grounds	3 Yrs	801 PC	--	--

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
627.7 PC	Failure or Refusal to Leave School Grounds Promptly	1 Yr	802 PC	6 Mo	County jail only
627.8 PC	Subsequent Offenses	1 Yr	802 PC	6 Mo	County jail only
631 PC	Wiretapping	3 Yrs	801 PC	--	--
632 PC	Eavesdropping on or Recording Confidential Communications	3 Yrs	801 PC	--	--
632.5 PC	Intercepting or Receiving Cellular Radio Telephone Communication	3 Yrs	801 PC	--	--
632.6 PC	Intercepting or Receiving Cordless Telephone Communication	3 Yrs	801 PC	--	--
632.7 PC	Recording Communications via Cellular Radio, Cordless, or Landline Telephone without Consent of All Parties	3 Yrs	801 PC	--	--
634 PC	Trespassing for Purpose of Committing Invasion of Privacy	3 Yrs	801 PC	--	--
635 PC	Manufacturing or Selling Devices Intended for Eavesdropping or Interception of Telephone Communications	3 Yrs	801 PC	--	--
636 PC	Eavesdropping on or Recording Conversation between Person in Custody and His Attorney	3 Yrs	801 PC	--	--
636.5 PC	Wrongful Interception and Divulgence of Police Radio Communication	1 Yr	802 PC	--	--
637 PC	Wrongful Disclosure of Telegraphic or Telephonic Communication	3 Yrs	801 PC	--	--
637.1 PC	Wrongful Obtaining of Telegraphic or Telephonic Communication	3 Yrs	801 PC	--	--
637.4 PC	Use of Polygraph Examination as Prerequisite to Accusatory Pleading Prohibited	1 Yr	802 PC	--	Fine only
637.5 PC	Cable Television – Invasion of Privacy	1 Yr	802 PC	--	--
637.6 PC	Disclosure of Personal Information Obtained in Establishment or Implementation of Carpool or Rideshare Programs Prohibited	1 Yr	802 PC	1 Yr	County jail only
639 PC	Bribing Financial Institution Employee to Obtain Credit	3 Yrs	801 PC	--	--
639a PC	Financial Institution Employee Accepting Bribe	3 Yrs	801 PC	--	--
640 PC	Infractions Committed on or in Facilities or Vehicles or Public Transportation System	1 Yr	802 PC	48 Hrs	Community service only
640a PC	Beating Vending or Slot Machine	1 Yr	802 PC	--	--

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
640b PC	Beating Pay Phone	1 Yr	802 PC	--	--
640.5 PC	Graffiti or Other Inscribed Material – Government Facilities and Vehicles of Public Transportation Systems	1 Yr	802 PC	1 Yr	County jail only
640.6 PC	Graffiti or Other Inscribed Material – Real or Personal Property of Another	1 Yr	802 PC	1 Yr	County jail only
640.7 PC	Graffiti and Vandalism – Highways	1 Yr	802 PC	1 Yr	County jail only
641 PC	Inducing Disclosure of Phone Message or Telegram by Bribery	3 Yrs	801 PC	--	--
641.3 PC	Commercial Bribery	1-3 Yrs	801 PC	16 Mo-3 Yrs	<ul style="list-style-type: none"> • Under \$1,000 – Misdemeanor • Over \$1,000 – Felony
641.5 PC	Clothes Cleaning Establishment Using Volatile, Commercially Moisture-free Solvent	1 Yr	802 PC	--	--
641.6 PC	Use of Carbon Tetrachloride or Trichlorethylene by Onsite Dry Cleaner	1 Yr	802 PC	--	--
642 PC)	Removing and Keeping Articles from Corpse	1-3 Yrs	801 PC	--	<ul style="list-style-type: none"> • Under \$400 – Misdemeanor • Over \$400 – Felony
643 PC	Disposal of Fetal Remains	1 Yr	802 PC	--	--
646 PC	Solicitation of Personal Injury Claims with Intent to Sue Out of State	1 Yr	802 PC	6 Mo	County jail only
646.5 PC	Employment Solicitation to Obtain Authorization as Investigator	1 Yr	802 PC	--	--
646.6 PC	Solicitation for Sale of Accident Photographs	1 Yr	802 PC	--	--
646.9 PC	Stalking	3 Yrs	801 PC	2-4 Yrs	--
647 PC	Disorderly Conduct Defined	1 Yr	802 PC	--	--
647(h) PC	Prowling or Loitering	1 Yr.	802 PC	--	--
647(i) PC	Peeping	1 Yr.	802 PC	--	--
647b PC	Loitering Around Adult Schools	1 Yr	802 PC	6 Mo	--
647c PC	Obstructing Movement on Street or Public Place	1 Yr	802 PC	--	--
647e PC	Counties May Prohibit Open Containers in Certain Locations	1 Yr	802 PC	--	Infraction only

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
647f PC	Prostitution Following Prior Conviction/Positive AIDS Test	3 Yrs	801 PC	--	--
647.6 PC	Child Molesters – Punishment	3 Yrs	801 PC	--	Forced entry or second violation – Felony
647.7 PC	Disorderly Conduct Involving Peeping	1 Yr.	802 PC	Up to 1 Yr	County jail only
647.9 PC	Child Molesters – Punishment	1 Yr	802 PC	--	Minor – 2-year statute of limitations
648 PC	Uttering and Passing Counterfeit Paper	1-3 Yrs	801 PC	--	<ul style="list-style-type: none"> • First offense – Misdemeanor • Additional offenses – Felonies
648a PC	Tokens or Slugs Imitating Coins	1 Yr	802 PC	--	--
649 PC	Unlawful to Misdirect Prospective Hotel Guests	1 Yr	802 PC	--	--
649a PC	Fraud in Procuring Hotel Guests	1 Yr	802 PC	--	--
651 PC	Food Stamps – Selling of	1 Yr	802 PC	--	--
652 PC	Body Piercing of Unemancipated Minor	1 Yr	802 PC	--	Infraction only
653 PC	Tattooing Minor	1 Yr	802 PC	--	--
653d PC	Failure to Keep Records on Sale of Mining Machinery	1 Yr	802 PC	--	--
653f PC	Solicitation to Commit Felony	1-6 Yrs	801 PC	Up to 9 Yrs	Dependent on type of crime solicited
653h PC	Sound Recordings	3 Yrs	801 PC	2-5 Yrs	--
653i PC	Leaving Scene of Skiing Accident	1 Yr	802 PC	--	Infraction only
653j PC	Solicitation of Minor to Commit Felony	3 Yrs	801 PC	3-7 Yrs	--
653k PC	Switchblade Knives	1 Yr	802 PC	--	--
653m PC	Harassing by Telephone	1 Yr	802 PC	1 Yr	County jail only
653n PC	Installation or Maintenance of Two-way Mirror Permitting Observation of Certain Areas	1 Yr	802 PC	--	--
653o PC	Unlawful Import of Dead Animals for Commercial Purposes	1 Yr	802 PC	--	--
653q PC	Importation/Possession of Dead Seals for Commerce	1 Yr	802 PC	6 Mo	County jail only

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
653r PC	Possession with Intent to Sell Endangered Dead Animals or Products Made from Same	1 Yr	802 PC	--	--
653s PC	Sale/Transportation of Live Performance Recorded without Consent	3 Yrs	801 PC	2-5 Yrs	--
653t PC	Interfering with Amateur or Citizen's Band Radio Frequency or with Emergency Communication Over Police Radio Frequency	1-3 Yrs	801 PC	--	If offense results in serious bodily injury or property loss in excess of \$10,000 occurs – Felony
653u PC	Recording of Article with Intent to Sell without Owner's Consent	3 Yrs	801 PC	--	--
653x PC	Telephoning 911 Emergency Line with Intent to Annoy or Harass	1 Yr	802 PC	6 Mo	County jail only
653w PC	Failure to Disclose Origin of Recording or Audiovisual Work	3 Yrs	801 PC	2-5 Yrs	--
653.1 PC	Balloons Made of Electrically Conductive Material – Restrictions	1 Yr	802 PC	--	--
653.22 PC	Loitering with Intent to Commit Prostitution Unlawful	1 Yr	802 PC	--	--
653.55 PC	False or Misleading Statement or Assertion of Fact	1 Yr	802 PC	6 Mo	--
654.1 PC	Transportation – Providing without Permit Unlawful	1 Yr	802 PC	--	--
659 PC	Counseling or Aiding Misdemeanor	1 Yr	802 PC	--	--
666 PC	Conviction to Petty Theft after Serving Term for Other Theft	3 Yrs	801 PC	16 Mo-3 Yrs	--
666.5 PC	Repeat Offenders – Enhancement for Felony Vehicle Theft or Felony Grand Theft Involving Motor Vehicle, Trailer, or Special Construction Equipment	3 Yrs	801 PC	2-4 Yrs	--
666.7 PC	Sentence Enhancement Schedules	3 Yrs	--	--	--
1203.2(a) PC	Violation of Probation	--	--	--	May result in person losing ability to be on probation
18710 PC	Possession of Destructive Device Prohibited	3 Yrs	801 PC	--	Formerly 12303 PC
18715 PC	Possession of Destructive Device in Public Places	3 Yrs	801 PC	2-6 Yrs	Formerly 12303.2 PC
18720 PC	Intention to Make Destructive Device without Valid Permit	3 Yrs	801 PC	2-4 Yrs	Formerly 12312 PC
18725 PC	Carrying or Placing Explosive on Transportation Vehicles	3 Yrs	801 PC	2-6 Yrs	Formerly 12303.1 PC
18730 PC	Sale or Transportation of Destructive Device Prohibited	3 Yrs	801 PC	2-4 Yrs	Formerly 12303.6 PC

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
18735 PC	Punishment for Possession or Transportation of Ammunition Greater than .60 Caliber	1-3 Yrs	801 PC	--	Prior conviction makes this a felony – Formerly 12304 PC
18740 PC	Explosion of Destructive Device	3 Yrs	801 PC	3-7 Yrs	Formerly 12303.3 PC
18745 PC	Explosion of Destructive Device with Intent to Commit Murder	Indefinite	799 PC	Life with possibility of parole	Formerly 12308 PC
18750 PC	Explosion of Destructive Device which Causes Bodily Injury	6 Yrs	800 PC	5-9 Yrs	Formerly 12309 PC
18755 PC	Explosion of Destructive Device which Causes Death, Mayhem, or Great Bodily Injury	Indefinite	799 PC	Life without parole	<ul style="list-style-type: none"> • If offense results in death – Life without parole • If offense results in serious injury – Life with possibility of parole (formerly 12310 PC)
19100 PC	Carrying Concealed Explosive Substance	3 Yrs	801 PC	--	Formerly 12020(a)(3) PC
19200 PC	Possession of Hand Grenade (Military/Replica)	3 Yrs	801 PC	1 Yr	Formerly 12020(a)(1) PC
19405 PC	Sale of Less Lethal Weapon to Minor	1 Yr	802 PC	--	Formerly 12655 PC
19910 PC	Sale of BB Device to Minor	1 Yr	802 PC	--	Formerly 12551 PC
19915 PC	Furnishing BB Device to Minor without Permission of Parent or Legal Guardian	1 Yr	802 PC	--	Formerly 12552 PC
20010 PC	Sale/Possession/Manufacture of Blow Gun	1 Yr	802 PC	--	Formerly 12582 PC
20110 PC	Booby Traps	3 Yrs	801 PC	2-5 Yrs	Formerly 12355 PC
20150(a)	Altering Appearance of Imitation Firearm	1 Yr	802 PC	--	Formerly 12553(b)
20310 PC	Sale/Possession/Manufacture of Air Gauge Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20410 PC	Sale/Possession/Manufacture of Belt Buckle Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20510 PC	Sale/Possession/Manufacture of Cane Sword	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20610 PC	Sale/Possession/Manufacture of Lipstick Case Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20710 PC	Sale/Possession/Manufacture of Shobi-Zue	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20910 PC	Sale/Possession/Manufacture of Writing Pen Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
21110 PC	Sale/Possession/Manufacture of Ballistic Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
21310 PC	Carrying Concealed Dirk or Dagger	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
21510 PC	Sale/Possession of Switchblade Knife	1 Yr	802 PC	--	Formerly 12020(a)(1) PC
21710 PC	Possession of Composite or Wooden Knuckles	1 Yr	802 PC	--	Formerly 12020.1 PC
21810 PC	Possession of Metal Knuckles	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
22010 PC	Sale/Possession/Manufacture of Nunchaku	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
22210 PC	Sale/Possession/Manufacture of Sap or Similar Weapon	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
22410 PC	Sale/Possession/Manufacture of Shurken	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
22610 PC	Purchase/Possession/Use of Stun Gun	1 Yr	802 PC	--	Formerly 12651 PC
22810 PC	Possession by Others – Qualifications for Tear Gas/Weapon	3 Yrs	801 PC	16 Mo-3 Yrs	Formerly 12403.7 PC
22900 PC	Sale/Possession/Transportation of Tear Gas or Tear Gas Weapon Prohibited	1 Yr	802 PC	1 Yr	Formerly 12420 PC
22910 PC	Alteration of Identification on Tear Gas Weapon	3 Yrs	801 PC	--	Formerly 12422 PC
23900 PC	Altering or Effacing Identifying Marks on Firearms	3 Yrs	801 PC	--	Formerly 12090 PC
24310 PC	Possession/Manufacture of Camouflaged Firearm Container	1 Yr	802 PC	--	Formerly 12020(a)(1) PC
24410 PC	Sale/Possession/Manufacture of Cane Gun	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
24510 PC	Sale /Possession/Manufacture of Firearm Not Immediately Recognizable as Firearm	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
24610 PC	Sale /Possession/Manufacture of Undetectable Firearm	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
24710 PC	Sale /Possession/Manufacture of Wallet Gun	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
25100 PC	Criminal Storage of Firearm	3 Yrs	801 PC	16 Mo-3 Yrs	Formerly 12035 PC
25300 PC	Carrying Firearm in Public Place while Masked to Hide Identity Prohibited	3 Yrs	801 PC	--	Formerly 12040 PC
25400 PC	Carrying Concealed Firearm	3 Yrs	801 PC	1 Yr	Formerly 12025 PC
25850 PC	Carrying a Loaded Firearm In Public	3 Yrs	801 PC	1 Yr	Formerly 12031 PC

