

California Commission on  
**Peace Officer Standards  
and Training**

Management Counseling and Projects Bureau

008

Law Enforcement

# EVIDENCE AND PROPERTY

*Management Guide*



FOURTH EDITION



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# **EVIDENCE AND PROPERTY MANAGEMENT GUIDE**

**Fourth Edition 2022**

Produced by

**POST** Management Counseling and Projects Bureau

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

## **Law Enforcement Evidence and Property Management Guide**

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**FOREWORD**

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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/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/property. To support the evidence/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/property are all paramount to reducing liability exposure, thus increasing the credibility and defensibility of the agency.

The purpose of the POST *Law Enforcement Evidence and Property Management Guide* is to provide standardized recommended guidelines for the management of the evidence/property function, detailing best practices for the submission, receipt, storage, and disposition of evidence/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/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/property function. POST envisions that this guide will serve as a comprehensive resource to aid evidence/property staff, field personnel, supervisors, managers, and executives in understanding the critical role of the evidence/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/property personnel from agencies throughout California.

Comments or questions related to information contained in this guide should be directed to the [Management Counseling and Projects Bureau](#) at [\(916\) 227-2821](#).

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**ACKNOWLEDGMENTS**

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## EXPLANATION AND USE OF THIS GUIDE

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### RELEVANCE OF THE EVIDENCE AND PROPERTY FUNCTION

The *POST Law Enforcement Evidence and 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/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/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/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/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/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/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 several 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. This allows the agency to track this unmet goal and objective until the agency can bring itself into accord 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/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 this *POST Law Enforcement Evidence and Property Management Guide* be maintained as a living document subject to annual reviews of the guidelines.





## ORGANIZATIONAL CONSIDERATIONS (Organization, Personnel, Training, Policy/Procedure)

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### 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

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#### **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:

- A clearly defined chain of command from the agency head down (e.g., Chief, Sheriff, Director, Commissioner)
- The evidence/property function included in the agency organizational chart depicting the evidence/property function outside of operational units

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#### **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/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/property and those who are charged with the responsibility of storing the evidence/property.

The agency will reduce its exposure by assigning the evidence/property function to an administrative or support unit which provides a definitive separation from operational units.

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**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 Evidence/Property Technicians (EPT)
- Establish assignment transfer policies associated with the evidence/property function
- 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
- Establish appropriate staffing that is proportional to allow all the duties of the evidence/property function to be accomplished
- Identify an 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

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**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. All pertinent EPM and EPT job tasks and duties should be codified. Agencies can also reference [PC 1413](#), which establishes responsibilities for evidence/property personnel.

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 should 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, dangerous drugs, and firearms, at a minimum, be conducted.

Agencies should ensure appropriate staffing of the evidence/property function, proportional to the duties and responsibilities to be carried out in an efficient and uninterrupted manner (e.g., audits, inventories, purging, other staff-intensive functions, and ancillary duties), and mindful of limitations of the agency's technology.

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). Training can also be conducted in-house (e.g., staff training on packaging requirements, quarterly review of purging procedures, combined training with neighboring agencies, county crime lab, or the district attorney's office on proper handling of items being processed for DNA evidence, the preservation of the chain of custody, or courtroom procedures, firearms/narcotics awareness, etc.). All initial and ongoing training should be properly documented in staff training files.

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/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.

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**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, lockbox, 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 workweek. 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.

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**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 an evacuation, including a method for tracking each item
- Identify 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

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**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 transfer.

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**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
  - Budget considerations may include personnel, training, and equipment purchases/maintenance (e.g., camera systems, software, HVAC, drying cabinet, refrigeration, packaging material, vehicles)

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**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.

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**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

**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/Biohazardous Materials
- f) Security Policies/Procedures
- g) Eyewash and Decontamination Station

**Evidence/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 and 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/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 and 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, identifying and mitigating problems, and allowing 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.

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## **PURPOSE**

The collection of evidence/property taken into agency custody must be documented pursuant to a variety of state statutes. Agency policy must require that 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/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

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### **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, or finder)
- Type of evidence/property (e.g., recovered, found, safekeeping, or seized by search warrant)

- Description of item (e.g., serial number)
- Location where evidence/property was located 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](#)

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**Commentary**

The purpose of a property receipt is to establish a record of the evidence/property collected and submitted. As outlined above, a receipt with instructions explaining the process for retrieval will be provided to the person from whom the evidence/property were collected.

Samples of property receipt forms and other evidence/property related forms may be accessed through [CAPE or IAPE websites](#) and found in [Appendix C](#).

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**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 an in-custody setting), including the date and time, where the item was located, and the employee collecting the evidence/property
- Requiring an agency case number or Computer-Aided Dispatch (CAD) number to be linked to all evidence/property items collected
- Items should be processed, packaged, and submitted prior to the end of shift



- In the event that 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 subpoenas or court orders

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**Commentary**

When establishing the chain of custody, it is important to document evidence/property collected by including the date and time, where the item was located, and the employee who recovered the item.

To ensure an accurate chain of custody, all evidence/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/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's 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.

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**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
- A chain of custody log should be established either electronically, stamped, affixed, or pre-printed on all packaging, or otherwise attached to all items of evidence/property. Require employees who seal any evidence packages to place a tape seal across the flap and write their initials and date overlapping the tape and the package.

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***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 established either electronically, 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, agency report number, and/or internal tracking number. For each incident, the information should be reconciled among the respective agency

reports, property receipts, evidence/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 the 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).

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**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 all agency and state forms related to the intake, tracking, release, and disposition/purging of firearms.

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**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.

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**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:

- Temporary release (courts, laboratories, outside agencies, officers)
  - 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.

Items diverted for official use should be audited annually. 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.

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**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.

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**GUIDELINE 2.7**  
**Visitor Log**

Create or amend a written directive addressing the use of a visitor 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 visitor 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/property personnel

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**Commentary**

The use of an established visitor log will add credence to an agency's security commitment and demonstrate that control of outside access is regulated and maintained in the evidence/property storage areas.

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**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 evidence/property items within the custody of the organization (e.g., electronic barcoding 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 barcoding 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 barcoding, 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/property
- Procedures for manual data entry of evidence/property when appropriate or necessary
- Procedures for manually documenting the intake of cash and/or other valuables
- Management of “special” or “sensitive” items
- Barcoding, 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/property personnel and supporting clerical personnel, to view, enter data, modify records, and run reports
- 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, the 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 keyword for accessing data.

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## **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/property. The size and layout of the evidence facility is dependent 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, other dangerous drugs, currency, and 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

**Special Note:** Considerations for New Facility Construction

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### **GUIDELINE 3.1** **Facility Design** **and Storage** **Areas**

Create or amend a written directive addressing the placement, security, and design of the evidence/property facilities. Consideration should be given to the location of the evidence/property storage area(s), offices/workstations, and site security, to include, at a minimum, the following:

- 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, other dangerous drugs, currency, and high-value items 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/property to staff
- Establish a separate, secure area for property release to the public
- Facility should be equipped with video surveillance and duress alarm

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***Commentary***

The evidence/property storage facility should be designed and constructed with security and safety in mind. Staff safety, air quality, security, integrity of evidence/property, and the prevention of unauthorized entry must be considered.

It is recommended that the EPT office 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.

High-Efficiency Particulate Air (HEPA) filters should be used, and changed according to manufacturer's recommendations, 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.

The optimum way to establish a property release area is to design a sally-port system. In such a design, staff could be at one end of a secure room, behind a locked door. The public would be behind another door at the opposite end of

the secure room. The staff member would then enter the secure room and place the property and/or paperwork on a table in the room. After returning behind the secure door, the staff member would then press a button allowing the public to enter the room from the opposite-side door. The public would then sign the paperwork and remove the property. Staff would then press a button to allow the public back out the opposite door. Once the secure room is empty, staff can then enter the room and retrieve the paperwork without ever coming into direct contact with the public. The door locks should be constructed so that staff cannot accidentally be locked in the secure room and the public cannot gain entry past the secure room and into the staff side of the sally-port. As previously noted, the release area should be constructed of bullet-resistant glass and be video monitored. Duress alarms should be easily accessible. The video surveillance and duress alarms should be monitored in a 24-hour staffed area, such as in the Communications Center.

Evidence/property staff should not release property without having security measures in place. Absent security measures, evidence/property staff should not release property to the public without sworn personnel.

Consideration should be given to providing a controlled area for the viewing of evidence by the district attorney, investigator, and the public.

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**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
- Manual or self-locking temporary storage lockers and temporary refrigeration
- Require varying sized temporary storage lockers

- A “drop box” for small items
- Individual, locked storage compartments inside the temporary refrigeration units

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**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, at a minimum, be manual or 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, which should be cleaned after each use
- To ensure employee safety, DO NOT use report writing areas for packaging evidence/property

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**Commentary**

The area should be stocked with the necessary packaging materials and personal protective equipment (PPE), (e.g., gloves, goggles, particulate masks), and cleaning supplies with access to water and an eyewash 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

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areas are separated to reduce health risks and the possibility of the contamination of evidence/property.