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
26100 PC	Prohibition of Firearms in Vehicles / Discharging Firearm from Vehicle	1-3 Yrs	801 PC	16 Mo-3 Yrs	<ul style="list-style-type: none"> Person discharging firearm from vehicle – Felony Person driving vehicle, not discharging firearm – Misdemeanor (formerly 2034 PC)
26350 PC	Open Carry Unloaded Firearm	1 Yr	802 PC	--	--
26400 PC	Carrying Unloaded Firearm Not Handgun	1 Yr	802 PC	--	--
29610 PC	Possession of Pistol, Revolver, or Concealable Firearm by Minor	1-3 Yrs	801 PC	--	Prior conviction makes this a felony Formerly 12101(a)(1) PC
29650 PC	Possession of Live Ammunition	1-3 Yrs	801 PC	--	Prior conviction makes this a felony Formerly 12101(b)(2) PC
29800 PC	Unlawful Person in Possession	3 Yrs	801 PC	--	Formerly 12021 PC
29825 PC	Person Restricted from Firearm Possession Due to Restraining Order, Probation, or Protective Order	3 Yrs	801 PC	--	Formerly 12021(g)(2) PC
29900 PC	Person Previously Convicted of Violent Offense Prohibited from Possessing Firearms	3 Yrs	801 PC	--	Formerly 12021.1 PC
30210 PC	Sale/ Possession/Manufacture of Flechette Dart/Bullet Containing Explosive Agent	3 Yrs	801 PC	1 Yr	Formerly 12020(a)(1) PC
30300 PC	Sale/Supply of Ammunition to Under Aged Person	3 Yrs	801 PC	--	Formerly 12316 PC
30300 PC	Sale of Ammunition to Minor	1-3 Yrs	801 PC	--	Formerly 12316a and b PC
30305 PC	Possession of Ammunition by Prohibited Person	3 Yrs	801 PC	--	Formerly 12316 PC
30305 PC	Possession of Ammunition by Prohibited Person	1-3 Yrs	801 PC	--	Formerly 12316b and d PC
30306 PC	Sale of Ammunition to Prohibited Person	3 Yrs	801 PC	--	Formerly 12317 PC
30306 PC	Sale of Ammunition to Prohibited Person	1-3 Yrs	801 PC	--	Formerly 12316b and d PC
30310 PC	Ammunition on School Grounds	1-3 Yrs	801 PC	--	Formerly 12316c PC
30315 PC	Possession of Metal or Armor Penetrating Ammunition	3 Yrs	801 PC	--	Formerly 12320 PC
30315 PC	Possession of Metal or Armor Penetrating Ammunition	3 Yrs	801 PC	--	Formerly 12320 PC
30320 PC	Sale/Manufacture/Transportation of Metal or Armor Penetrating Ammunition	3 Yrs	801 Pc	16 Mo-3 Yrs	Formerly 12320 PC
30320 PC	Sale/Manufacture/Possession/Use of Metal or Armor Penetrating Ammunition	3 Yrs	801 PC	--	Formerly 12321 PC

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
30600 PC	Sale/Possession/Manufacture/Transportation of Assault Weapon/ .50 BMG Rifle	6 Yrs	800 PC	4-8 Yrs	Formerly 12280(a) PC
30605 PC	Sale/Possession/Manufacture/Transportation of Assault Weapon	3 Yrs	801 PC	--	Firearm was registered as legal weapon Formerly 12289(b) PC
30610 PC	Possession of .50 BMG Rifle	3 Yrs	801 PC	--	--
31500 PC	Sale/Manufacture/Possession of Unconventional Pistol	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
32625(a) PC	Possession/Transportation of Illegal/Conversion of Firearms	3 Yrs	801 PC	--	Formerly 12220(a) PC
32625(b) PC	Possession/Transportation of Machine Guns	6 Yrs	800 PC	4-8 Yrs	Formerly 12220(b) PC
32900 PC	Sale/Manufacture/Possession of Multi-Burst Trigger Activator	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
33215 PC	Sale/Manufacture/Possession of Short Barreled Shotgun or Rifle	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
33410 PC	Possession of Silencer	3 Yrs	801 PC	--	Formerly 12520 PC
33410 PC	Possession of Firearm Silencers	3 Yrs	801 PC	--	Formerly 12520 PC
33600 PC	Sale/Manufacture/Possession of Zip Guns	1 Yr	802 PC	--	Formerly 12020(a)(1) PC
2800.1 VC	Intention to Evade Peace Officer in Motor Vehicle or on Bicycle – Misdemeanor	1 Yr	802 PC	--	--
2800.2 VC	Attempting to Evade Peace Officer while Driving Recklessly – Punishment	3 Yrs	801 PC	--	Disregard for safety
2800.3 VC	Evasion of Peace Officer	3 Yrs	801 PC	3-5 Yrs	Causing serious injury or death
4461 VC	Unlawful Use of Forms of Registration, Plates, Permits, Placards, or Validation Tabs	1 Yr	802 PC	--	--
4462 VC	Unlawful Use or Possession of Vehicle Identification Documents	1 Yr	802 PC	--	--
4463 VC	Falsifying Evidence of Registration, Ownership, or Identification / Falsifying or Loaning Disabled Person Placard	1-3 Yrs	801 PC	16 Mo-3 Yrs	Placard only – Misdemeanor
5500 VC	Delivery of Evidence of Registration before Disassembly	1 Yr	802 PC	6 Mo	County jail only
10501 VC	False Theft of Vehicle Reports	1-3 Yrs	801 PC	16 Mo-3 Yrs	Prior conviction makes this a felony
10752 VC	Illegal Possession or Sale of Identification Number	3 Yrs	801 PC	--	--

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
10801 VC	Owning or Operating Chop Shop	3 Yrs	801 PC	2-4 Yrs	--
10802 VC	Tampering with Vehicle Identification Number	3 Yrs	801 PC	16 Mo-3 Yrs	--
10803 VC	Buying or Possessing Vehicles with Altered Vehicle Identification Numbers	3 Yrs	801 PC	2-6 Yrs	--
10851 VC	Vehicle Theft	3 Yrs	801 PC	2-4 Yrs	--
10854 VC	Uncontested Action by Vehicle Bailee – Punishment	1 Yr	802 PC	1 Yr	County jail only
12500 VC	Unlicensed Operation Unlawful	1 Yr	802 PC	--	--
13200 VC	Speeding and Reckless Driving	1 Yr	802 PC	--	Revocation of license only
13200.5 VC	Driving in Excess of 100 Miles Per Hour	1 Yr	802 PC	--	Suspension of license only
14601.5 VC	Driving while Privileges Suspended for Failure to Take Chemical Test or for Driving with Specified Blood Alcohol Level	1 Yr	802 PC	6 Mo	County jail only
14610.5 VC	Sale/Distribution of Crib Sheets / Impersonation of License Applicant	1 Yr	802 PC	--	--
20001 VC	Hit and Run	3 Yrs	801 PC	2-4 Yrs	<ul style="list-style-type: none"> • If great bodily Injury • If not great bodily injury – 1 year
20002 VC	Property Damage Reports and Notices – Punishment	1 Yr	802 PC	6 Mo	County jail only
23152 VC	Driving while Under the Influence of Alcohol or Drugs	1 Yr	802 PC	96 hrs.	County jail only
23153 VC	Driving Under the Influence	3 Yrs	801 PC	--	Causing bodily injury
23222 VC	Open Alcoholic Beverage Container or Marijuana in Vehicle	1 Yr	802 PC	--	Fine only
23223 VC	Open Alcoholic Beverage Containers-Possession	1 Yr	802 PC	--	--
38318 VC	Throwing Substances at Off-Highway Motor Vehicles	1 Yr	802 PC	6 Mo	County jail only
38318.5 VC	Malicious Acts	1 Yr	802 PC	6 Mo	County jail only
42001.7 VC	Littering	1 Yr	802 PC	--	Fine only
8101 H&S	Vandalism to Cemeteries	3 Yrs	801 PC	--	--

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11162.5 H&S	Prescription Blanks – Counterfeit	3 Yrs	801 PC	--	--
11350 H&S	Unlawful Possession of Drugs	3 Yrs	801 PC	--	Narcotics
11351 H&S	Unlawful Possession of Drugs for Sale	3 Yrs	801 PC	2-4 Yrs	Narcotics
11351.5 H&S	Possession/Purchase of Cocaine for Sale	3 Yrs	801 PC	3-5 Yrs	--
11352 H&S	Unlawful Possession of Drugs for Transportation	3-6 Yrs	801 PC	3-5 Yrs	Narcotics
11353 H&S	Adult's Employment of Minor for Unlawful Transactions	6 Yrs	800 PC	3-9 Yrs	--
11353.5 H&S	Selling or Giving Controlled Substance to Minor	6 Yrs	800 PC	5-9 Yrs	--
11353.7 H&S	Preparation for Sale or Sale of Controlled Substance to Minor in Public Park	6 Yrs	800 PC	3-9 Yrs	--
11354 H&S	Minor's Employment of Fellow Minor for Unlawful Transactions	3 Yrs	801 PC	--	--
11355 H&S	Delivery of Falsely Represented Items	3 Yrs	801 PC	--	--
11357(a) H&S	Possession of Marijuana – Concentrated Cannabis	3 Yrs	801 PC	--	Concentrated cannabis
11357(b) H&S	Possession of Marijuana	1 Yr	802 PC	--	Less than 28.5 grams – Fine only
11357(c) H&S	Possession of Marijuana	1 Yr	802 PC	6 Mo	More than 28.5 grams – County jail only
11357(d) H&S	Possession on School Grounds – Punishment	1 Yr	802 PC	10 Days	Less than 28.5 grams – Over 18 years old
11357(e) H&S	Possession on School Grounds – Punishment	1 Yr	802 PC	--	Less than 28.5 grams – Under 18 years old
11359 H&S	Possession of Marijuana for Sale	3 Yrs	801 PC	--	Marijuana – 28.5 grams or more
11360 H&S	Possession of Marijuana for Transportation	3 Yrs	801 PC	2-4 Yrs	Marijuana – 28.5 grams or more
11361 H&S	Employment of Minors for Unlawful Transactions	3 Yrs	801 PC	3-7 Yrs	--
11363 H&S	Planting and Harvesting Peyote	3 Yrs	801 PC	--	--
11364 H&S	Possession of Paraphernalia for Unlawful Use	1 Yr	802 PC	--	--
11364.7 H&S	Furnishing/Manufacturing Drug Paraphernalia/Furnishing to Minors – Forfeiture of Business License	1-3 Yrs	801 PC	--	Wobbler – Based on controlled substance type