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**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, Conex 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
- Smartphones
- Found and safekeeping items
- Hazardous materials (e.g., narcotics, flammables, and chemicals)
- Biological items and DNA
- Vehicles
- Sensitive items (e.g., firearms, narcotics, currency, and high-value items)

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**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/smartphones, 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 from each other and all other evidence in a secured, alarmed area monitored by video surveillance. The narcotics storage area



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should be ventilated to the outside with an air exchange that meets OSHA requirements.

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**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
- Eyewash, 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

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**Commentary**

The safety of all agency personnel 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 eyewash, hand wash, and showering facilities should be made available. Biohazardous materials bins and containers should be established for the appropriate discarding of contaminated material.

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**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 access doors must be locked at all times to prevent unauthorized entry

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**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 [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.

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**Special Note**  
**Considerations for**  
**New Facility**  
**Construction**

When addressing construction of a new evidence/property storage facility, or upgrades to an existing facility, consider 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
- Evidence/property storage facilities should not share walls with non-law enforcement storage areas or buildings

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**EVIDENCE AND PROPERTY HANDLING PROCEDURES**

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**PURPOSE**

Agencies must develop specific guidelines detailing the acceptable methods for the receipt, packaging, and storing of evidence/property that meet both agency needs and judicial standards (e.g., local crime lab, district attorney's office, DOJ, etc.). Handling procedures within the agency must be consistent for all evidence/property received. (See [Chapter 2](#) for recommendations on documentation procedures.)

This chapter provides guidance on evidence/property handling procedures, which include:

## 4.1 General Procedures

**Special Note:** Considerations for Bulk Found/Safekeeping Property

## 4.2 Explosives, Ammunition, Flammable, and Hazardous Materials

## 4.3 Firearms

## 4.4 Narcotics/Controlled Substances

## 4.5 Currency and High-Value Items

## 4.6 Electronic Media/Photos/Digital Storage

## 4.7 Biological/DNA

## 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 eyewash station for emergency decontamination
- c) Processing and entry of serialized property
- d) "Two-person" rule for documenting currency and 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/property storage and tracking
- b) Separate storage locations for short-term and long-term property
- c) Evidence/property release
- d) Identify a secure location
- e) Release by appointment only

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***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/property temporary storage lockers and should be equipped with access to water and an eyewash 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 identifiers (e.g., case number, control number, item number) which correspond 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/bloody 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 for the item in question to 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 and 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 and high-value items noting amounts, denominations, or descriptions to ensure accurate documentation.

All serialized property requires entry into the Automated Property System (APS) via the property module of the California Law Enforcement Telecommunications System (CLETS) per [PC 11108](#). Ideally, personnel outside of the evidence/property function should be entering property into APS. Agencies should ensure their policy identifies who is responsible for entry into APS. The agency should have a system in place to verify all property has been entered.

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/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 its rightful owners. Release of property should occur in a secure area and be scheduled by appointment.



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**Special Note**

**Considerations for Bulk Found/Safekeeping Property**

When accepting bulk found/safekeeping property (e.g., transient, or other) consider separating it under the following conditions:

- Contaminated/wet
- Perishable
- Biohazard
- Infested

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**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

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**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/property facility. Disposal of hazardous materials should be in accordance with local and state environmental health and [OSHA](#) regulations.

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**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 (e.g., unloaded, rendered safe, secured properly in package)
- d) Verification of completed data entries (CLETS)
- e) Notifications to property owners
- f) Receipt to person from whom property was taken
- g) Seizure considerations (e.g., Domestic Violence, Mental Health, and Protective Orders, Gun Violence Restraining Orders)

**Firearms Processing and Storage**

- 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.)

**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.”)

- It is recommended that evidence/property personnel do not open sealed gun boxes to confirm serial numbers or check that firearms have been packaged in a safe condition unless they have firearms handling training and/or experience in accordance with their agency policy. Agencies may consider taking digital photographs of the firearm prior to sealing the firearm in a gun box. The photos should depict the firearm’s serial number and that the firearm has been packaged in a safe condition (unloaded with action open). Copies of these photographs should accompany the evidence/property paperwork and be placed in an envelope secured to the firearms box and/or uploaded to the evidence management system.
- **Firearms should NOT be packaged in a loaded condition.** However, in the unlikely event that 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.

**Each agency should establish policies or procedures to enable the following time-sensitive processes to be handled expeditiously:**

- 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.
- 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.
- [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.
- A family member, household member, or law enforcement officer may request a civil court in their jurisdiction issue a Gun Violence Restraining Order (GVRO) to confiscate firearms, magazines, and ammunition from a person they deem a danger to themselves or others ([PC 18100-18122](#)). The order will be in effect for 21 days or less. Firearms taken by law enforcement must be retained until the expiration of the GVRO. Within 21 days, and before the temporary GVRO

expires, an immediate family member or a law enforcement officer may request the court prevent the person from having possession of firearms and ammunition between one to five years ([PC 18170](#)). A restrained person may transfer the firearms to a licensed firearms dealer ([PC 29830](#)). If a person other than the restrained person claims the firearms and is shown to be the legal owner, the firearms and ammunition shall be returned to that person through the proper process.

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.

All firearms require entry into the Automated Firearms System (AFS) via the firearms module of CLETS per [PC 11108.2\(a\)](#). Ideally, personnel outside of the evidence/property function should be entering firearms into AFS. Agencies should ensure their policy identifies who is responsible for entry into AFS. The agency should have a system in place to verify all firearms have been entered.

The National Integrated Ballistic Information Network ([NIBIN](#)) and electronic tracing system ([eTrace](#)) are two key tools that ATF’s Crime Gun Intelligence Centers ([CGIC](#)) use to identify violent shooters and their sources of crime guns. When guns are entered into AFS as a crime gun that entry automatically initiates an eTrace entry.

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 NIBIN or the Integrated Ballistics Identification System ([IBIS](#)). NIBIN is the only national network that allows for the capture and comparison of ballistic evidence to aid in solving and preventing violent crimes involving firearms.

ATF's eTrace is an internet-based system that allows participating law enforcement agencies to submit firearm traces to the ATF National Tracing Center ([NTC](#)). Authorized users can receive firearm trace results via the same internet website, search a database of all firearm traces submitted by their individual agency, and perform analytical functions. eTrace helps criminal investigators quickly track down the origin and purchaser of crime guns.

A privately made firearm (PMF) is a firearm, including a frame or receiver, assembled, or otherwise produced by a person other than a licensed manufacturer, and without a serial number or other identifying markings placed by a licensed manufacturer at the time, the firearm was produced. The term does not include a registered National Firearms Act (NFA) firearm, or one made before October 22, 1968 (unless remanufactured after that date). Other names include "ghost gun," "P80," or "non-serialized firearm".

Though DOJ requires that the owner obtain a serial number, PMFs often do not contain the following:

- Serial Number
- Model
- Caliber Gauge
- Manufacturer Name, and/or
- City/State/Country (if imported)

Ghost guns: DOJ requires that owners of privately made firearms **obtain a unique serial number** or mark from DOJ. Agencies should refer to [PC 29180](#) for additional requirements.

For the latest information on firearms legislation and information bulletins, you may refer to [DOJ Bureau of Firearms](#).

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), in a separate storage

location, as other firearms.

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**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 — If conducted, it should be in accordance with agency policy (considerations: 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)

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**Commentary**

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.

Fentanyl is a synthetic opioid that is found in many forms including powder, counterfeit prescription medications, and tar-like substances that mimic morphine. Extremely potent, Fentanyl is 50-100 times more powerful than morphine and 40 times more powerful than heroin. Accidental exposures can be ingested orally or inhaled through the nose. It can also be absorbed through the skin. The onset of exposure happens rapidly. Symptoms include difficulty breathing, drowsiness, sedation, disorientation, pinpoint pupils, skin rash, and clammy skin.

For handling and packaging requirements, refer to the [DEA Fentanyl Briefing Guide for First Responders](#).

Agencies should acquire Naloxone (Narcan) for all areas of the unit that would potentially encounter an exposure including intake, receiving, long-term storage areas, lab run container, etc. Agencies should ensure all staff are properly trained on the use of Naloxone.

Consider the transportation policy, process, and requirements of your agency for taking evidence to the crime lab, in-between stations, etc.

Prior to packaging narcotics and/or controlled substances, weighing by field personnel should be required in accordance with departmental policy. As part of the packaging process, agencies may consider requiring two people to verify the weight of the substance prior to sealing. Ensure your scales are calibrated in accordance with the manufacturers' recommendations and a log is maintained to document.

Should your department require presumptive testing, caution should be taken.

When handling narcotics or controlled substances personnel should always wear proper PPE, which includes nitrile gloves. It is important not to use latex gloves due to latex being ineffective for a transdermal exposure.

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.



Narcotics and/or controlled substances should be stored separately from other evidence/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.