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11366 H&S	Maintenance of Location for Unlawful Activities	3 Yrs	801 PC	--	--
11366.5 H&S	Management of Location Used for Unlawful Manufacture or Storage of Controlled Substance	3 Yrs	801 PC	--	--
11366.6 H&S	Use of Location to Suppress Law Enforcement Entry in Order to Sell Controlled Substances	3 Yrs	801 PC	3-5 Yrs	--
11366.8 H&S	Possession of False Compartment Designed for Storing Controlled Substances	3 Yrs	801 PC	16 Mo-3 Yrs	--
11370.1 H&S	Unlawful Possession of Controlled Substances while Armed with Loaded Firearm	3 Yrs	801 PC	2-4 Yrs	--
11370.6 H&S	Possession of Funds in Excess of \$100,000 for Unlawful Purchase of Controlled Substances	3 Yrs	801 PC	2-4 Yrs	--
11371 H&S	Offenses Carrying Mandatory State Prison Sentence	3 Yrs	801 PC	--	--
11371.1 H&S	Prescription Fraud for Violation or for Inducing Violation by Minor	3 Yrs	801 PC	--	--
11374.5 H&S	Manufacturer of Controlled Substances – Disposal of Hazardous Substances	3 Yrs	801 PC	2-4 Yrs	--
11375 H&S	Possession for Sale of Designated Substances	3 Yrs	801 PC	--	--
11377 H&S	Unlawful Possession of Drugs – Controlled Substances	3 Yrs	801 PC	--	Wobbler – Based on controlled substance type
11378 H&S	Unlawful Possession of Drugs For Sale	3 Yrs	801 PC	--	--
11378.5 H&S	Possession for Sale of Phencyclidine (PCP)	3 Yrs	801 PC	3-5 Yrs	--
11379 H&S	Unlawful Possession of Drugs for Transportation	3-6 Yrs	801 PC	2-4 Yrs	--
11379.2 H&S	Possession for Sale of Controlled Substance Containing Ketamine	3 Yrs	801 PC	--	--
11379.5 H&S	Sale/Importation/Distribution of Phencyclidine (PCP)	6 Yrs	800 PC	3-9 Yrs	--
11379.6 H&S	Manufacture of Controlled Substances	3 Yrs	801 PC	3-7 Yrs	--
11380 H&S	Employment of Minors for Unlawful Transactions – Restricted Drugs	6 Yrs	800 PC	3-9 Yrs	--
11382 H&S	Substitution of Fraudulently Represented Items	3 Yrs	801 PC	--	--
11383 H&S	Possession for Manufacturing of Methamphetamine and Phencyclidine	3 Yrs	801 PC	2-6 Yrs	--

LAW ENFORCEMENT EVIDENCE & PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11390 H&S	Cultivation of Spores or Mycelium Capable of Producing a Controlled Substance – Mushrooms	3 Yrs	801 PC	--	--
11391 H&S	Sale/Importation/Transportation/Furnishing of Spores or Mycelium Capable of Producing a Controlled Substance	3 Yrs	801 PC	--	--
11550 H&S	Use Prohibited / Offense / Punishment – Controlled Substance	1 Yr	802 PC	90-180 Days	County jail only
109575 H&S	Penalties – Imitation Controlled Substance	1 Yr	802 PC	6 Mo	County jail only
109580 H&S	Penalties for Distribution to Minors – Imitation Controlled Substance	1 Yr	802 PC	1 Yr	County jail only
119 B&P	Unlawful Use of Licenses, Certificates, Etc.	1 Yr	802 PC	6 Mo	County jail only
580 B&P	Sale of Degrees, Certificates, or Transcripts of Medical Records	3 Yrs	801 PC	--	--
581 B&P	Fraudulent Procurement or Alteration of Diplomas of Medical Records	3 Yrs	801 PC	--	--
582 B&P	Use of Fraudulent Diplomas, Certificates, Etc. of Medical Records	3 Yrs	801 PC	--	--
583 B&P	False Statement in Writing, or Document Required, or Applicant of Medical Records	3 Yrs	801 PC	--	--
584 B&P	Impersonation During Examination of Medical Records	3 Yrs	801 PC	--	--
729 B&P	Sexual Exploitation by Physician, Surgeon, Psychotherapist, or Alcohol and Drug Abuse Counselor	1-3 Yrs	801 PC	16 Mo-3 Yrs	<ul style="list-style-type: none"> • One victim – Misdemeanor • More than one victim – Felony.
1700 B&P	Misdemeanor Offense and Punishment	1 Yr	802 PC	10 Days	County jail only
1701 B&P	Offenses Constituting Felony on Second Conviction	1-3 Yrs	801 PC	--	Prior conviction makes this a felony
1764 B&P	False Representation of License Status	1 Yr	802 PC	6 Mo	County jail only
2052 B&P	Unauthorized Practice of Medicine	1 Yr	802 PC	6 Mo	County jail only
2053 B&P	Unauthorized Practice Creating Risk to Patient	3 Yrs	801 PC	--	--
2054 B&P	False Indications of License	1 Yr	802 PC	6 Mo	County jail only
2474 B&P	Unauthorized Practice of Podiatric Medicine	1 Yr	802 PC	6 Mo	County jail only
2795 B&P	Unauthorized Practice of Nursing	1 Yr	802 PC	1 Yr	County jail only

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
2796 B&P	Unlawful Representation of Nursing	1 Yr	802 PC	1 Yr	County jail only
2885 B&P	False Representation of License Status	1 Yr	802 PC	1 Yr	County jail only
2886 B&P	Impersonation of Applicants	1 Yr	802 PC	1 Yr	County jail only
3123 B&P	Alteration of Certificates	1 Yr	802 PC	1 Yr	County jail only
3124 B&P	Use of Fraudulent Certificates	1 Yr	802 PC	1 Yr	County jail only
3127 B&P	Unauthorized Practice	1 Yr	802 PC	1 Yr	County jail only
4149 B&P	Sale or Distribution by Nonresident Distributors	1 Yr	802 PC	6 Mo	County jail only
4324 B&P	Unlawful Use of Prescriptions	3 Yrs	801 PC	--	--
25658 B&P	Sale to and Consumption by Minors / Minor Decoys Used by Peace Officers to Apprehend Licenses, Employees, or Agents Violating Section	1 Yr	802 PC	6 Mo	County jail only
25661 B&P	Possession or Presentation of False Identification	1 Yr	802 PC	32 hrs	Community service only
25662 B&P	Alcoholic Beverages in Possession of or Furnished to Minor – Seizure by Peace Officer	1 Yr	802 PC	6 Mo	County jail only

INTENTIONALLY BLANK

The Biological Evidence Preservation Handbook

Provided by the
National Institute of Justice (NIJ)

INTENTIONALLY BLANK

EQUIPMENT EXAMPLES

There is a variety of commercially available equipment agencies can procure to facilitate the evidence/property function. While POST cannot recommend or endorse any specific brand or model, examples of the types of equipment listed below are shown on the following pages:

Example #	Page
<u>1</u> Biohazardous Materials Waste Container	F-2
<u>2</u> Blood Drying/Wet Evidence Drying Equipment (Examples A–D)	F-2
<u>3</u> Bulk Storage Locker/Cage (Examples A–C)	F-3
<u>4</u> Commercial Grade Industrial Refrigerator and Freezer (Examples A, B)	F-4
<u>5</u> Hazardous Materials Storage Container/Cabinet (Examples A–F)	F-5
<u>6</u> High Density Mobile Shelving (Examples A–D)	F-6
<u>7</u> Industrial Safe (Examples A, B)	F-7
<u>8</u> Media Storage	F-8
<u>9</u> Modular/Uniform Shelving (Examples A, B)	F-8
<u>10</u> Pass-through Temporary Refrigerator (Examples A–D)	F-9
<u>11</u> Pass-through Temporary Storage Lockers (Examples A–F)	F-10
<u>12</u> Sharps Container (Examples A, B)	F-11

**EXAMPLE 1:
Biohazardous Materials Waste Container**



**EXAMPLE 2A:
Blood Drying/Wet Evidence Drying Equipment**



**EXAMPLE 2B:
Blood Drying/Wet Evidence Drying Equipment**



EXAMPLE 2C:
Blood Drying/Wet Evidence Drying Equipment



EXAMPLE 2D:
Blood Drying/Wet Evidence Drying Equipment



EXAMPLE 3A:
Bulk Storage Locker/Cage



EXAMPLE 3B:
Bulk Storage Locker/Cage



EXAMPLE 3C:
Bulk Storage Locker/Cage



EXAMPLE 4A:
Commercial Grade Industrial Refrigerator and Freezer



EXAMPLE 4B:
Commercial Grade Industrial Refrigerator and Freezer



EXAMPLE 5A:
Hazardous Materials Storage Container/Cabinet



EXAMPLE 5B:
Hazardous Materials Storage Container/Cabinet



EXAMPLE 5C:
Hazardous Materials Storage Container/Cabinet



EXAMPLE 5D:
Hazardous Materials Storage Container/Cabinet



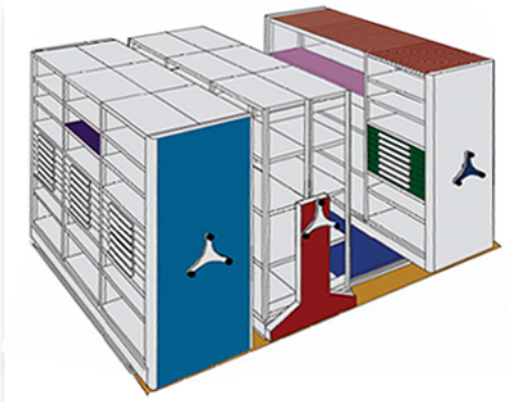
EXAMPLE 5E:
Hazardous Materials Storage Container/Cabinet



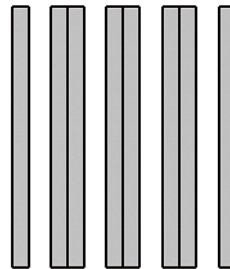
EXAMPLE 5F:
Hazardous Materials Storage Container/Cabinet



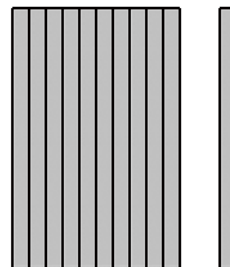
EXAMPLE 6A:
High Density Mobile Shelving
(Schematic)



EXAMPLE 6B:
High Density Mobile Shelving
(Conventional Shelving layout)



Since shelving is mobile, it can be stacked as shown below to nearly double the storage space.



EXAMPLE 6C:
High Density Mobile Shelving



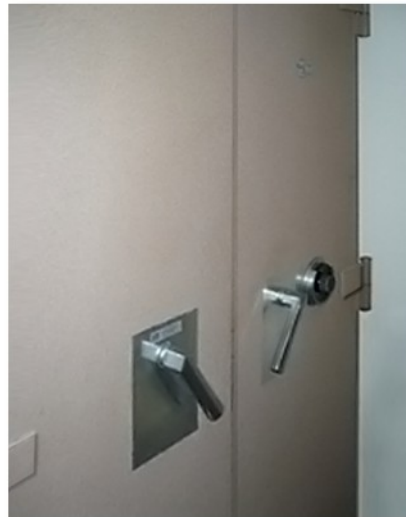
EXAMPLE 6D:
High Density Mobile Shelving



EXAMPLE 7A:
Industrial Safe



EXAMPLE 7B:
Industrial Safe



**EXAMPLE 8:
Media Storage**



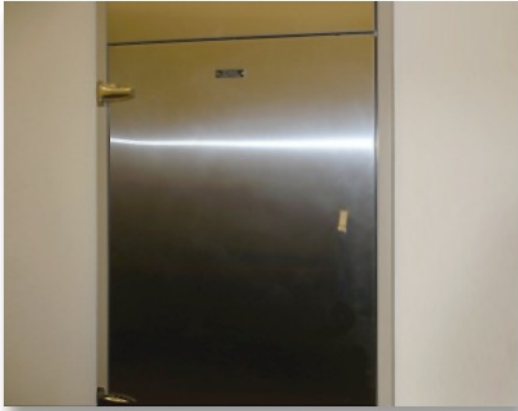
**EXAMPLE 9A:
Modular/Uniform Shelving**



**EXAMPLE 9B:
Modular/Uniform Shelving**



EXAMPLE 10A:
(Closed front view)
Pass-through Temporary Refrigerator



EXAMPLE 10B:
Pass-through Temporary Refrigerator
(Open front view)



EXAMPLE 10C:
Pass-through Temporary Refrigerator
(Open rear view)



EXAMPLE 10D:
Pass-through Temporary Refrigerator
(Contained in bank of pass-through storage lockers)



EXAMPLE 11A:
Pass-through Temporary Storage Lockers
(Front view)



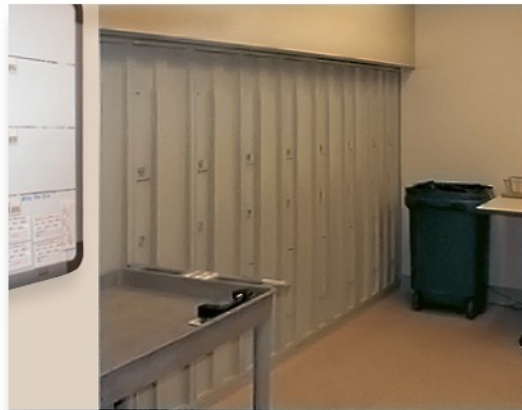
EXAMPLE 11B:
Pass-through Temporary Storage Lockers
(Rear view)



EXAMPLE 11C:
Pass-through Temporary Storage Lockers
(Front view)



EXAMPLE 11D:
Pass-through Temporary Storage Lockers
(Rear view)



EXAMPLE 11E:
Pass-through Temporary Storage Lockers
(Front view)



EXAMPLE 11F:
Pass-through Temporary Storage Lockers
(Rear view)



EXAMPLE 12A:
Sharps Container
(Wall mounted unit)



EXAMPLE 12B:
Sharps Container
(Various container models)



INTENTIONALLY BLANK

A

- Abandoned property, 6-4
 - Regulatory code(s), B-2
- Access
 - After hours, 1-3
 - Authorized personnel, 4-5, 4-7
 - Background investigation, 1-2
 - Chain of command, 1-1
 - Co-locating office space, 3-2
 - Doors, 3-6
 - Facility, 1-3, 3-6
 - Field personnel, 4-14
 - High access, 2-8
 - Hours of operation, 1-3
 - Keys/cards/codes, 1-2, 3-6, 4-7
 - Low access, 2-8
 - Medium access, 2-8
 - Official use only, 2-8
 - Open to agency staff, 1-4
 - Procedures, 1-3
 - Restricted, 1-3, 3-6
 - Storage lockers, 3-3
 - Support personnel, 2-8
 - System, 2-8
 - System administrator, 2-8
 - Use of safe/vault, 4-7
 - Visitor's log, 2-6
- Access to water, 3-3, 4-2, 4-6
- Accessing data, 2-8
- Adjudicated cases, 6-6, 6-11
- Advertisement
 - Regulatory code(s), B-2
 - Sale, regulatory code(s), B-2
- Affidavit
 - For destruction, 6-12
 - Regulatory code(s), B-2
 - Required information, 6-13
- AFS (Automated Firearms System), 4-5, 6-9, 6-10
- Agency Checklist for Confiscated Firearms/Other Deadly Weapons, 2-5
- Agency needs
 - Methods for receipt, 4-1
 - Packaging, 4-1
 - Refrigerator/freezer storage, 3-4
 - Storing of evidence/property, 4-1
 - Use of forms, C-1
- Agency policy/procedures, 1-5, 1-6, 2-1, 4-11, 5-5, B-1
 - Annual review, 1-6
 - Blood/wet evidence drying, 4-14
 - Retention, 6-7
- Agency responsibilities, 6-4
- Air exchange, 3-5, 4-7
- Alarms
 - Carbon monoxide, 3-6
 - Entry/perimeter, 3-4, 3-6
 - Fire, 3-6
 - Fire detectors, 3-6
 - Motion detection, 3-6
 - Motion sensors, 3-6
 - Personal duress, 1-4, 3-2, 3-6
 - Safe/vault, 4-7

- Alert mechanisms, 2-6
- Alternate storage facility, 1-4
- Ammunition, 6-8, 6-15
 - Armor penetrating, regulatory code(s), B-2
 - Handling procedures, 1-6, 4-3
- Ammunition, regulatory code(s), B-2
- Annual review
 - Agency policy/procedures, 1-6
 - Forms, 1-5, 2-5
 - Law Enforcement Evidence/Property Management Guide, xii
 - Procedures, 1-5
- Anti-static
 - Bubble wrap bags, 4-8
 - Heat-sealed bags, 4-8
- Appeals
 - Period, 6-6, 6-11
 - Regulatory code(s), B-2
- Armed escort, 6-10, 6-14
- Assault weapons, DOJ, 6-9
- ATF (Bureau of Alcohol, Tobacco, Firearms, and Explosives), 4-4
- Auction
 - Advertisement, regulatory code(s), B-2
 - Authorization, 6-7
 - Digital media, 6-2
 - Disposal, 6-3
 - Firearms, 6-9, 6-10
 - Local regulations, 6-4
 - Notices, regulatory code(s), B-9
 - Property release, 2-5
 - Regulatory code(s), B-2
 - Return to finder, 6-3
 - Sale, regulatory code(s), B-12
 - Serialized property, 6-2
- Audits, 1-6, 5-1, defined, A-1
 - Broken seals, 5-3
 - Documentation, 5-1, 5-4
 - Facility, 5-1
 - Identifying/correcting procedural deficiencies, 5-2
 - Methods, 5-2
 - Narcotics/controlled substances, 5-2
 - Packaging, 5-3
 - Random, 5-3
 - Release, 5-1
 - Review packaged evidence seals, 5-1
 - Safety, 5-3
 - Seals, 5-4
 - Sensitive items, 5-1
 - Staffing, 1-2
- Authorization
 - Disposition, 6-1
 - Release/destruction, 6-5
 - To make policy, B-15
 - To sell or auction property, 6-7
- Automated Firearms System (AFS), 4-5, 6-10

- Automated property management, 1-5
 - Automated property management system, 2-6, 2-7, 6-2
- B**
- Background investigation, 1-2
 - Back-up procedures
 - Automated, 2-7
 - Back-up manual keys, 1-3
 - Power, 3-4
 - Security, 2-6
 - Barrier, security, 3-2
 - BB guns, B-7
 - Bicycles/toys
 - Regulatory code(s), B-2, B-14
 - Storage, 3-3
 - Biohazardous material. *See Hazardous/biohazardous materials*
 - Biological Evidence Preservation Handbook, NIJ, xi, 4-10, 4-11, E-1
 - Biological/DNA
 - Handling procedures, 1-6
 - Biological/DNA material
 - Contamination, 4-4
 - Defined, A-1
 - Disposal, 4-9
 - Evidence, defined, A-1
 - Firearms, 4-4
 - Handling procedures, 4-9
 - Intake, 4-9
 - Packaging, 4-9
 - Post-Conviction Testing Report, 4-13
 - Regulatory code(s), B-6
 - Sexual assault
 - Evidence, disposal, 4-13
 - Regulatory code(s), B-14
 - Victim's Bill of Rights, PC 680, 4-13
 - Storage, 4-9
 - Testing, 4-5, 4-13
 - Blood drying
 - Handling procedures, 1-6
 - Blood/wet evidence drying, 4-14
 - Agency policy/procedures, 4-14
 - Equipment, F-2
 - Booby traps, regulatory code(s), B-2
 - Breathable packaging, 4-6
 - Breathable storage, 4-11
 - Budget, 1-4
 - Allocation, 1-5
 - Evidence/property function, v
 - Personnel, 1-1
 - Bulk storage locker/cage, F-3
 - Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), 4-4
 - Burn sites, 6-14
 - Business and Professions Code (BPC)
 - BPC 7027, 6-6
 - BPC 7189, 6-6
 - BPC 729, 6-6

C

Cal-DNA Databank, 4-13
 CALEA (Commission on Accreditation for Law Enforcement Agencies), A-1
 Cal-EMA (California Emergency Management Agency), 4-4
 California Association for Property and Evidence (CAPE), 1-3, C-1
 California Department of Health Services, 6-15
 California Emergency Management Agency (Cal-EMA), 4-4
 California Law Enforcement Telecommunications System (CLETS), 4-5, 5-2
 CAPE (California Association for Property and Evidence), 1-3, C-1
 Carbon monoxide alarm, 3-6
 Card-key access, 4-5, 4-7
 Case number, 2-1
 Case number order, 4-3
 Cases

- Adjudicated, 6-6
- Felony, 6-6
- Involving search warrants, 6-7
- Statute of limitations, 6-6
- With special circumstances, 6-7

 Category table, list of regulatory codes, B-1
 Ceiling construction, 3-1
 Chain of command, 1-1

- Facility access, 1-1

 Chain of custody, 2-2, 2-7

- Currency/high-value items, 4-7
- Defined, A-1
- Disposition, 2-5
- Documentation, 2-7
- Establishing, 1-5
- Evidence/property transfer, 2-4
- Firearms intake, 4-4
- Form, C-29
- Labeling, 2-3
- Labels/property tags, 1-5
- Log, 2-2, 2-4, 4-2
- Maintaining, 1-5
- Packaging, 2-3
- Processes, 5-1
- Property receipts, 2-2, 4-2
- Receipt, 2-4
- Safekeeping, 2-4, 5-1
- Sealing packages, 1-5
- Signature box, 2-1
- Stamps, 1-5

 Changeable combination lock, 4-2
 Civil Code (CC)

- CC 2080, 4-3, 6-3, 6-4, 6-7, 6-8
- CC 2080.1, 6-7, 6-8
- CC 2080.10, 2-1, 6-4, 6-5
- CC 2080.2, 6-3
- CC 2080.3, 6-4, 6-7
- CC 2080.4, 6-7
- CC 2080.5, 6-7
- CC 2080.6, 6-4, 6-7, 6-8
- CC 2080.7, 6-4
- CC 2080.9, 6-3

 Claims of ownership, 6-4
 Clandestine lab disposal, 6-14
 Clandestine labs, 6-11

Classifications, property, 2-7
 Cleanliness, 5-5
 CLETS (California Law Enforcement Telecommunications System), 4-5, 5-2
 Code of Regulations (CCR)

- CCR 66261.4, 6-14

 Commercial grade industrial refrigerator/freezer, F-4
 Commission on Accreditation for Law Enforcement Agencies (CALEA), A-1
 Conferring with legal counsel on policy, B-15
 Confiscation, Large amounts of narcotics/controlled substances, 6-11, 6-13
 Conflict of interest, 1-1
 Construction materials, 3-1
 Contamination, 1-3, 3-4, 3-5, 4-9, 4-10, 4-14, 5-3

- Biohazardous material, 3-5
- Biological material, 4-4
- Defined, A-1
- Firearms, 4-4
- Narcotics/controlled substances, 6-11
- Transfer, 4-10

 Contraband/controlled substances

- Claim for third-party interest in property seized, B-4
- Exhibits, destruction, B-3
- Narcotics. *See Narcotics/controlled substances*
- Regulatory code(s), B-2
- Serialized property, regulatory code(s), B-3

 Control number, 2-1
 Controlled area for viewing evidence, 3-2
 Controlled substances. *See Narcotics/controlled substances*
 Cool room, 4-11

- Defined, A-1
- Storage, 3-4, 4-9
- Temperature, 4-11

 Correction notice, 4-1, 4-2
 Costs

- Publication, 6-4
- Regulatory code(s), B-4

 Counterfeit/forged

- Regulatory code(s), B-4

 Court

- Exhibits, 1-1, 6-7
- Exhibits, clerk possession, B-2
- Regulatory code(s), B-4

 Court order, 2-3, 6-7, 6-11, 6-13

- Exceptions, 6-11
- Exceptions to requirements, 6-12
- Exhibits, B-4
- Hazardous chemicals, 6-13
- Investigating peace officer, 6-7
- Narcotics/controlled substances, 6-12
- Release, 6-5
- Transfer, 6-9
- Transfer to crime lab, 6-10

 Cremated remains

- Regulatory code(s), B-4

Crime lab, 1-3, 2-3, 2-5, 3-4, C-1

- County, 4-11
- Defined, A-1
- Firearms, 4-5
- Local, 4-1, 4-5, 4-8, 6-9
- Transfer, 2-3, 6-9, 6-10

 Crime scene, defined, A-1
 Currency envelope, 4-7
 Currency Envelope (form), C-33
 Currency/high-value items, 3-1, 4-1, 4-3

- Defined, A-1
- Deposit policy/procedures, 4-7
- Disposition/purging, 1-6, 6-1
- District attorney or court clerk possession, regulatory code(s), B-2
- Handling procedures, 1-6, 4-7
- Liability, 4-8
- Packaging, labeling, 4-7
- Personnel transfer, 1-2
- Predetermined threshold, 6-15
- Regulatory code(s), B-4
- Special procedures for disposition/purging, 6-14
- Storage, 4-7
- Unclaimed, 6-15

 Custodian

- Release, 4-2
- Transporting evidence, 2-3

D

Data storage devices, 4-8
 Data systems

- Reconciling all computerized data systems, 6-1

 Declaration of ownership, 2-1, B-11, B-12

- Regulatory code(s), B-4
- Stolen/embezzled property, B-4

 Decontamination

- Emergency, 4-1

 Dedicated area, 4-1
 Department of Justice (DOJ)

- AFS, 6-10
- Agency Checklist for Confiscated Firearms/Other Deadly Weapons, 2-5
- Assault weapons, 6-9
- Automated Property System, 6-2
- Firearms/weapons, notification requirement, B-5
- Law Enforcement Gun Release, 6-9, 6-11
- Notification requirement
 - Firearm ID numbers, B-8
 - Firearm used in crime, B-7
 - Firearms/weapons, B-9
 - Found firearms, B-7
 - Misdemeanors/felonies, B-10
 - Serialized property, B-12
 - Vehicle records, B-11
- Release/destruction, 2-5
- Reports, B-8, B-13
- Time requirement, B-13
- Vehicle disposal, regulatory code(s), B-14