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### **GUIDELINE 4.5** **Currency and High-Value Items Handling Procedures**

Create or amend a written directive addressing procedures for the handling of currency and 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 currency 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 and 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. Serialized property shall be entered into the appropriate DOJ automated property system ([PC 11108](#)) by the assigned personnel, per departmental policy. Because of the liability associated with currency and valuables, additional special handling is recommended. 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 currency 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 and 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 currency total in the safe should be maintained, as well as a current inventory of valuables stored in the safe.

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**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/smartphones
- Systems for storing digital evidence (e.g., dash-camera videos, body-worn camera videos, external proprietary videos, digital interviews/interrogations, and 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

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***Commentary***

Law enforcement agencies should consider contacting the local crime lab to develop guidelines for packaging standards and destruction of electronic evidence (e.g., smartphones, hard drives). Radio frequency or electromagnetic field blocking packaging has a protective material that 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 or identified as purge ready. Agencies should be mindful of digital management systems that contain internal automatic settings for purging items of evidence being stored within the system per department policy.

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.

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**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/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)

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**Commentary**

Items of biological/DNA evidence should be clearly marked and labeled as biohazard by field personnel prior to submission to evidence/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](#).

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### **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 the involved agencies. Therefore, it is critical to preserve and document all packaging and labels received by or returned to the agency.

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## **Storage**

Storage equipment for biological evidence may include lockers, refrigerators/ freezers, or secure evidence rooms. 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  $-10^{\circ}\text{C}$  ( $14^{\circ}\text{F}$ )
- **Refrigerated:** Stored between  $2^{\circ}\text{C}$  ( $35^{\circ}\text{F}$ ) and  $8^{\circ}\text{C}$  ( $46^{\circ}\text{F}$ ) with less than 25% humidity
- **Temperature-Controlled:** Stored between  $15.5^{\circ}\text{C}$  ( $60^{\circ}\text{F}$ ) and  $24^{\circ}\text{C}$  ( $75^{\circ}\text{F}$ ) 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 pages 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 <sup>1</sup>	–	–	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 <sup>1</sup>	–	–	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)	–

<sup>1</sup>This 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 (g) of [PC 803](#).

Law Enforcement agencies are required to submit sexual assault forensic evidence to the crime lab within 20 days after it is booked into evidence (a rapid DNA system in place satisfies this requirement).

CODIS Hit Outcome Project ([CHOP](#)) and Sexual Assault Forensic Evidence Tracking ([SAFE-T](#)) are secure, web-based databases made available to local law enforcement agencies free of charge by the DOJ. When evidence taken from a sexual assault evidence kit is analyzed and matched to a sample in CODIS, the SAFE-T profile is automatically linked to a database entry in CHOP. It is mandatory that agencies enter all sexual assault evidence kits into the SAFE-T database. This information is compiled and is captured in the [Sexual Assault Forensic Evidence Tracking Database Annual Report](#) written by the Attorney General.

- ***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 of 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 Task Force Report](#).*)

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**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 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.

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**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

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**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:

- Personnel who seized item
- Date and time of the evidence/property seizure
- Personnel who documented item
- Personnel who packaged item
- Personnel placing it in a temporary storage locker
- Personnel retrieving it from a temporary locker and processing it into the evidence system
- Personnel storing the evidence/property and the time and date
- Personnel signing the property out for court use, when, and the disposition
- Personnel signing it out for analysis, personnel transporting it, personnel analyzing it and when and with what results, and personnel transporting it back to the evidence room
- Personnel authorizing release of the property
- Personnel notifying the owner to retrieve the property and the date the owner was notified
- Personnel releasing the property and the date and time of release
- What identification was obtained from the owner prior to release
- Ensure the release paperwork shows final release information including release signature and date

- Ensure CLETS entries have 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 and 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.

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### **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/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



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**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/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/Barcoding 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.

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**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

Although regular and formal inspections of the evidence/property function and facilities are being conducted, evidence/property personnel should not wait for such inspections when problems related to safety and security have been identified. Employees should immediately act toward mitigating or resolving any problems that might arise in the daily operation of the evidence/property function or facilities. All evidence/property personnel need to become familiar with agency risk management procedures for reporting and documenting safety and security issues; and problems need to be addressed as soon as practical, with timely follow-up to ensure necessary corrections have been made.

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**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.

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**EVIDENCE AND PROPERTY DISPOSITION AND PURGING**

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**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 and 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 and High-Value Items: Special Procedures for Disposition/Purging
- 6.6 Biological/DNA: Special Procedures for Disposition/Purging
- 6.7 Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging  
*(including explosives, ammunition, flammables, and pyrotechnics)*

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**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/property
- Returning items to identified owners
- Lawful disposal of evidence/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
- Retention requests of evidence in civil cases

**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/property associated with multiple cases
- Cases with multiple defendants
- Cases subject to DA refilling
- Evidence/property with questionable ownership
- Evidence/property subject to court order (e.g., search warrant and return of property order)
- Evidence/property associated with sexually violent predators [Refer to [WI 6600](#) (*Welfare and Institutions Code*)]
- Evidence/property associated with domestic violence incidents

**Disposal of Digital Media Storage Devices**

Agencies shall ensure the sanitation or destruction of all data on any electronic or digital media (e.g., computer, smartphone, tablet, camera, etc.) prior to disposition or disposal. 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.

**Disposal of Serialized Property**

Any person who knowingly buys, sells, receives, disposes of, or has in their 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
- When serialized items are dispositioned from agency custody, personnel must ensure removal of items in CLETS
- 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

When appropriate, property personnel should be notified of requests to maintain evidence or property in civil litigation. This collaboration with agency personnel should be outlined in the agency's written directive to aid in the prevention of erroneous disposal of evidence or property that may be needed in civil litigation.

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**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 2080-2080.10](#), (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 additional fees as outlined in agency policy.

### **Adoption of Local Regulations**

Any public agency may elect to be governed by the provisions of [CC 2080](#) 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](#) 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](#)*).

Agencies may consider the return of marijuana or prescription medication but should consult with their city attorney or county counsel.

### **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 they are unable to retrieve the property because they are in custody and request the agency to hold the property. If a person notifies the agency that they are 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**

Agencies should develop specific guidelines detailing the methods of research for case disposition (e.g., report management systems and local and state judicial systems). The agency should be consistent with its research methods to ensure all aspects of a case are reviewed.

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
- Departmental 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 California Rules of Court ([CRC 8.320](#) and [CRC 8.308](#)). 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](#), [BPC Chapter 9](#) (Codes 7027–7189)2+ years  
(Business and Professions Code)
- Felony Cases:
  - Felony sexual offenses .....Retain indefinitely
  - 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

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\*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 return for judge's signature.

Some agencies have a clause included in the original search warrant return which allows for disposal of evidence upon adjudication without the need of an additional court order (*see example language below*).

### RETURN ON SEARCH WARRANT – ORDER

DOB: 00/00/0000

**[AGENCY NAME] – CASE ##-#####**

Good cause appearing therefore, IT IS ORDERED that the property described in the attached RETURN ON SEARCH WARRANT be delivered to the custody of the [County Name] County District Attorney's Office as evidence in the criminal proceedings which has commenced, which said property is relevant and material evidence, and that disposition thereafter be made of the property according to the appropriate law(s).

Dated at [City], California, this \_\_\_\_th day of \_\_\_\_\_, 20##.

Signature: \_\_\_\_\_

The Honorable Judge [Full Name]  
[County Name] County Superior Court

### **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

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**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 DOJ or local crime lab for potential evidentiary value of firearms booked as evidence, found property, or destruction

**Releasing and/or Destroying Firearms/Ammunition:**

- 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/Ammunition Release and criminal history inquiry on the owner claiming custody of the firearm/ammunition 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)

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***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.

In order to ensure firearms/ammunition 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 Release \(LER\) Application](#) through the DOJ. A record of ownership must be recorded in AFS for the person claiming ownership.

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**

Per [PC 33875](#), an agency must retain a firearm, magazine, or ammunition for 180 days after notification is issued to the owner that the item(s) are available for return.

If a firearm is transferred to a Federal Firearms Licensee (FFL), the corresponding AFS entry must be updated to show the transfer.

Following destruction of the weapon, the associated AFS record must be updated 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)
- Agency head should decide whether or not to dispose of firearms 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/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 DOJ 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 Release Application](#) 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.

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**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

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**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 and Safety Code.)*] The actual destruction may be done by a police or sheriff's department, the California Highway Patrol, or by 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)
- For growing or harvested cannabis plants, one 2-lb sample must be taken
- Photos and video 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 that 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 with 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 25163](#) and a permit is required from the California Department of Public Health ([CDPH](#)).

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.