 Deposit policy/procedures, 4-7

- Destruction. *See Disposal/ destruction, Return/release, or Retention/destruction*
 - Destructive device
 - Contraband/controlled substance, regulatory code(s), B-3
 - Destruction/disposal, regulatory code(s), B-4
 - Firearms/weapons, regulatory code(s), B-7
 - Nuisance, regulatory code(s), B-10
 - Digital media, 3-3, 4-8
 - Regulatory code(s), B-15
 - Sensitivity, 3-4
 - Storage devices, Disposal, 6-2
 - Storage handling procedures, 4-8
 - Digital storage
 - Handling procedures, 1-6
 - Digital/paper media
 - Sensitivity, 6-8
 - Disaster. *See Emergency/disaster*
 - Disaster planning, 1-5
 - Discovery, 1-1
 - Regulatory code(s), B-5
 - Disposal/destruction
 - Approved vendors, 3-5, 6-15
 - Authorization, 6-5
 - Biohazardous material, 4-9
 - Biological material, 4-9, 6-6
 - Burn sites, 6-14
 - Chain of custody, 2-5
 - Clandestine lab procedures, 6-14
 - Considerations for, 1-6
 - County environmental health department, 6-14
 - Court order, 6-13
 - Dies/plates, B-4
 - Digital media storage devices, 6-2
 - DNA, 4-9, 6-6
 - Regulatory code(s), B-6
 - Sexual assault evidence, 4-13
 - Documentation, 2-1
 - Erroneous, 6-1
 - Evidence chain, 2-8
 - E-waste, 4-8
 - Explosives, regulatory code(s), B-6
 - Fireworks, 6-8
 - Found property, 6-2
 - Hazardous material, 3-5, 4-3, 4-4
 - Biohazardous, 6-15
 - Chemicals, 6-13
 - Waste, 6-14
 - Lawful, 6-1
 - Legislation, 6-4
 - Methods, 1-6
 - Methods/classifications, 6-2, 6-8, 6-10, 6-11
 - PCP
 - Large amounts, 6-11, 6-12
 - Regulatory code(s), B-2, B-5
 - Photographs/photocopies, 3-5
 - Preparation, 6-11
 - Private service, 6-8
 - Regulatory code(s), B-4, B-6
 - Safekeeping, 3-4
 - Search warrant, 6-7
 - Serialized property, 6-2
 - Sharps containers, 3-5
 - Stolen/embezzled property, 6-2
 - Syringes, 3-5
 - Vehicles, regulatory code(s), B-14
 - Witnessed, 6-14
 - Disposition/purging
 - Authorization, 6-1
 - Biohazardous material, 6-1
 - Chain of custody, 2-5
 - Considerations for Disposal, 1-6
 - Currency/high-value items, 6-1, 6-14
 - Currency/high-value items, special procedures, 1-6
 - Disposition of property, defined, A-1
 - Exhibits, regulatory code(s), B-12
 - Explosives, regulatory code(s), B-5
 - Firearms, special procedures, 1-6
 - Firearms/weapons, 2-5, 6-1, 6-9, 6-10
 - Firearms/weapons, regulatory code(s), B-5
 - Found property, 6-3
 - Hazardous/biohazardous materials, 6-15
 - Hazardous/biohazardous materials, special procedures, 1-6
 - Investigating peace officer, 6-1
 - Narcotics, special procedures, 1-6
 - Narcotics/controlled substances, 2-5, 6-1, 6-11
 - Penal Code, 6-5
 - Procedures, 6-1
 - Regulatory code(s), B-5
 - Sale proceeds from forfeited property, regulatory code(s), B-5
 - Sale proceeds of forfeited property, regulatory code(s), B-4
 - Statute of limitations, 6-5
 - District attorney's office, 1-3, 2-5, 3-5, 4-1, 4-5, 4-11, 6-5, 6-6, 6-9, C-1
 - Firearms release, 6-11
 - Diversion/delivery
 - From adjudicated cases for training, regulatory code(s), B-3
 - Pawnbrokers, regulatory code(s), B-6
 - Regulatory code(s), B-5
 - Stolen/embezzled property, B-6
 - Unclaimed property, B-15
 - DMV confidentiality
 - Regulatory code(s), B-6
 - DNA. *See Biological/DNA material*
 - Documentation, 1-7, 4-3
 - Audit results, 5-1
 - Audits, 5-4
 - Chain of custody, 1-5, 2-7, 4-3
 - Chain of custody stamps, 1-5
 - Crime lab, 2-2
 - Firearms, 1-5
 - Inspection results, 5-5
 - Intake, 2-1, 2-7
 - Inventory, 5-3, 5-4
 - Inventory results, 5-3
 - Labels/property tags, 1-5
 - Packaging, 4-11
 - Procedures, 4-1
 - Property receipts, 1-5
 - Receipt, 2-5
 - Release, 2-1, 6-2
 - Retention, 2-7
 - Review, 2-5
 - Sealing packages, 1-5
 - Storage, 2-1, 5-2, 6-4
 - Transfer, 6-8
 - DOJ. *See Department of Justice*
 - Domestic violence
 - Evidence, 6-2
 - Firearms, 6-9
 - Firearms, regulatory code(s), B-7
 - Regulatory code(s), B-6
 - Time requirement, B-13
 - Doors
 - Access, 3-6
 - Facility, 3-1
 - Interior, 3-6
 - Pass-through, 3-2
 - Drying
 - Areas, 4-7
 - Blood/wet evidence, 4-10, 4-14
 - Blood/wet evidence equipment, F-2
 - Green/wet/fresh plant material, packaging, 4-6
 - Locker, 4-2
 - Duress alarms, 1-4, 3-2, 3-6
-
- ## E
- Effect of discovery
 - Regulatory code(s), B-5
 - Electronic key card, 1-3
 - Back-up procedures, 1-3
 - Electronic media. *See Digital media*
 - Embezzled property. *See Stolen/embezzled property*
 - Emergency planning, 1-5
 - Emergency/disaster
 - Cal-EMA, 4-4
 - Decontamination, 4-1
 - Notification, 1-4
 - Operations plan, 1-4
 - Planning, 1-4
 - Radios, 1-4
 - Safety, 1-4
 - Employee seals, 5-3
 - EPM. *See Evidence/Property Manager*
 - EPT. *See Evidence/Property Technician*
 - Equipment (commercial)
 - Biohazardous waste container, F-2
 - Blood/wet evidence drying, 4-14, F-2
 - Bulk storage locker/cage, F-3
 - Commercial grade industrial refrigerator/freezer, F-4
 - Hazardous materials storage container/cabinet, F-5
 - High density mobile shelving, F-6
 - Industrial safe, F-7
 - List of commercially available, F-1
 - Media storage, F-8
 - Modular/uniform shelving, F-8
 - Pass-through temporary refrigerator, F-9
 - Pass-through temporary storage lockers, F-10
 - Sharps containers, F-11

Equipment (protective), 4-6, 4-9

- Access to water, 3-3
- Broken seals, 5-3
- Decontamination, 4-1
- Eye protection, 3-5
- Eye wash, 4-1
- Eye wash station, 3-3
- Fuming hood, 4-6
- Gloves, 3-3
- Goggles, 3-3
- OSHA standards, 3-5, 4-6
- Particulate masks, 3-3
- Safety, 3-5
- Showering facilities, 3-5

Evacuation, 1-4

Evidence

- Adjudicated cases, 6-6
- Authorization for release/destruction, 6-5
- Blood/wet drying, 4-10, 4-14
- Court Order, 6-2
- Defined, A-1
- Domestic violence, 6-2
- Firearms, 4-10, 6-11
- Multiple cases, 6-1
- Packaging, defined, A-2
- Property associated with sexually violent predators, 6-2
- Regulatory code(s), B-6

Evidence/property

- Evidence/Property Storage Facility Access Log (form), C-45
- Property Invoice Return (form), C-43
- Record - Field Receipt (form), A-3, C-3
- Record - Field Receipt (form), defined, A-2
- Record (form), C-5
- Report/receipt (form), C-7
- Retention references, D-1
- Room/unit, defined, A-2
- Tracking Record (form), C-25
- Transfer (form), 2-3, C-37

Evidence/Property Manager (EPM), 1-1, 1-2

- Authority, 2-6
- Defined, A-2
- Forms custodian, 2-5

Evidence/Property Technician (EPT), 1-1; defined, A-2

E-waste

- Disposal, 4-8
- OSHA regulations, 4-9

Exceptions

- Court order, 6-11
 - Hazardous chemicals, 6-13
 - Requirements, 6-12
- Felony cases, 6-6
- Return to finder, 6-3
- Statute of limitations, 6-6

Exclusive means, Discovery procedures, B-5

Exhibits

- Contraband/controlled substances, destruction, B-3
- Court, 1-1, 6-7
- Court clerk possession, B-2
- Court order, B-4

- Criminal action, firearms, B-7
- Currency/valuables, regulatory code(s), B-4
- Firearms
 - Used in crime, B-7

Explosives, 4-4, 6-15

- Handling procedures, 1-6, 4-3
- Regulatory code(s), B-6
- Return of seized, regulatory code(s), B-13
- Return petition, regulatory code(s), B-6
- Storage, 4-4

Exposures, safety plan, 4-9

Eye protection, 4-6

- Eye wash, 3-5, 4-1, 4-2
- Eye wash station, 3-3
- OSHA standards, 3-5

F

Facility

- Access, 1-3, 1-5, 3-6
 - Audits, 5-1
 - Design, 1-5
 - Hours of operation, 1-5
 - Integrity, 5-3
 - Security, 1-3
 - Storage areas, 1-5
- Facility design, 3-1
- Ceilings, 3-1
 - Doors, 3-1
 - Office/staff work areas, 3-1
 - Plywood, 3-1
 - Report writing, 3-3
 - Safety, 3-2
 - Security, 3-2
 - Sheet metal, 3-1
 - Walls, 3-1
 - Windows, 3-1

Family Code (FC)

- FC 6389, 6-10

Faraday packaging, 4-8

Felonies. *See Misdemeanors/felonies*

Fire

- Alarms, 3-6
- Detectors, 3-6

Fire department

- Local, 4-4, 6-14
- Working with, 4-4, 6-15

Firearms

- Disposition/purging, 1-6
- Documentation/forms, 1-5
- Handling procedures, 1-6

Firearms/weapons

- Abandoned, regulatory code(s), B-2
- Armed escort, 6-10
- Assault, 6-9
- Auction, 6-9, 6-10
- Cannot be unloaded, 4-4
- Contamination, 4-4
- Crime lab, 4-5
- Deadly, 2-5
- Disposition, 2-4
- Disposition/purging, 2-5, 6-1, 6-10
- Disposition/purging, regulatory code(s), B-5
- Diversion/delivery, regulatory code(s), B-5

- DOJ notification requirement, B-9
- Domestic violence, 6-9
- Domestic violence, regulatory code(s), B-6, B-7, B-9
- Evidence, 4-10, 6-11
- Exhibits, B-7
- Found, 6-3
- Handling procedures, 4-4
- Held for fingerprints, 4-4
- Holding period, 6-10
- Intake, 2-4, 4-4
- Notices, regulatory code(s), B-9
- Nuisance, 6-4
- Nuisance, regulatory code(s), B-10
- Packaged condition, 4-4
- Personnel transfer, 1-2
- Photographs, 4-5
- Processing, 4-4
- Prohibited, regulatory code(s), B-3
- Protective order, 6-10
- Records, regulatory code(s), B-10
- Regulatory code(s), B-3, B-5, B-6
- Release, investigating peace officer, 6-9
- Retained for agency use, 6-10
- Retention, 6-9
- Return/release, 4-6, 6-4, 6-9, 6-10
- Return/release, regulatory code(s), B-8, B-11
- Safekeeping, 6-10
- Safety, 4-5
- Sale, regulatory code(s), B-12
- Serial numbers, 4-5
- Short-barreled shotguns/rifles, permit for use as props, B-7
- Special procedures for disposition/purging, 6-9
- Stolen/embezzled, regulatory code(s), B-12
- Storage, 4-4, 4-5
- Time requirement, regulatory code(s), B-13
- Transfer of ownership, 6-10
- Transfer, regulatory codes, B-7

Fireworks, 6-8

Flammables, 4-4, 6-15

- Handling procedures, 1-6, 4-3
- Storage, 4-4

Floor construction, 3-1

Forensic review, 2-3

Forfeiture

- Contraband/controlled substances, regulatory code(s), B-3, B-12, B-13
- Narcotics/controlled substances, regulatory code(s), B-5
- Vehicles, regulatory code(s), B-6, B-14

Forms

- Annual review, 2-5
- Chain of Custody, C-29
- Currency Envelope, C-33
- Custodian, EPM, 2-5
- Evidence/Property Record, C-5
- Evidence/Property Record - Field Receipt, C-3
- Evidence/Property Storage Facility Access Log, C-45
- Evidence/Property Tracking Record, C-25