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**GUIDELINE 6.5**  
**Currency and High-Value Items: Special Procedures for Disposition/Purging**

Create or amend a written directive addressing procedures for the disposition of currency and 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)

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***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**  
**Biological/DNA:  
Special  
Procedures for  
Disposition/Purging**

Create or amend a written directive addressing procedures for the disposition of biological/DNA to include, at a minimum, the following:

- Safe disposal of biological/DNA materials pursuant to statutory requirements
- Use of qualified/approved disposal vendors, if applicable
- Comply with [PC 1417.9](#) where applicable/required
- Comply with [PC 799](#) for retention

**Commentary:**

If the law enforcement agency intends to destroy or dispose of a sexual assault evidence kit 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 sexual assault evidence kit or other crime scene evidence. Disposal of sexual assault evidence kits or other biological materials should be disposed of through an approved medical waste vendor.

In order to comply with [PC 1417.9](#), agencies must notify the following:

- The person who is incarcerated
- Any counsel of record
- The Public Defender in the county of conviction
- The District Attorney in the county of conviction
- The Attorney General

Items must be held for a period of 180 days after notification.

Certain sexual assault codes require indefinite retention per [PC 799](#). Agencies should refer to this section prior to any disposal.



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**GUIDELINE 6.7**  
**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

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**Commentary:**

The disposal of hazardous/biohazardous materials falls under a number of local, state, and federal statutes. The [California Department of Public Health](#) (CDPH) 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.

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**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. (*Occupational Safety and Health Administration, 2011*)

**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. (DOJ, 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.

<b>Crime Scene</b>	A location in which (or a person upon whom) a crime may have occurred.
<b>Currency and High-Value Items</b>	Evidence/property in the form cash/currency of any amount or denomination, or items such as traveler's checks, negotiable bonds, jewelry, collector items, and any other item determined by the agency to be of potentially high-value.
<b>Degradation</b>	The transition from a higher to a lower level of quality.
<b>Disposition of Property</b>	Authorized and approved method of purging evidence/property.
<b>DNA</b>	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.
<b>Evidence</b>	Property that may be related to a crime, or which may implicate or clear a person of a criminal charge.
<b>Evidence Packaging</b>	The manner in which items with potential evidentiary value are wrapped, bagged, or boxed to be preserved, documented, and labeled. ( <i>Latta &amp; Bowers, 2010</i> )
<b>Evidence/Property Manager (EPM)</b>	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.

<b>Evidence/Property Record – Field Receipt</b>	A form used by law enforcement personnel to document evidence/property placed into custody (see <a href="#">Appendix C</a> ).
<b>Evidence/Property Room/Unit</b>	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.
<b>Evidence/Property Technician (EPT)</b>	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.
<b>Found Property</b>	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.
<b>Frozen</b>	Storing by freezing. Lab freezer storage temperatures are at or below $-10^{\circ}\text{C}$ ( $14^{\circ}\text{F}$ ).
<b>HEPA</b>	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 micrometers from the air that passes through.
<b>Inspection</b>	The process of examining and evaluating the safety, cleanliness, functionality, and efficiency related to an agency's evidence/property facility.
<b>Inventory</b>	An accounting of all evidence/property items in an agency's custody.
<b>Law Enforcement Agency</b>	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.
<b>Long-Term Storage of Biological Evidence</b>	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/property.

<b>Nonporous Container</b>	Packaging through which liquids or vapors cannot pass (e.g., glass jars, metal cans, and plastic bags). ( <i>DOJ, Office of Justice Programs, 1999</i> )
<b>Packaging</b>	Container used to house individual items of evidence.
<b>Personal Protective Equipment (PPE)</b>	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.
<b>Property For Destruction</b>	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.
<b>Property Officer</b>	A worker responsible for the intake, submission, and/or retrieval of evidence in a property room.
<b>Return of Property</b>	The receipt used to document the return of property that had been temporarily checked out of agency custody for investigation, processing, court, or similar reasons.
<b>Room Temperature</b>	No temperature or humidity control guidelines.
<b>Refrigerated</b>	Stored between 2°C (35°F) and 8°C (46°F) with less than 25% humidity.
<b>Refrigerator</b>	Equipment used to keep an item or group of items cooler than room temperature.
<b>Safekeeping</b>	Non-evidentiary property which is placed into the custody of a law enforcement agency for temporary protection on behalf of the owner.
<b>Sharps</b>	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.
<b>Temperature Controlled</b>	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.
<b>Temporary Storage</b>	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.
<b>Temporary Storage Lockers</b>	Secure lockers used to temporarily house evidence/property that has been properly packaged, tagged, and is accompanied by an Evidence/Property Record – Field Receipt.
<b>Tickler File</b>	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).
<b>Two-Person Rule</b>	The process whereby two agency employees verify the condition/amount/description of evidence/property, and in particular, currency and high-value items, prior to packaging and submission.

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## LEGAL AND REGULATORY REFERENCES AND ISSUES

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### 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/property. Agencies should ensure that all applicable codes and statutes are referenced appropriately when developing policies and procedures related to the evidence/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 AND PROPERTY**

The codes identified in this section link to the website for **California Legislative Information**. This site provides direct access by category to specific codes.

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**ABANDONED PROPERTY**

Bicycles/Toys.....	<a href="#">217 WI</a>
Currency: District Attorney or Court Clerk Possession .....	<a href="#">1420–1422 PC</a>
Exhibits: Court Clerk Possession .....	<a href="#">1417.5 PC</a>
Firearms/Weapons .....	<a href="#">34000 PC</a>
Found .....	<a href="#">2080.1 CC</a>
Intentionally Abandoned .....	<a href="#">2080.7 CC</a>
Stolen .....	<a href="#">1411 PC</a>

**ADVERTISEMENT**

Auction .....	<a href="#">2080.4, 2080.6 CC</a>
Currency: District Attorney or Court Clerk Possession .....	<a href="#">1420–1422 PC</a>
Found .....	<a href="#">2080.3 CC</a>
Sale	
• Found/saved/unclaimed .....	<a href="#">2080.4, 2080.6 CC</a>
• Seized pursuant to narcotics arrest .....	<a href="#">11488.6 HS</a>
• Vehicle Lien .....	<a href="#">3071 CC</a>

**AFFIDAVIT**

Controlled Substances .....	<a href="#">11479 HS</a>
Found or Saved .....	<a href="#">2080.1 CC</a>
Hazardous Chemicals .....	<a href="#">11479.5 HS</a>
PCP Destruction .....	<a href="#">11479.1 HS</a>

**AMMUNITION**

Prohibition against Possession by Convicted Felon .....	<a href="#">30305(a) PC</a>
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**APPEALS**

Appeal Period on Felony Convictions (within 60 days).....	<a href="#">8.308 CRC</a>
Appeal Period on Misdemeanor Convictions (within 30 days).....	<a href="#">8.853 CRC</a>

**AUCTION**

Auction .....	<a href="#">2080.3 CC</a>
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**BICYCLES/TOYS**

Unclaimed/Diversion to Juvenile Programs .....	<a href="#">217 WI</a>
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**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 driver’s license..... [470a](#), [470b PC](#)
- Lottery ..... [319319-326](#), [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 numbers .....[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](#)

Machineguns ..... [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](#)  
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**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](#)  
    • Timeframe 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](#)  
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**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](#)
- Machineguns ..... [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](#)

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- 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](#)

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- 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](#)
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  - 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](#))

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Weapons

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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  
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  - Sheriff: Use of weapons for academy/training (AFS)..... [34005\(d\)\(2\) PC](#)
- Owner: Notice prior to destruction of stolen.....[18005\(d\) PC](#)

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Gambling Devices ..... [335a PC](#)

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- 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](#)
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Vehicles

- DMV
  - Disposal of low-valued vehicle to dismantler ..... [22851.10 VC](#)
  - Lienholder notification (low-valued vehicle) ..... [22851.8 VC](#)
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  - Vehicle seizures/impounds ..... [10751 VC](#)
  - Vehicle storage: No owner notification..... [22852](#), [22853 VC](#)

- Lien sale
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**NUISANCES**

- Destructive Device..... [19000 PC](#)
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  - Used in commission of crime: Upon conviction ..... [29300 PC](#)
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  - 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](#)
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  - Toxic/hazardous introduced in court..... [1417.3\(b\) PC](#)
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  - Receipt requirement ..... [11488 HS](#)
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 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](#)  
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**REGULATIONS (ADOPTING)**

Found/Saved Property: Public Agency ..... [2080.6 CC](#)  
 Unclaimed Property  
   • Local legislative body ..... [2080.4 CC](#)  
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**RELEASE** (see [Return and Release](#))

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     – Currency ..... [1420 PC](#)  
     – Found ..... [2080.4](#), [2080.6 CC](#)  
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 Explosives ..... [12353](#), [12354 HS](#)  
 Firearms/Weapons  
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- 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](#)
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- Receipt/Retrieval Instructions. .... [2080.10\(2\) CC](#)
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- 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](#)
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- Found/Saved: Unclaimed .....[2080.4](#), [2080.6 CC](#)
  - Advertisement
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  - Legislative body: Adopted regulations ..... [2080.4 CC](#)
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  - 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 lienholder ..... [22851.2 VC](#)
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**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](#)
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- Return to Owner
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  - Ownership claim: Person from whom property was taken ..... [1413\(b\) PC](#)
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  - Property in custody of court..... [1409 PC](#)
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- 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

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- Instruments used in the commission of crime ..... [1417.6 PC](#)

Explosives: Return to Petitioner ..... [12353](#), [12354 HS](#)

Firearms/Weapons

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- 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 BPC](#)



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Stolen or Embezzled Property	
• Notice of claim: Person from whom property was taken.....	<a href="#">1413 PC</a>
• Unclaimed: Notification to owner .....	<a href="#">1411 PC</a>

**TOYS/BICYCLES**

Unclaimed: Use in Programs to Prevent Juvenile Delinquency .....	<a href="#">217 WI</a>
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**UNCLAIMED PROPERTY**

Bicycles/Toys.....	<a href="#">217 WI</a>
Exhibits .....	<a href="#">1417.5(c) PC</a>
• Currency .....	<a href="#">1420 PC</a>
Found .....	<a href="#">2080.4</a> , <a href="#">2080.6 CC</a>
Stolen .....	<a href="#">1411 PC</a>

**VEHICLES**

Controlled Substances

• Forfeiture hearing on vehicles used to transport .....	<a href="#">11488.5 HS</a>
• Return of property.....	<a href="#">11488.2 HS</a>
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Identification Number Altered or Removed .....	<a href="#">10751 VC</a>
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Impound: Hit and Run Investigation.....	<a href="#">22655</a> , <a href="#">22655.5 VC</a>
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Liens

• Application for sale .....	<a href="#">3071 CC</a>
• Lien holder cost recovery .....	<a href="#">22851.12 VC</a>
• Lien sale: Proceeds .....	<a href="#">3073 CC</a>
• Lien satisfaction: Notice to DMV.....	<a href="#">22851.6 VC</a>
• Lien holder notification (low-valued vehicle).....	<a href="#">22851.8 VC</a>
• Loss through trick, fraud, or device.....	<a href="#">22852.5 VC</a> / <a href="#">3070 CC</a>
• Notice to DMV .....	<a href="#">3067.1 CC</a>
• Recovery by lien holder (low-valued vehicle) .....	<a href="#">22851.2 VC</a>
• Recovery from lien sale .....	<a href="#">3074 CC</a>
• Service .....	<a href="#">3068 CC</a>
• Vehicle value \$4000 or less.....	<a href="#">3072 CC</a>
• Vehicle storage.....	<a href="#">22852 VC</a>
– No owner notification .....	<a href="#">22853 VC</a>

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](#)

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**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 that 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

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**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](http://www.cape-inc.us).

<b>Form #</b>	<b>Page</b>
<u>1</u>	Evidence/Property Record – Field Receipt ..... C-3
<u>2</u>	Evidence/Property Record (with Barcoding Option)..... C-5
<u>3</u>	Property Report/Receipt (with Supplemental Sheet) ..... C-7
<u>4</u>	Found Property Affidavit ..... C-12
<u>5</u>	NOTICE: Regarding Firearm or Other Deadly Weapon Confiscation California Penal Code 18400 ..... C-14
<u>6</u>	NOTICE: Regarding Firearm or Other Deadly Weapon Confiscation Welfare and Institutions Code 5150 Deadly Weapon Receipt ... C-16
<u>7</u>	Letter of Notification (Biological Material) Penal Code Section 1417.9 ..... C-18
<u>8</u>	Property Release Notification ..... C-20
<u>9</u>	MEMORANDUM: Evidence Correction Notice..... C-22
<u>10</u>	MEMORANDUM: Notice to Supervisor..... C-24
<u>11</u>	Evidence/Property Tracking Record ..... C-26
<u>12</u>	MEMORANDUM: Evidence Not Returned from Court..... C-28
<u>13A</u>	Chain of Custody (Layout Option 1)..... C-30
<u>13B</u>	Chain of Custody (Layout Option 2) ..... C-32
<u>14</u>	Currency Envelope ..... C-34
<u>15</u>	Narcotics Envelope..... C-36
<u>16</u>	Evidence/Property Transfer Form..... C-38
<u>17</u>	Property Release Authorization ..... C-40
<u>18</u>	Property Release Receipt..... C-42

<a href="#">19</a>	Property Invoice Receipt.....	C-44
<a href="#">20</a>	Evidence/Property Storage Facility Access Log .....	C-46

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**FORM 1 – Side 1**

<b>EVIDENCE/PROPERTY RECORD – FIELD RECEIPT</b>		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	
		REPORT TYPE/CHARGES	RELATED CASES			
<b>LOCATION STORED/ LOCKER #</b>	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
<input type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND PROPERTY <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> SAFEKEEPING <input type="checkbox"/> CLAIM – <i>Notify finder if not claimed within 90 days</i> <input type="checkbox"/> EPO ISSUED <input type="checkbox"/> DESTRUCTION PER: <input type="checkbox"/> LOST <input type="checkbox"/> NO CLAIM – <i>Finder does not wish to claim</i> <input type="checkbox"/> 5150 / 8102 <input type="checkbox"/> Owner <input type="checkbox"/> Officer						

Use additional sheet(s) as needed

CITIZEN CODE – Enter applicable code: <b>F</b> = Finder <b>V</b> = Victim <b>O</b> = Owner <b>X</b> = Other					
CODE	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH	<input type="checkbox"/> JUV	PH-HOME	PH-MOBILE
	STREET ADDRESS	CITY		ST	ZIP
CODE	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH	<input type="checkbox"/> JUV	PH-HOME	PH-MOBILE
	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-MOBILE
	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-MOBILE
	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
ITEM #	QTY	ITEM DESCRIPTION			
		SERIAL NUMBER			FCN
ITEM #	QTY	ITEM DESCRIPTION			
		SERIAL NUMBER			FCN

ADDITIONAL COMMENTS/SPECIAL INSTRUCTIONS		
RECEIVING OFFICER	CITIZEN SIGNATURE	
I.D. NUMBER	DATE	PAGE ___ OF ___

**FORM 1 – Side 2**

SIDE 2

**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**

Item(s) 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 item(s). 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



**FORM 2  
EVIDENCE/PROPERTY RECORD  
WITH BARCODING 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
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FOR EVIDENCE/PROPERTY USE ONLY			
ITEM NUMBER	DESCRIPTION	STORAGE AREA	BARCODE

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

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## FORM 3 – Side 1 PROPERTY REPORT/RECEIPT

<b>XXX DEPARTMENT/OFFICE</b>				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 <input type="checkbox"/> Evidence <input type="checkbox"/> Lost/Found – Finder to be notified: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Safekeeping <input type="checkbox"/> Destruction <input type="checkbox"/> 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

## FORM 3 – Side 2

[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 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.
- **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

### FORM 3 – Supplemental Sheet

#### PROPERTY REPORT/RECEIPT – Supplement Sheet

**XXX DEPARTMENT**

FILE NUMBER	DATE	TIME <input type="checkbox"/> am <input type="checkbox"/> pm
-------------	------	--

**DESCRIPTION OF PROPERTY TAKEN INTO CUSTODY** *(continued)*

ITEM NUMBER	OWNER	DESCRIPTION OF ITEMS <i>Enter one item per line; include serial number when available.</i>	PROPERTY LOCATION	RELEASE DISPOSITION

**PROPERTY RELEASED** *(continued)*

ITEM NUMBER	RELEASED BY	RECEIVED BY	ADDRESS <i>(City, State)</i>	DATE	TIME

**ITEMS RECEIVED/RELEASED** *(continued)*

PROPERTY RECEIVED BY (SIGNATURE)	DATE ISSUED	ISSUED BY:	I.D. NUMBER
PERSON CLEARING PROPERTY REPORT	DATE	OWNER NOTIFIED BY	VIA DATE TIME

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**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.

Signature \_\_\_\_\_ Date \_\_\_\_\_

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**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

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**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.

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**LETTER OF NOTIFICATION****Penal Code Section 1417.9  
(Biological Material)**

[Date]

[Addressee]

[Address]

[City, State, Zip]

RE: NAME OF CASE: **XXX**  
NAME OF COURT: **XXX**  
LAW ENFORCEMENT AGENCY NAME: **XXX**

CASE NUMBER: #####

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**

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**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* —



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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:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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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 —

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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.