- Evidence/Property Transfer, 2-3
 - Evidence/Property Transfer Form, C-37
 - Found Property Affidavit, C-11
 - Letter of Notification (Biological Material), PC 1417.9, C-17
 - List of samples, C-1
 - Logging, 2-5
 - Memorandums
 - Evidence Correction Notice, C-21
 - Evidence Not Returned from Court, C-27
 - Notice to Supervisor, C-23
 - Narcotics Envelope, C-35
 - Notices
 - Regarding Firearm or Other Deadly Weapon Confiscation, PC 18400, C-13
 - Regarding Firearm or Other Deadly Weapon Confiscation, WI 5150, C-15
 - Property Invoice Return, C-43
 - Property receipts, 1-5
 - Property Receipts, 2-2
 - Property Release
 - Authorization/Disposition, C-39
 - Property Release Notification, C-19
 - Property Release Receipt, C-41
 - Property Report/Receipt, C-7
 - Property Report/Receipt, Supplemental Sheet, C-9
 - Regulatory code(s), B-10
- Found property, 3-3, 4-3, 6-3, 6-4, 6-9, B-7
- Affidavit (form), C-11
 - Affidavit, regulatory code(s), B-7, B-9, B-10
 - Defined, A-2
 - Disposal, 6-2
 - Disposition/purging, 6-3
 - Firearms, policy, B-15
 - Report, 5-4
 - Serialized, regulatory code(s), B-8
- Frozen, defined, A-2
- Fuming hood, 4-6
- Funds
- Depositing, 4-8
 - Embezzled, 6-6
 - Sale, regulatory code(s), B-5

G

- Gambling. *See Lottery/gambling*
- General handling procedures, 1-6, 4-1
- Gloves, 4-6
- Government Code
- GC 34090.6, 3-6
- Green/wet/fresh plant material
- Drying, 4-6
- Gun boxes, 4-4, 4-5, 4-10
- Gun release, DOJ, 6-9, 6-11

H

- Hand wash, 3-5
- Handling procedures
- Ammunition, 1-6, 4-3
 - Biological material, 1-6
 - Biological/DNA material, 4-9
 - Blood drying equipment, 1-6

- Currency/high-value items, 1-6
 - Currency/high-value items, 4-7
 - Digital media, 4-8
 - Digital storage, 1-6
 - DNA, 1-6
 - Electronic media, 1-6
 - Explosives, 1-6, 4-3
 - Firearms, 1-6, 4-4
 - Flammable, 4-3
 - Flammables, 1-6
 - General, 1-6, 4-1
 - Hazardous material, 4-3
 - Hazardous materials, 1-6
 - Narcotics, 3-5
 - Narcotics/controlled substances, 1-6, 4-6
 - Photographs, 4-8
 - Photos, 1-6
 - Wet evidence equipment, 1-6
- Hazardous/biohazardous materials, 3-3
- Bins and containers, 3-5
 - Biohazardous, defined, A-1
 - Chemicals, 6-13
 - Court order, 6-13
 - Disposal, 6-13
 - Photographs, 6-13
 - Contamination, 3-5
 - Disposal, 4-3, 4-4, 4-9
 - Disposition/purging, 1-6, 6-1
 - Exposures, 4-3
 - Handling procedures, 1-6, 4-3
 - OSHA standards, 3-5, 4-7
 - Packaging, 3-5
 - Safety, 3-4, 3-5
 - Special procedures for disposition/purging, 6-15
 - Spills, 4-3
 - Storage, 4-4
 - Storage container/cabinet, F-5
 - Waste container, F-2
- Health and safety, 5-5
- Health and Safety Code (HS), B-15
- HS 11473, 6-11
 - HS 11473.5, 6-11
 - HS 11474, 6-11
 - HS 11479, 6-12
 - HS 11479.1, 6-12
 - HS 11479.2, 6-13
 - HS 11479.5, 6-13
 - HS 11760, 6-14

Hearings

- Explosives, regulatory code(s), B-8
- Firearms, regulatory code(s), B-8
- Regulatory code(s), B-8

Heating, ventilation, and air conditioning (HVAC), 3-1, 4-7

Heat-sealed, 4-6, 4-8

HEPA (High-Efficiency Particulate Air Filter), defined, A-2

High density mobile shelving, 3-3, F-6

High-risk items, 3-1

Hours of operation, 1-3

· Public, 1-3

HVAC. *See Heating, ventilation, and air conditioning*

I-J

IAPE (International Association for Property and Evidence), 1-3

IBIS. *See Integrated Ballistics Identification System*

ID numbers, 6-2

- Altered, regulatory code(s), B-12
- Regulatory code(s), B-8

Identifying/correcting procedural deficiencies, 5-2

Identifying/mitigating problems, 1-5

Industrial safe, F-7

Information Reporting, Tracking, and Inquiries, 2-8

Ingress/egress, 2-6

- Tracking systems, 3-6

Inspections, 1-6, 5-1, 5-4

- Defined, A-2
- Documentation, 5-5
- Formal, 5-5
- Frequency, 5-4
- OSHA, 4-7
- Periodic, 5-5
- Records, 5-5
- Routine, 5-3
- Safety, 5-5
- Security, 5-5

Intake, 6-4

- Biological/DNA material, 4-9
- Currency/high-value items, 4-7
- Documentation, 2-1, 2-7
- Firearms, 2-4, 4-4
- Narcotics/dangerous drugs, 4-6
- Procedures, 4-1

Integrated Ballistics Identification System (IBIS), 4-4, 4-5

Integration, 2-6

Integrity of the systems/facility, 5-3

Internal tracking number, 2-4

Internal transfer, 2-3

International Association for Property and Evidence (IAPE), 1-3

Inventory, 1-6, 2-6, 5-1, 5-3

- Annual basis, 5-4
- Defined, A-2
- Documentation, 5-3
- Maintaining, 4-7
- Perpetual basis, 5-4
- Regulatory code(s), B-9
- Reports, 2-7
- Results, documentation, 5-3, 5-4
- Retained for agency use, 6-3
- Time requirement, regulatory code(s), B-13

Investigating peace officer, 6-6

- Court order, 6-7
- Disposition, 6-1
- Firearms release, 6-9, 6-11
- Release/disposal, 6-5

Item number, 2-1

Judicial standards, 4-1

K-L

Lab freezer storage, 4-11

Labeling

- Chain of custody, 2-3
- Hazardous/biohazardous materials, 3-5

- Heat-sealed, 4-6
- Procedures, 4-1

Labels, 1-5

Law enforcement agency, defined, A-2

Law Enforcement Gun Release (LEGR) Application, 4-6

Legal codes. *See Regulatory codes*

Liability

- Agency, 1-6, 3-6
- Currency/high-value items, 4-7
- Evidence/property personnel, regulatory code(s), B-6
- Peace officer (good faith actions), regulatory code(s), B-6
- POST Evidence/Property Management Course, 1-2

Liens

- DMV, regulatory code(s), B-11
- Regulatory code(s), B-9
- Seized property, regulatory code(s), B-5
- Vehicle sale, regulatory code(s), B-4, B-8, B-10, B-12
- Vehicles, regulatory code(s), B-2, B-5, B-14

Local ordinances, 6-7, B-1, B-15

Logging

- Chain of custody, 2-4, 4-2
- Forms, 2-5
- Procedures, 4-1, 4-2

Long-term storage

- Biological evidence, defined, A-2

Long-Term Storage Conditions Matrix (Table 4.2), 4-12

Lottery/gambling

- Contraband/controlled substances, regulatory code(s), B-2
- Devices
 - Destruction, B-13
 - Regulatory code(s), B-5, B-8, B-9

M

Machine guns, B-5

Manuals

- Operational, 1-5
- Policy/procedures, 1-6

Media storage, F-8

Medical waste management, B-15

Memorandums

- Evidence Correction Notice (form), C-21
- Evidence Not Returned from Court (form), C-27
- Notice to Supervisor (form), C-23

Mental health

- Facility, 6-9
- Regulatory code(s), B-3, B-4, B-9

Methods

- Alternative storage, 6-12
- Disposal, 1-6, 6-1
- Release, 4-3

Misdemeanors/felonies, 6-6

- Felony cases, exceptions, 6-6
- Stolen/embezzled property, B-10

Modular/uniform shelving, F-8

Monetary threshold, 4-7, 4-8

Money. *Also see Currency/high-value items*

- Regulatory code(s), B-10
- Unclaimed, B-10

Motion sensors, 3-6

Motion to return property or suppress evidence, B-4

N

Narcotics/controlled substances

- Audits, 5-2
- Confiscation of large amounts, 6-13
- Contamination, 6-11
- Disposition/purging, 1-6, 6-1
- Diverted to K-9 unit, 6-11
- Envelope (form), C-35
- Handling procedures, 1-6, 3-5, 4-6
- Intake, 4-6
- Obtained by search warrant, 6-12
- OSHA standards, 4-6, 4-7
- Packaging, 4-6
- Personnel transfer, 1-2
- Processing, 4-6
- Regulatory code(s), B-3, B-4, B-5, B-14
- Special procedures for disposition/purging, 6-11
- Storage, 3-1, 3-5

National Institute of Justice (NIJ), xi

- Handbook, E-1

National Integrated Ballistics Information Network (NIBIN), 4-4, 4-5

NIBIN. *See above*

NIJ. *See Natinal Institute of Justice*

Nonporous container, defined, A-2

Notices/notification

- Automated, 2-7
- Correction, 4-1
- Court-held property, B-4
- Disposal, 6-6
- DOJ requirements
 - Firearms/weapons, B-7, B-8, B-9
 - Misdemeanors/felonies, B-10
 - Serialized property, B-8, B-12
 - Vehicle records, B-11
- Emergency, 1-4
- Firearms/weapons, 4-4
- General handling procedures, 4-1
- Lottery/gambling
 - Devices, regulatory code(s), B-9
- Property
 - Sale, 6-4, 6-7
 - Stolen/embezzled, B-9, B-10
- Publication, 6-3
- Regarding Firearm or Other Deadly Weapon Confiscation, WI 5150 (form), C-15
- Regulatory code(s), B-9
- Right of Refusal, 4-1
- Serialized property, regulatory code(s), B-9
- To EPM, 2-2
- Vehicles, regulatory code(s), B-9

National Institute of Justice (NIJ), xi

- Handbook, E-1

National Integrated Ballistics Information Network (NIBIN), 4-4, 4-5

NIBIN. *See above*

NIJ. *See Natinal Institute of Justice*

Nonporous container, defined, A-2

Notices/notification

- Automated, 2-7
- Correction, 4-1
- Court-held property, B-4
- Disposal, 6-6
- DOJ requirements
 - Firearms/weapons, B-7, B-8, B-9
 - Misdemeanors/felonies, B-10
 - Serialized property, B-8, B-12
 - Vehicle records, B-11
- Emergency, 1-4
- Firearms/weapons, 4-4
- General handling procedures, 4-1
- Lottery/gambling
 - Devices, regulatory code(s), B-9
- Property
 - Sale, 6-4, 6-7
 - Stolen/embezzled, B-9, B-10
- Publication, 6-3
- Regarding Firearm or Other Deadly Weapon Confiscation, WI 5150 (form), C-15
- Regulatory code(s), B-9
- Right of Refusal, 4-1
- Serialized property, regulatory code(s), B-9
- To EPM, 2-2
- Vehicles, regulatory code(s), B-9

Nuisance

- Assault weapons, regulatory code(s), B-6

- Classified weapons, regulatory code(s), B-10
- Firearms/weapons, 6-4, 6-11
- Firearms/weapons, regulatory code(s), B-3, B-5, B-13
- Other weapons, regulatory code(s), B-7
- Regulatory code(s), B-10

O

Obscene material

- Regulatory code(s), B-5, B-10

Occupational Safety and Health Administration (OSHA)

- Hazardous/biohazardous materials, 4-7
- Regulations, 4-4
- Standards, 3-5
 - Equipment, 4-6
 - Inspections, 4-7
 - Medical waste, B-15
 - Narcotics, 4-6, 4-7
 - Safety, 3-5
 - Workplace hazards, 3-5

Office/staff

- Work areas, 3-1
- Work stations, 3-1

Ordinances, local, 6-7, B-1, B-15

Organizational chart, 1-1

Organizational structure, 1-1, 1-5

P

Packaging

- Agency needs, 4-1
- Areas, 3-3
- Best practices, 4-10
- Biohazardous material, 3-5
- Biological/DNA material, 4-9
- Breathable, 4-6, 4-7
- Chain of custody, 2-3
- Condition, 4-4
- Currency/high-value items, 4-7
- Defined, A-2
- Digital media, 4-8
- Documentation, 4-11
- Faraday, 4-8
- Firearms, 4-4
- Green/wet/fresh plant material, 4-6
- Guidelines, 4-8
- Gun boxes, 4-4
- Heat-sealed, 4-6
- KAPAK-style, 4-6
- Labeling, currency/high-value items, 4-7
- Large/bulky items, 4-3
- Liability, 4-8
- Narcotics/controlled substances, 4-6
- Pre-printed/stamped labels, 2-4
- Procedures, 4-1
- Room, 4-2
- Seals, 4-10
- Signature block, 2-2
- Standardizing materials, 4-3