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**CHAIN OF CUSTODY**

EVIDENCE/PROPERTY RECORD # \_\_\_\_\_

REPORT # \_\_\_\_\_

ITEM NUMBER	<b>RECEIVED BY</b> (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
	<b>RETURNED BY</b> (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	<b>RECEIVED BY</b> (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
	<b>RETURNED BY</b> (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	<b>RECEIVED BY</b> (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
	<b>RETURNED BY</b> (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	<b>RECEIVED BY</b> (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
	<b>RETURNED BY</b> (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**  
**B – Taken to court**  
**C – Asset seizure**  
**D – Investigation**

**E – Coroner’s Office**  
**F – Destroyed**  
**G – Auction**  
**H – Narcotics Burn**

**I – DMV**  
**J – District Attorney**  
**K – County Forensic Lab**  
**L – Identification Unit**

**M – FBI**  
**N – Secret Service**  
**O – City General Fund**  
**P – Charity**

**Q – Other**

**R – Other**

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**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				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				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				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				TIME <input type="checkbox"/> A <input type="checkbox"/> P	
COMMENTS							

- CODES:**
- |                                    |                             |                           |                                |                              |                    |
|------------------------------------|-----------------------------|---------------------------|--------------------------------|------------------------------|--------------------|
| <b>A – Returned by legal owner</b> | <b>D – Investigation</b>    | <b>G – Auction</b>        | <b>J – District Attorney</b>   | <b>M – FBI</b>               | <b>P – Charity</b> |
| <b>B – Taken to court</b>          | <b>E – Coroner’s Office</b> | <b>H – Narcotics Burn</b> | <b>K – County Forensic Lab</b> | <b>N – Secret Service</b>    | <b>Q – _____</b>   |
| <b>C – Asset seizure</b>           | <b>F – Destroyed</b>        | <b>I – DMV</b>            | <b>L – Identification Unit</b> | <b>O – City General Fund</b> | <b>R – _____</b>   |

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CURRENCY ENVELOPE

XXX DEPARTMENT

DR #	PLACE BARCODE 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
<b>Type of Booking:</b> <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 = \$ _____
<b>GRAND TOTAL: \$ _____</b>	

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

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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		

<b>ANALYZE FOR:</b>	<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



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	

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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

AUTHORIZED DISPOSITION

Disposition Codes: D – Dispose of H – Hold (must be justified on page 1) R# – Return to Owner (Number)

Table with 3 columns: ITEM NUMBER, PROPERTY DESCRIPTION, CODE

OWNER INFORMATION section with 6 rows, each containing NAME, STREET ADDRESS, CITY, PHONE, ST, and ZIP fields.

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:

Multiple horizontal lines for listing property details.

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.

I HEREBY CERTIFY THAT I AM/REPRESENT THE LEGAL OWNER OF THE ABOVE PROPERTY.

I HAVE NO KNOWLEDGE OF ANY OTHER CHALLENGES TO THE EVIDENCE/PROPERTY.

SIGNATURE OF RECIPIENT OF PROPERTY:

RELEASE AUTHORIZED BY:

ISSUED BY: DATE TIME am pm

WITNESSED BY:

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**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)
<b>This is to certify that I have received from the <b>XXX Department</b> 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.</b>
REQUIRED SIGNATURE ▶

**Notes / Narrative:**



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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		
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	<input type="checkbox"/> am <input type="checkbox"/> pm				<input type="checkbox"/> am <input type="checkbox"/> pm		

Log reviewed by \_\_\_\_\_ Date \_\_\_\_\_

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**EVIDENCE/PROPERTY RETENTION REFERENCES**

<b>Violation Code</b>	<b>Violation Description</b>	<b>Statute of Limitations</b>	<b>Statute Code Section</b>	<b>Possible Sentences</b>	<b>Other Considerations/Former Code Numbers</b>
32 PC	Accessories to Crimes	3 Years	801 PC	1 Year	Accessory to felony
37 PC	Treason	Indefinite	799 PC	Death or life w/o parole	--
38 PC	Misprision of Treason	3 Years	801 PC	1 Year	--
67 PC	Bribing Executive Officer	3 Years	801 PC	2-4 Years	--
67.5(a) PC	Bribing Ministerial Officer	1 Year	802 PC	--	Petty theft section – Misdemeanor
67.5(b) PC	Bribing Ministerial Officer	3 Years	801 PC	--	Grand theft section – Felony
68 PC	Officer Asking or Receiving Bribes	3 Years	801 PC	2-4 Years	--
69 PC	Resisting or Deterring Officer	3 Years	801 PC	1 Year	--
70 PC	Asking/Accepting Gratuity for Official Act	1 Year	802 PC	--	Misdemeanor
71 PC	Threat of Injury Made to Officer in Performance of Duties	3 Years	801 PC	1 Year	--
72 PC	Presenting False Claim to Public Board or Officer	3 Years	801 PC	1 Year	--
72.5 PC	Presenting Claim for Reimbursement of Costs Incurred for Political Functions/Public Funds	3 Years	801 PC	1 Year	--

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
73 PC	Offering Gratuity for Appointment to Office	1 Year	802 PC	--	Misdemeanor
74 PC	Receiving Gratuity for Appointment to Office	1 Year	802 PC	--	Fine only
76 PC	Threatening Life of or Serious Bodily Harm to Public Official, Staff, or Member of Immediate Family	3 Years	801 PC	1 Year	--
85 PC	Bribing Legislators	3 Years	801 PC	2-4 Years	--
86 PC	Accepting Bribes	3 Years	801 PC	2-4 Years	Legislature
92 PC	Bribing Judicial Officer	3 Years	801 PC	2-4 Years	--
93 PC	Accepting Bribes	3 Years	801 PC	2-4 Years	Judicial officer, juror, referee, arbitrator, or umpire
94 PC	Gratuity or Reward to Judicial Officer	1 Year	802 PC	--	Misdemeanor
94.5 PC	Fees/Gratuities for Performing Marriage	1 Year	802 PC	--	Misdemeanor
95 PC	Influencing Jurors, Referees, or Umpires	3 Years	801 PC	1 Year	--
95.1 PC	Threatening Jurors Following Verdict in Criminal Proceeding	3 Year	801 PC	1 Year	--
95.2 PC	Providing Sealed Juror Identification Information to Defendant	1 Year	802 PC	--	Misdemeanor
95.3 PC	Private Investigator Providing Criminal Defendant with Information on Jurors	1 Year	802 PC	--	Misdemeanor
96 PC	Juror – Promise of Decision for or Against Party	3 Years	802 PC	--	Misdemeanor
99 PC	State Printer Not to Be Interested in Public Contracts	3 Years	801 PC	1 Year	--

## D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
100 PC	Forfeiture of Office	3 Years	801 PC	1 Year	--
102 PC	Retaking of Property from Officer	1 Year	802 PC	--	Misdemeanor
107 PC	Escape from Hospital or Reformatory	3 Years	801 PC	1 Year	--
109 PC	Assisting Escape from Reformatory	3 Years	801 PC	1 Year	--
110 PC	Supplying Anything to Aid Escape from Reformatory	3 Years	801 PC	1 Year	--
113 PC	Manufacturing, Distributing, or Selling Documents to Conceal True Citizenship – Felony	3 Years	801 PC	5 Years	--
114 PC	Using False Documents to Conceal True Citizenship – Felony	3 Years	801 PC	5 Years	--
115 PC	Attempt to Record False or Forged Instrument	3 Years	803.5 PC	1 Year	Upon discovery of offense
115.1 PC	Use of Unauthorized Signature in Campaign Advertisement	3 Years	801 PC	1 Year	--
115.2 PC	Publication of Campaign Advertisement Containing False Depictions or Representation of Official Public Documents	1 Year	802 PC	--	Misdemeanor
115.25 PC	Production or Distribution of Document Containing Inaccurate Emergency Service Phone Numbers – Punishment	1 Year	802 PC	--	Misdemeanor
115.3 PC	Alteration of Official Record	1 Year	802 PC	--	Misdemeanor
115.5 PC	Forgery of Real Property Documents	3 Years	801 PC	1 Year	--
116 PC	Tampering with Jury Lists or Jury Box	3 Years	801 PC	1 Year	--

LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
116.5 PC	Jury Tampering by Payment for Information	1 Year	802 PC	--	--
117 PC	Certifying False Jury List	3 Years	801 PC	1 Year	--
118 PC	Perjury	3 Years	801 PC	2-4 Years	--
118.1 PC	False Report Filed by Peace Officer	3 Years	801 PC	1-3 Years	--
127 PC	Subornation of Perjury	3 Years	801 PC	2-4 Years	--
128 PC	Perjury Resulting in Capital Punishment	Indefinite	799 PC	Death or life w/o parole	--
132 PC	Offering Forged or Altered Document as Genuine	3 Years	801 PC	1 Year	--
132.5 PC	Witness Accepting Payment for Information	1 Year	802 PC	--	County jail only
133 PC	For Impeachment or Corroboration	1 Year	802 PC	--	Misdemeanor
134 PC	Falsifying Documents to Be Used in Evidence	3 Years	801 PC	1 Year	--
135 PC	Destroying or Concealing Documentary Evidence	1 Year	802 PC	--	Misdemeanor
136.1 PC	Preventing or Dissuading from Attending or Giving Testimony	3 Years	801 PC	1 Year	--
136.1(a) PC	Preventing or Dissuading from Attending or Giving Testimony	3 Years	801 PC	Up to 1 Year	Involved party or witness in offense
136.1(b) PC	Preventing or Dissuading from Making a Report to Law Enforcement	3 Years	801 PC	Up to 1 Year	Victim of offense



Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
136.5 PC	Carrying Deadly Weapon to Prevent Witness from Testifying	3 Years	801 PC	1 Year	--
136.7 PC	Persons Imprisoned for Sexual Offense	3 Years	801 PC	1 Year	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 Years	801 PC	1 Year	Giving witness material information pertaining to crime to law enforcement official
137(b) PC	Inducing False Testimony / Bribery of Witness	3 Years	801 PC	2-4 Years	Force or threat of force to induce false testimony
137(c) PC	Inducing False Testimony / Bribery of Witness	1 Year	802 PC	--	Misdemeanor
138 PC	Witness-Bribing or Receiving Bribe Not to Attend Trial	3 Years	801 PC	1 Year	--
139 PC	Threatening Witnesses	3 Years	801 PC	2-4 Years	--
140 PC	Threat of Force or Violence Because of Assistance in Prosecution	3 Years	801 PC	2-4 Years	--
142 PC	Officer Refusing to Receive or Arrest Criminal	3 Years	801 PC	1 Year	Sheriff's determination of facility purpose and class of prisoners
145 PC	Delay of Arresting Officer to Take Arrested Person Before Magistrate	1 Year	802 PC	--	Misdemeanor
146 PC	Officer Acting without Regular Process	1 Year	802 PC	--	Misdemeanor
146(a) PC	Officer Acting without Regular Process	1 Year	802 PC	--	Arrests any person or detains that person against his/her will – Misdemeanor

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
146(b)	Officer Acting without Regular Process	1 Year	802 PC	--	Seizes or levies upon any property – Misdemeanor
146a PC	Arrest or Search by Person Impersonating an Officer	1 Year	802 PC	Up to 1 Year	Misdemeanor
146b PC	Simulating Official Inquiries	1 Year	802 PC	--	Misdemeanor
146c PC	Designation of Nongovernmental Organization Composed of Law Enforcement Personnel	1 Year	802 PC	--	Misdemeanor
146d PC	Devices Promising Immunity from Law Enforcement	1 Year	802 PC	--	Misdemeanor
146e(a)PC	Disclosure of Residence Address or Telephone Number of Peace Officer or Agency Personnel	1 Year	802 PC	--	Misdemeanor
146e(b) PC	Telephone Number of Peace Officer or Agency Personnel	3 Years	801 PC	--	Felony
147 PC	Inhumane Treatment or Oppression of Prisoner	1 Year	802 PC	--	Fine and removal from office
148(a) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	1 Year	802 PC	Up to 1 Year	Misdemeanor
148(b) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	3 Years	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 Years	801 PC	--	Taking of firearm from public officer – Imprisonment in state prison
148(d) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	3 Years	801 PC	--	Taking of firearm from public officer – Imprisonment in county jail

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
148.1 PC	Falsely Reporting Planting of Bomb	3 Years	801 PC	Up to 1 Year	--
148.2 PC	Interfering with Discharge of Duty by Firefighter or Emergency Personnel	1 Year	802 PC	--	Misdemeanor
148.3 PC	Falsely Reporting Emergency	3 Years	801 PC	--	--
148.4 PC	Tampering with Fire Alarm / Giving False Alarm	3 Years	801 PC	--	--
148.5 PC	Falsely Reporting Crime	1 Year	802 PC	--	Misdemeanor
148.6 PC	Falsely Alleging Police Misconduct, Civil Claims, or Property Liens Against an Officer	1 Year	802 PC	--	Misdemeanor
148.7PC	Serving Sentence of Another	1 Year	802 PC	--	Misdemeanor
148.9 PC	Giving False Identification	1 Year	802 PC	--	Misdemeanor
148.10 PC	Willful Resistance to Peace Officer – Cause of Death or Serious Bodily Injury	3 Years	801 PC	2-4 Years	--
149 PC	Assault and Battery by Officer – Third Degree	3 Years	801 PC	1 Year	--
150 PC	Refusal to Aid Posse or Assist in Making Arrest	1 Year	802 PC	--	Fine only
151 PC	Advocating Injury or Death of Peace Officer	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• No injury – Misdemeanor</li> <li>• Injury – Felony</li> </ul>

LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
153 PC	Compounding or Concealing Crime	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>If crime is punishable by death or imprisonment in state prison – Felony</li> <li>If crime is not punishable by death or imprisonment in state prison – Misdemeanor</li> </ul>
154(a) PC	Defrauding Creditors by Selling or Concealing Property	1 Year	802 PC	6 Mo	Misdemeanor
154(b) PC	Defrauding Creditors by Selling or Concealing Property	3 Years	801 PC	--	Value exceeding \$250
155(a) PC	Defendant or Judgment Debtor	1 Year	802 PC	--	Concealing or selling of property to be used as evidence in a court case
155(b) PC	Defendant or Judgment Debtor	3 Year	801 PC	--	Value exceeding \$250
155.5(a) PC	Disposition of Property by Criminal Defendant to Avoid Making Restitution	1 Year	802 PC	--	Misdemeanor
155.5(b) PC	Disposition of Property by Criminal Defendant to Avoid Making Restitution	3 Years	801 PC	--	Felony
156 PC	Producing Spurious Heir	3 Years	801 PC	2-4 Years	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 Years	801 PC	2-4 Years	--
158 PC	Common Barratry	1 Year	802 PC	6 Mo	Exciting groundless judicial proceedings

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
165 PC	Giving or Offering Bribe to Councilman or Supervisor	3 Years	801 PC	2-4 Years	--
166(a) PC	Contempt of Court	1 Year	802 PC	--	To exhibit disorderly conduct, resistance, or to give false report in court
166(b) PC	Contempt of Court	1 Year	802 PC	Up to 1 Year	Willfully contacting a victim by phone
166(c) PC	Contempt of Court	1 Year	802 PC	Up to 1 Year	Willful violation of protective or stay-away order
166(c)(1) PC	Contempt of Court	3 Years	801 PC	--	Second conviction
167PC	Recording Jury Proceedings	1 Year	802 PC	--	Misdemeanor
168 PC	Disclosing Warrant Prior to Execution – Exceptions	3 Years	801 PC	--	--
169 PC	Picketing Near Court to Obstruct Administration of Justice	1 Year	802 PC	--	Misdemeanor
170 PC	Maliciously Procuring Warrant to Search or Arrest	1 Year	802 PC	--	Misdemeanor
171 PC	Communication with Inmate of Reformatory	1 Year	802 PC	--	Misdemeanor
171b PC	Bringing Weapons or Deadly Weapons into State or Local Public Building	3 Years	801 PC	Up to 1 Year	--
171c PC	Bringing Loaded Firearm into State Office, State Capitol Grounds, or Public-School Grounds	3 Years	801 PC	Up to 1 Year	--

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
171d PC	Bringing Loaded Firearm into Residence of Governor or Constitutional Officer	3 Years	801 PC	Up to 1 Year	--
172(b) PC	Selling Liquor in Prohibited Areas Near College and State Institutions	1 Year	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 Year	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 Year	802 PC	--	Misdemeanor
181 PC	Involuntary Servitude and Sale of Slaves	3 Years	801 PC	2-4 Years	--
182(a) PC	Conspiracy	3-6 Years	800 PC	5-9 Years	If two or more persons conspire
185PC	Wearing Mask or Disguise	1 Year	802 PC	--	Misdemeanor
186.10 PC	Acts Constituting Money Laundering	3 Years	801 PC	1-4 Years	--
186.22 PC	Criminal Street Gang Activity	3 Years	801 PC	16 Mo-3 Years	--
186.26 PC	Coercion of Minor to Participate in Street Gang – Felony or Misdemeanor	3 Years	801 PC	1-3 Years	--
186.28 PC	Supplying or Selling Firearm Used in Criminal Street Gang Activity	3 Years	801 PC	--	--
187 PC	Murder – First Degree	Indefinite	799 PC	25 Years to Life	--
187 PC	Murder – Second Degree	Indefinite	799 PC	15 Years to Life	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
191.5 PC	Vehicular Manslaughter while Intoxicated; Multiple Convictions for Offenses Related to Driving while Under the Influence of Alcohol or Drugs	6 Years	800 PC	4-10 Years	--
192(a) PC	Voluntary Manslaughter	6 Years	800 PC	3-11 Years	Voluntary
192(b) PC	Manslaughter	3 Years	801 PC	2-4 Years	Involuntary
192(c) PC	Manslaughter	3 Years	801 PC	16 Mo-6 Years	Vehicular
193.5 PC	Manslaughter Committed during Operation of Vessel	3 Years	801 PC	2-6 Years	--
193.8PC	Adult Relinquishing Possession of Motor Vehicle to Minor Under Specified Conditions	1 Year	802 PC	1/2 Year	Conditions: 1) Intoxicated, 2) Violation of Section 23103, 3) No lawful right to possession of vehicle
203 PC	Mayhem / Dismemberment	6 Years	800 PC	2-8 Years	--
205 PC	Aggravated Mayhem	Indefinite	799 PC	Life w/o parole	--
206 PC	Torture (Proof of Pain Not Required)	Indefinite	799 PC	Life	--
207 PC	Kidnapping	6 Years	800 PC	3-8 Years	--
209 PC	Kidnapping for Ransom or Extortion, or to Commit Robbery or Sex Crime	Indefinite	799 PC	Life w/o parole	--
210 PC	Posing as Kidnapper, etc. – when Felony	3 Years	801 PC	2-4 Years	--
210.5 PC	Taking Hostages	6 Years	800 PC	3-8 Years	--
211 PC	Robbery	6 Years	--	--	--

LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
212.5 PC	Robbery – First Degree	6 Years	800 PC	3-9 Years	--
212.5 PC	Robbery – Second Degree	3 Years	801 PC	2-5 Years	--
214 PC	Train Robbery	3 Years	801 PC	--	--
215 PC	Carjacking	6 Years	800 PC	3-9 Years	--
218 PC	Derailing or Wrecking Train	Indefinite	799 PC	Life w/o parole	--
219 PC	Wrecking Train or Firing Bridge	Indefinite	799 PC	Life w/o parole	--
219.1 PC	Throwing Missile at Vehicle of Common Carrier	3 Years	801 PC	2-6 Years	--
219.2 PC	Throwing Missile or Shooting at Trains, Streetcars, or Vessels	3 Years	801 PC	--	--
219.3PC	Throwing Missile from Toll Bridge	1 Year	802 PC	--	Throwing objects from toll bridge
220 PC	Assault with Intent to Commit Mayhem or Sex Crimes	3 Years	801 PC	2-6 Years	--
222 PC	Administering Controlled Substance or Anesthetic to Aid Felony	3 Years	801 PC	--	--
237PC	False Imprisonment	1-3 Years	801 PC	--	Involving violence – Felony
241PC	Assault Against Peace Officer or Other Specified Persons	1 Year	802 PC	1/2 Year	--
241.1 PC	Assault on Custodial Officer	3 Years	801 PC	--	--
241.2PC	Assault on Any Person on School or Park Property	1 Year	802 PC	Up to 1 Year	County jail only



Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
241.3PC	Assault on Public Transportation Provider's Property or Vehicle	1 Year	802 PC	Up to 1 Year	County jail only
241.4PC	Assault on School Police Department Member	1-3 Years	801 PC	--	If a reasonable person would have known it was an officer – Felony
241.6PC	Assault on School Employee	1 Year	802 PC	Up to 1 Year	Misdemeanor
242 PC	Battery – Definition	1-3 Years	801 PC	Up to 3 Years	<i>See various 243 sections for statute</i>
243(a)PC	Battery	1 Year	802 PC	1/2 Year	Battery against a person with minimal injuries – Misdemeanor
243(b)PC	Battery	1 Year	802 PC	Up to 1 Year	Battery against public duty officer
243(c)PC	Battery	3 Years	801 PC	16 Mo-3 Years	Battery against custodial officer
243(d) PC	Battery	3 Years	801 PC	2-4 Years	Battery against a person with major injuries – Felony
243(e)PC	Battery	1 Year	802 PC	Up to 1 Year	Battery against a spouse or whom they are cohabitating with
243.1 PC	Battery Against Custodial Officer	3 Years	801 PC	--	--
243.2PC	Battery Committed on Any Person on School, Park, or Hospital Property	1 Year	802 PC	Up to 1 Year	--
243.3PC	Battery Committed Against Public Transit Employee or Passenger	3 Years	801 PC	16 Mo-3 Years	--
243.4 PC	Sexual Battery	3 Years	801 PC	2-4 Years	--
243.6PC	Battery Committed Against School Employee	1-3 Years	801 PC	16 Mo-3 Years	Injury – Felony

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
243.7 PC	Battery Committed Against Juror	3 Years	801 PC	16 Mo-3 Years	--
243.8PC	Battery Committed Against Sports Official	1 Year	802 PC	Up to 1 Year	--
244 PC	Throwing Acid or Flammable Substance with Intent to Disfigure or Burn – "Flammable Substance" Defined	3 Years	801 PC	2-4 Years	--
244.5 PC	Assault with Stun Gun or Taser	3 Years	801 PC	2-4 Years	--
245(a)(1) PC	Assault with a Deadly Weapon	3 Years	801 PC	2-4 Years	--
245(a)(2) PC	Assault with a Deadly Weapon – Firearm	3 Years	801 PC	2-4 Years	--
245(a)(3) PC	Assault with a Deadly Weapon – Machinegun	6 Years	800 PC	4-12 Years	--
245(b) PC	Assault with a Deadly Weapon – Semiautomatic Firearm	6 Years	800 PC	3-9 Years	--
245(c) PC	Assault with a Deadly Weapon – Other than Firearm	3 Years	801 PC	3-5 Years	--
245(d) PC	Assault with a Deadly Weapon – Firearm	6 Years	800 PC	2-8 Years	Against peace officer or firefighter
245.2 PC	Assault with a Deadly Weapon Committed Against Public Transit Employee	3 Years	801 PC	3-5 Years	--
245.3 PC	Assault with a Deadly Weapon on Custodial Officer	3 Years	801 PC	3-5 Years	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
245.5 PC	Assault with a Deadly Weapon on School Employee	3 Years	801 PC	3-5 Years	--
246 PC	Firearms, Discharge of, at Inhabited Dwelling, Vehicle, or Aircraft	3 Years	801 PC	3-7 Years	--
246.3 PC	Discharge of Firearm in Grossly Negligent Manner that Could Result in Injury or Death of Person	3 Years	801 PC	--	--
247 PC	Discharging Firearm at Unoccupied Aircraft, Motor Vehicle, or Uninhabited Building or Dwelling House	3 Years	801 PC	--	--
247.5 PC	Discharging Laser at Aircraft	3 Years	801 PC	16 Mo-3 Years	--
248PC	Shining Light at Aircraft with Intent to Impair Operation	1 Year	--	Up to 1 Year	--
261 PC	Rape	Indefinite	799 PC	--	Retain minimum of 20 Years
261.5(b)PC	Unlawful Sexual Intercourse with a Minor	1 Year	--	--	Age difference is within 3 years
261.5(c) PC	Unlawful Sexual Intercourse with a Minor	3 Years	801 PC	1 Year	Age difference 3 years younger
261.5(d) PC	Unlawful Sexual Intercourse with a Minor	3 Years	801 PC	2-4 Years	Suspect 21 or older and victim under 16 years
262 PC	Rape of Person Who Is Spouse of Perpetrator	Indefinite	799 PC	5-9 Years	--
264.1 PC	Defendant Acted in Concert with Another Person to Commit Rape	Indefinite	799 PC	5-9 Years	--

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
265 PC	Abduction to Force Marriage or Defilement	3 Years	801 PC	--	--
266 PC	Enticing, procuring, or luring minor into house of prostitution	3 Years	801 PC	--	--
266a PC	Procuring Person by Force or False Inducement	3 Years	801 PC	--	--
266b PC	Compelling Illicit Relation by Menace	3 Years	801 PC	--	--
266c PC	Inducing Commission of Sexual Act through False Representation Creating Fear	3 Years	801 PC	2-4 Years	--
266d PC	Paid Procuring of Person – Pandering	3 Years	801 PC	--	--
266e PC	Hiring Panderer	3 Years	801 PC	--	--
266f PC	Selling Person for Illicit Use	3 Years	801 PC	--	--
266g PC	Prostituting Wife	3 Years	801 PC	2-4 Years	--
266h(a) PC	Pimping – Punishment/Enhancement	3-10 Years	800 PC	3-8 Years	Felony if victim is under 16 years of age
266i PC	Pandering	10 Years	800 PC	3-8 Years	--
266j PC	Providing or Transporting Child Under 16 for Purpose of Lewd or Lascivious Act	10 Years	800 PC	3-8 Years	--
267 PC	Abduction for Prostitution	3 Years	801 PC	--	--
269 PC	Aggravated Sexual Assault of Child	Indefinite	799 PC	15 Years to Life	--
270 PC	Child Neglect	3 Years	801 PC	Up to 1 Year	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
270c PC	Neglect of Indigent Parent	1 Year	802 PC	--	Misdemeanor
270.5PC	Refusing to Accept Minor Child into Home	1 Year	802 PC	--	Misdemeanor
271 PC	Child Under 14 Years of Age – Abandonment	3 Years	801 PC	--	--
271a PC	Failure to Provide For	3 Years	801 PC	--	Child is under 14 years of age
272 PC	Contributing to Delinquency of Minor	1 Year	802 PC	Up to 1 Year	--
273 PC	Paying Parent for Adoption of Child	1 Year	802 PC	--	Beyond Adoption Services
273a PC	Abusing or Endangering Health of Child	3 Years	801 PC	2-6 Years	Retain 10 years – 1109 Evidence Code
273ab PC	Assault on Child with Force Likely to Produce Great