Particulate masks, 3-3

Pass-through temporary refrigerator, F-9

Pass-through temporary storage lockers, F-10

- Pawnbrokers
 - Diversion/delivery, regulatory code(s), B-6
 - Hearings, regulatory code(s), B-8
 - Notices, regulatory code(s), B-9
 - Payment, regulatory code(s), B-10
 - Return/release, regulatory code(s), B-11
 - Stolen/embezzled property, regulatory code(s), B-12
 - Time requirement, regulatory code(s), B-13
 - Payment
 - Pawnbrokers, regulatory code(s), B-10
 - Regulatory code(s), B-10
 - Storage, cost of, 6-3
 - PCP
 - Large quantity, regulatory code(s), B-3
 - PCP, destruction of large amounts, 6-11
 - Penal Code (PC)
 - PC 1405, 6-6
 - PC 1407, 6-2
 - PC 1411, 6-2, 6-8
 - PC 1412, 2-1
 - PC 1413, 2-1
 - PC 1417, 6-7
 - PC 1417.9, 4-13
 - PC 1417.9(a), 4-13
 - PC 1417.9, 4-9, 6-6, 6-15, C-17
 - PC 1417.9(b), 4-13
 - PC 1535, 2-1
 - PC 1536, 6-7, 6-12
 - PC 18005, 6-11
 - PC 18250, 2-1, C-13
 - PC 18255, C-13
 - PC 18265, 6-9, C-13
 - PC 18275, 6-11
 - PC 18400, C-13
 - PC 211, 2-1
 - PC 261, 4-13
 - PC 261.5, 4-13
 - PC 262, 4-13
 - PC 286, 4-13
 - PC 289, 4-13
 - PC 290(c), 4-13
 - PC 33855, 4-6
 - PC 34005, 6-10, 6-11
 - PC 34005(c), 6-10
 - PC 34010, 6-10
 - PC 368, 6-6
 - PC 459, 2-1
 - PC 537e, 6-2
 - PC 647.6, 6-6
 - PC 680, 4-13
 - PC 803, 4-13
 - PC 803(c), 6-6
 - Perimeter alarms, 3-4, 3-6
 - Personal duress alarms, 1-4, 3-2, 3-6
 - Personal Protective Equipment (PPE), defined, A-2
 - Personnel/staff
 - Access, 1-3
 - Alternate, 1-3
 - Assignment, 1-2, 1-5
 - Budget, 1-1
 - EPM/EPT, 1-2
 - Evacuation, 1-4
 - Safety, 1-3, 3-1, 3-3
 - Staffing, 1-5
 - Training, 1-2, 1-5
 - Transfer, 1-2
 - Uniforms, 1-3
 - Photographic record
 - Exhibits, regulatory code(s), B-10
 - Photographs, 4-8
 - Disposal, 3-5
 - Exhibits, regulatory code(s), B-10
 - Firearms, 4-5
 - Handling procedures, 1-6
 - Regulatory code(s), B-10
 - Required, 6-12, 6-13
 - Serial numbers, 4-4
 - Stolen/embezzled property, B-10
 - Plywood
 - Facility design, 3-1
 - Policy/procedures
 - Biohazardous materials, 1-5
 - Development, 1-5
 - Disposition/purging, 6-1
 - Hazardous materials, 1-5
 - Manuals, 1-6
 - Safe/vault, 4-8
 - Safety, 1-5, 3-1, 3-5
 - Security, 1-5
 - Transfer, 1-2
 - Possible sentences, D-1
 - PPE. *See Equipment (protective)*
 - Predetermined threshold, 6-15
 - Pre-printed/stamped labels, 2-3
 - Problems/issues
 - Identifying/mitigating, 1-6
 - Security, 1-7
 - System, 1-7
 - Procedures
 - Development, 1-5
 - Documentation, 4-1
 - Exclusive means, discovery, B-5
 - Facility access, 1-3
 - General handling, 1-6
 - Intake, 4-1
 - Labeling, 4-1, 4-2
 - Logging, 4-1, 4-2
 - Packaging, 4-1
 - Processing, 4-1
 - Release, 4-1
 - Reporting, 1-7
 - Safety, 1-5
 - Special
 - Disposition/purging, currency/high-value items, 1-6
 - Disposition/purging, firearms, 1-6
 - Disposition/purging, hazardous/biohazardous materials, 1-6
 - Disposition/purging, narcotics, 1-6
 - Storage, 4-1
 - Processing, 1-5
 - Areas, 3-3
 - Currency/high-value items, 4-7
 - Firearms/weapons, 4-4
 - Narcotics/controlled substances, 4-6
 - Packaging, 3-3
 - Procedures, 4-1
 - Report writing, 3-3
 - Serialized property, 4-1
 - Temporary storage, 2-2
 - Transfer, 2-3
 - Vehicles, 3-4
 - Property
 - Authorization to sell or auction, 6-7
 - Automated management systems, 2-6
 - Classifications, 1-6, 2-7, 4-3, 6-1, 6-2
 - Destruction, defined, A-3
 - Disposition release forms, 2-5
 - For auction, 6-7
 - Management, automated, 1-5, 2-6
 - Officer, defined, A-3
 - Receipts, 1-5, 2-1
 - Chain of custody, 2-2, 4-2
 - Release, 1-5
 - Retained for agency use, 6-3, 6-8
 - Return/release, 1-4, 2-5
 - Auction, 2-5
 - Authorization/disposition (form), C-39
 - Defined, A-3
 - Notification (form), C-19
 - Receipt (form), C-41
 - To finder, 6-3
 - To owner, 6-3
 - Safekeeping, 6-4
 - Protective gear. *See Equipment (protective)*
 - Protective order, firearms, 6-10
 - Purging. *See Disposition/purging*
 - Pyrotechnics, 6-15
-
- Q-R**
- Quality control/assurance, 2-4, 5-5
 - Quarterly review of selected items, 5-1
 - Radios, emergency, 1-4
 - Receipt/storage
 - Chain of custody, 2-4
 - Documentation, 2-5
 - Safety policy/procedures, 3-5
 - Receiving, 1-5
 - Receiving areas, 3-3
 - Reconciling all computerized data systems, 6-1
 - Records/forms
 - DOJ, B-8, B-13
 - Inventory, 2-7
 - Regulatory code(s), B-10
 - Serialized property, regulatory code(s), B-10
 - Recovery
 - By lien holder, regulatory code(s), B-4, B-12, B-14
 - From lien sale, regulatory code(s), B-4, B-12, B-14
 - Redundancies, 2-6, 2-7
 - Reference number, 2-1
 - Refrigeration, 3-2
 - Pass-through self-locking units, 3-3
 - Refrigerated, defined, A-3
 - Refrigeration units, 3-2, 3-4
 - Refrigerator, defined, A-3
 - Temperature, 4-11
 - Temporary units, 3-2
 - Regulations
 - Adopting, B-11
 - Adoption of local, 6-4

- Agency responsibility, B-1
- As they pertain to these guidelines, xii
- County/municipal, B-15
- Disposal
 - Compliance, 3-5
 - Hazardous chemicals, 6-13
- OSHA, 4-4, 4-9
- Property
 - Found, 6-4
 - Saved, 6-4
 - Unclaimed, 6-4
- State, B-15
- Training, 1-2
- Regulatory code(s)
 - Abandoned property, B-2
 - Advertisement, B-2
 - Auction, B-2
 - Sale, B-2
 - Affidavit, B-2
 - Ammunition, B-2
 - Appeals, B-2
 - Auction, B-2
 - BB guns, B-7
 - Bicycles/toys, B-2, B-14
 - Booby traps, B-2
 - Contraband/controlled substances, B-2
 - Costs, B-4
 - Counterfeit/forged, B-4
 - Court, B-4
 - Cremated remains, B-4
 - Currency/valuables, B-2, B-4
 - Declaration of ownership, B-4
 - Destruction/disposal, B-4
 - Destructive device, B-4, B-7
 - Digital media, B-15
 - Discovery, B-5
 - Disposition/purging, B-5
 - Firearms/weapons, B-5
 - Sale proceeds from forfeited property, B-4, B-5
 - Diversion/delivery, B-3, B-5
 - DMV confidentiality, B-6
 - DNA evidence, B-6, B-14
 - Domestic violence, B-6
 - Effect of discovery, B-5
 - Evidence, B-6
 - Exhibits
 - Court, 1-1
 - Currency/valuables, B-4
 - Disposition, B-12
 - Photographic record, B-10
 - Photographs, B-10
 - Time requirement, B-13
 - Explosives, B-6
 - Disposal, B-6
 - Disposition, B-5
 - Return of seized, B-13
 - Return petition, B-6
 - Firearms/weapons, B-3, B-5, B-6
 - Abandoned, B-2
 - Diversion/delivery, B-5
 - DOJ notification requirement, B-5
 - Domestic violence, B-6
 - Notices, B-9
 - Nuisance, B-3, B-5, B-10
 - Prohibited, B-3
 - Records, B-10
 - Return/release, B-8, B-11
 - Sale, B-12
 - Stolen/embezzled, B-12
 - Time requirement, B-13
 - Forfeiture
 - Contraband/controlled substances, B-3, B-12, B-13
 - Narcotics/controlled substances, B-5
 - Vehicles, B-6, B-14
 - Forms, B-10
 - Found property
 - Affidavit, B-7, B-9, B-10
 - Found property, B-7
 - Funds, sale, B-5
 - Hearings, B-8
 - Explosives, B-8
 - Firearms, B-8
 - ID numbers, B-8, B-12
 - Inventory, B-9, B-13
 - Liability
 - Evidence/property personnel, B-6
 - Peace officer (good faith actions), B-6
 - Liens, B-9
 - DMV, B-11
 - Seized property, B-5
 - Vehicles, B-2, B-4, B-5, B-10, B-14
 - Lottery/gambling
 - Contraband/controlled substances, B-2
 - Devices, B-5, B-8, B-9, B-13
 - Machine guns, B-5
 - Mental health, B-3, B-4, B-9
 - Money. *Also see Currency/valuables*
 - Unclaimed, B-10
 - Narcotics/controlled substances, B-3, B-4, B-5, B-14
 - Notices/notification, B-9
 - Auction, B-9
 - Court-held property, B-4
 - Serialized property, B-9
 - Nuisance, B-10
 - Assault weapons, B-6
 - Classified weapons, B-10
 - Destructive device, B-10
 - Firearms/weapons, B-3, B-13
 - Other weapons, B-7
 - Obscene material, B-5, B-10
 - Pawnbrokers
 - Diversion/delivery, B-6
 - Hearings, B-8
 - Notices, B-9
 - Payment, B-10
 - Return/release, B-11
 - Stolen/embezzled property, B-12
 - Time requirement, B-13
 - Payment, B-10
 - PCP
 - Destruction, B-5
 - Large quantity, B-3
 - Photographs, B-10
 - Property, stolen/embezzled, B-4, B-6, B-12
 - Sale, B-12
 - Serialized, B-13
 - Records, B-10
 - Recovery
 - By lien holder, B-4, B-12, B-14
 - From lien sale, B-4, B-12, B-14
 - Reports, B-10
 - Retention/destruction
 - DNA evidence, B-6
 - Exhibits, B-11
 - ID number, B-8
 - Notices/notification, B-9
 - Notices/notification, B-7
 - Official use, B-11
 - Return/release, B-11
 - Explosives, B-11
 - Time requirement, B-13
 - To owner, B-8, B-9, B-11, B-12
 - Safekeeping, B-12
 - Sale, B-12
 - Serialized property, contraband/controlled substances, B-3
 - Sexual assault, DNA evidence, B-14
 - Short-barreled shotguns/Rifles, permit for use as props, B-7
 - Statute of limitations, sexual assault/DNA evidence, B-14
 - Storage, B-13
 - Time requirement, B-13
 - Transfer, firearms, B-7
 - Unclaimed property, B-11, B-14
 - Agency use, B-12
 - Bicycles/toys, B-14
 - Currency/valuables, B-4
 - Destruction, B-5
 - Diversion/delivery, B-5
 - Exhibits, B-14
 - Notices, B-9
 - Nuisance, B-10
 - Retention, B-11
 - Return/release, B-11
 - Sale, B-12
 - Time requirement, B-13
 - Weapons, B-6, B-7
 - Vehicles, B-14
 - Components, B-5
 - Hearings, B-8
 - ID numbers, B-8
 - Lien sale, B-8, B-12
 - Notices, B-9
 - Return/release, B-11
 - Seizure, B-3
 - Storage, B-13
- Release, 3-4, *See Return/release*
- Release/destruction
 - Authorization, 6-5
 - Chain of custody, 2-5
 - DOJ, 2-5
- Relocation
 - Evidence/property, 1-4
 - Personnel, 1-4
- Report number, 2-1, 2-3, 2-4, 2-7
- Report writing
 - Facility design, 3-3
- Reporting
 - Capabilities, 2-6
 - Functions, 2-8
 - Hazardous materials spills, 4-4
 - Procedures, 1-7
- Reports. *Also see Records/Forms*
 - Regulatory code(s), B-10

- Retaking
 - Illegal attempt to obtain evidence from officer, B-6
 - Retention references
 - Possible sentences, D-1
 - Statute of limitations, D-1
 - Retention/destruction
 - Agency policy/procedures, 6-7
 - Biological material, 4-9
 - Court order, regulatory code(s), B-6
 - DNA evidence, regulatory code(s), B-6
 - Documentation, 2-7
 - Exhibits, regulatory code(s), B-11
 - Firearms, 6-9
 - ID number, Regulatory code(s), B-8
 - Notices/notification, regulatory code(s), B-7, B-9
 - Official use, regulatory code(s), B-11
 - Records, B-15
 - References, D-1
 - Schedule, 2-8, 5-5
 - Return/release
 - Appointment schedule, 1-3
 - Auction, return to finder, 6-3
 - Audits, 5-1
 - Authorized, 5-2
 - By appointment, 4-1
 - Chain of custody, 2-3
 - Counter, 3-2
 - Court order, 6-5, 6-7
 - Custodian, 4-2
 - Documentation, 2-1, 6-2
 - Explosives, regulatory code(s), B-11, B-13
 - Firearms/weapons, 4-6, 6-9
 - Forms, 2-5
 - Information, 2-1, 5-2
 - Methods, 4-3
 - Pawnbrokers, regulatory code(s), B-11
 - Photographs, 6-5
 - Procedures, 4-1
 - Regulatory code(s), B-11
 - Serialized property, 6-2
 - Signature, 2-3, 5-2
 - Stolen/embezzled property, B-11
 - To Finder, 6-3
 - To owner, 2-5, 6-1, 6-3, 6-11
 - To owner, regulatory code(s), B-8, B-9, B-11, B-12
 - To public, 2-2
 - Vehicles, regulatory code(s), B-11
 - Right of refusal, 4-1, 4-2, 4-5
 - Room temperature, 4-11; defined, A-3
 - Rules of Court (CRC)
 - CRC 8.320, 6-6
 - CRC 8.782, 6-6
-
- S**
- Safekeeping, 3-3, 3-4, 4-3, 6-2, 6-4, 6-7, 6-8
 - Chain of custody, 2-4, 5-1
 - Defined, A-3
 - Regulatory code(s), B-12
 - Serialized property, regulatory code(s), B-12
 - Weapons, 6-10
 - Safes/vaults, 3-3
 - Access, 4-7
 - Alarms/surveillance, 4-7
 - Policy/procedures, 4-8
 - Running balance, 4-7
 - Storage, 4-7
 - Safety
 - Audits, 5-3
 - Biohazardous materials, 1-5
 - Emergency, 1-4
 - Employee, 3-3
 - Facility design, 3-2
 - Firearms/weapons, 4-5
 - Hazardous materials, 1-5
 - Hazardous/biohazardous materials, 3-4, 3-5
 - Inspections, 5-5
 - OSHA standards, 3-5, 4-6
 - Policies/procedures, 1-5
 - Policy/procedures, 3-1, 3-5
 - Reporting issues, 1-7
 - Uniforms, 1-3
 - Sale
 - Advertisement, regulatory code(s), B-2
 - Sale, regulatory code(s), B-12
 - Sealing packages, 1-5
 - Search warrants, cases involving, 6-7
 - Second-hand dealers. *See Pawnbrokers*
 - Security
 - Additional, 3-1, 3-4
 - Agency liability, 3-6
 - Back-up
 - Procedures, 2-6
 - Systems, 2-7
 - Barrier, 3-2
 - Bullet-resistant glass, 3-2
 - Chain of custody, 4-7
 - Design and construction, 3-2
 - During transport, 1-4
 - Evidence/property function, 1-4
 - Extra protection, 3-1
 - Facility access, 1-3
 - Firearms, 3-4
 - Inspections, 5-5
 - Intake, 4-7
 - Internal service counter, 3-2
 - Measures
 - Access, 3-2
 - High-risk items, 3-1
 - Information storage, 2-6
 - Motion sensors, 3-6
 - Narcotics/controlled substances, 3-4
 - Packaging, 4-10
 - Policies/procedures, 1-5
 - Policy/procedures, 3-6
 - Problems/issues, 1-7
 - Public service area, 3-2
 - Storage, 3-1
 - System access, 2-7
 - Tracking, 1-7
 - Unauthorized entry, 3-2
 - Visitor's log, 2-6
 - Segregated receiving and processing areas, 3-3
 - Self-locking
 - Doors, Pass-through, 3-2
 - Pass-through lockers, 3-2
 - Pass-through refrigeration, 3-3
 - Sensitive items, 3-4
 - Separate storage locations, 3-1
 - Serial numbers, 2-4, 6-2, 6-10
 - Firearms, 4-5
 - Photographs, 4-4
 - Serialized property, 2-7, 6-2
 - Auction, 6-2
 - Contraband/controlled substances, regulatory code(s), B-3
 - Disposal, 6-2
 - Found, regulatory code(s), B-8
 - ID number, regulatory code(s), B-8
 - Notices, regulatory code(s), B-9
 - Processing, 4-1
 - Records, regulatory code(s), B-10
 - Release, 6-2
 - Safekeeping, regulatory code(s), B-12
 - Stolen/embezzled, regulatory code(s), B-13
 - Service counter, 3-2
 - Sexual assault
 - DNA Bill of Rights, PC 680, 4-13
 - DNA evidence, regulatory code(s), B-14
 - DNA, statute of limitations, B-14
 - Sharps
 - Containers, 3-5, F-11
 - Defined, A-3
 - Sheet metal, 3-1
 - Facility design, 3-1
 - Short-barreled shotguns/rifles
 - Permit for use as props, regulatory code(s), B-7
 - Short-term storage, 3-4, 4-1
 - Showering facilities, 3-5
 - Smart phones. *See Digital media*
 - Special circumstances, cases with, 6-7
 - Special considerations, disposal, 6-1
 - Special procedures for disposition/purging
 - Currency/high-value items, 6-14
 - Firearms, 6-9
 - Hazardous/biohazardous materials, 6-15
 - Narcotics/controlled substances, 6-11
 - Special storage concerns, 1-5, 3-3
 - Bicycles, 3-3
 - Biological/DNA material, 3-3
 - Bulk items, 3-3
 - Currency/high-value items, 3-4
 - Electronic media, 3-3
 - Found items, 3-3
 - Hazardous/biohazardous materials, 3-3
 - Homicide evidence, 3-3
 - Narcotics/controlled substances, 3-4
 - Vehicles, 3-4
 - Spills, 4-3
 - Stamps, 1-5
 - Standardizing evidence packaging materials, 4-3
 - Statistics, 2-6

Statute of limitations

- Disposition/purging, 6-5
- Exceptions, 6-6
- Open cases, 6-6
- PC 803, 4-13
- Retention references, D-1
- Sexual assault/DNA evidence, regulatory code(s), B-14

Statutory requirements, 2-7

- Retention, biological material, PC 1417.9, 4-9
- Sexual assault victims, PC 680, 4-9
- Time period, 5-4
- Tolling/extension of time, PC 803, 4-9

Stolen/embezzled property

- Declaration of ownership, B-4
- Disposal, 6-2
- Diversion/delivery, B-6
- Misdemeanors/felonies, B-10
- Notification, B-9
- Photographs, B-10
- Regulatory code(s), B-4, B-12
- Return/release, B-11
- Serialized, regulatory code(s), B-13
- Storage costs, B-13
- Time requirement, regulatory code(s), B-14
- Unclaimed, sale, B-12

Storage, 2-6, 6-4

- Alarms, 4-5
- Alternate facility, 1-4
- Alternative methods, 6-12
- Areas, 1-5, 3-1
- Bar coding, 2-7
- Biological/DNA material, 3-3, 4-9
- Breathable, 4-11
- Bulk items, 3-4
- Classification, 4-3
- Cleanliness, 5-5
- Cool room, 3-4, 4-11
- Costs
 - Payment, 6-3
- Currency/high-value items, 4-8
- Digital media, 4-8
- DNA, 3-4
- Documentation, 2-1, 5-2, 6-4
- Equipment, list of, F-1
- Explosives, 4-4
- Facility, 3-1, 3-4, 5-5
- Facility, Alternate evidence/property, 1-4
- Fees, 6-4
- Firearms/weapons, 2-5, 4-4, 4-5
- Fireproof, 4-4
- Flammables, 4-4
- Functionality, 5-5
- Hazardous/biohazardous materials, 3-4, 3-5, 4-4
- Information, 2-6
- Lab freezer, 4-11
- Lockers, temporary, 3-2
- Long-term, 4-1
- Long-term, matrix (Table 4-2), 4-12
- Narcotics/controlled substances, 3-1, 3-5
- Process, 5-2

- Quarterly review of selected items, 5-1
 - Regulatory code(s), B-13
 - Safekeeping, 6-4
 - Safes/vaults, 4-7
 - Secured, 4-8
 - Security, 3-1
 - Separate locations, 3-1, 3-4
 - Short-term, 4-1
 - Special concerns, 1-5, 3-3
 - Stolen/embezzled property, B-13
 - Syringes, 3-5
 - Temporary, 1-5, 3-2, 4-5, 5-2, 6-4
 - Temporary, matrix (Table 4.1), 4-12
 - Unique storage needs, 3-3
 - Vehicles, 3-4
 - Vehicles, regulatory code(s), B-13
- Syringe storage, 3-5
- System
- Access/security, 2-7
 - Integrity, 5-3

T

- Tags, 2-3
- Temperature controlled, defined, A-3
- Temporary
- Alternate site, 1-4
 - Locker unit, 3-3
 - Refrigeration, 1-5
 - Refrigeration units, 3-2
 - Storage lockers, 1-5, 3-2
 - Defined, A-3
 - Storage, defined, A-3
- Temporary Storage Conditions Matrix (Table 4.1), 4-12
- Tickler file, defined, A-3
- Time requirement
- DOJ, B-13
 - Domestic violence, B-13
 - Exhibits, regulatory code(s), B-13
 - Regulatory code(s), B-13
 - Stolen/embezzled property, regulatory code(s), B-14
- Toys. *See Bicycles/toys*
- Tracking, 2-2, 2-7, 4-1
- Chain of custody, 2-2
 - Firearms, 2-4
 - Methods, 4-3
 - Number, 2-4
 - Internal, 2-3
 - Internal transfer, 2-3
 - Record, 2-1
 - Security, 1-7
 - System, 1-4, 2-3, 3-6, 4-3
- Training plan, 1-2
- Transfer
- Chain of custody, 2-4
 - Contamination, 4-10
 - Court order, 6-9
 - Crime lab, 2-3, 6-9, 6-10
 - Documentation, 6-8
 - Firearm from prohibited person, B-7
 - Firearms/weapons, regulatory code(s), B-7
 - Form, evidence/property, 2-3
 - Internal, 2-3
 - Outside entity, 2-3

- Ownership, firearms, 6-10
 - Policies, 1-2
- Transport
- Armed escort, 6-14
 - Hazardous/biohazardous materials, 3-5
- Two-person rule, 4-1, 4-3, 4-7, 4-8, 6-13; defined, A-3

U

- Unclaimed property, 6-4, 6-7, 6-8
- Agency use, regulatory code(s), B-12
 - Bicycles/toys, regulatory code(s), B-14
 - Currency/valuables, regulatory code(s), B-4
 - Destruction, regulatory code(s), B-5
 - Diversion/delivery, B-15
 - Diversion/delivery, regulatory code(s), B-5
 - Exhibits, regulatory code(s), B-14
 - Notices, regulatory code(s), B-9
 - Nuisance, regulatory code(s), B-10
 - Regulatory code(s), B-11, B-14
 - Retention, regulatory code(s), B-11
 - Return/release, regulatory code(s), B-11
 - Sale, regulatory code(s), B-12
 - Stolen/embezzled, sale, B-12
 - Time requirement, regulatory code(s), B-13
 - Weapons, regulatory code(s), B-6, B-7
- Unique storage needs, 3-3

V

- Valuables seized upon conviction, B-4
- Vehicles
- Components, regulatory code(s), B-5
 - Disposal, regulatory code(s), B-14
 - Diversion/delivery, regulatory code(s), B-6
 - DOJ, regulatory code(s), B-14
 - Hearing, regulatory code(s), B-8
 - ID numbers, regulatory code(s), B-8
 - Liens, regulatory code(s), B-5
 - Notices, regulatory code(s), B-9
 - Processing, 3-4
 - Regulatory code(s), B-14
 - Return/release, regulatory code(s), B-11
 - Seizure, regulatory code(s), B-3
 - Storage, 3-4
 - DOJ Notice, B-14
 - Regulatory code(s), B-13
 - Special concerns, 3-4
- Ventilation, 3-1, 4-6
- Video. *See Digital media*
- Video surveillance, 3-4, 3-6, 4-4, 4-5, 4-7
- Visitor's log, 1-5, 2-6

W-Z

Walls, 3-1

Weapons. *See Firearms/weapons*

Welfare and Institutions Code (WI)

· WI 5150, 6-9, C-15

· WI 6600, 6-2

· WI 8100, 6-9

· WI 8102, 2-1, C-15

· WI 8103, 2-1, 6-9

Wet evidence, 4-2

· Handling procedures, 1-6

Wet evidence drying, 4-10, 4-14

Windows, 3-1

Written request, 2-3

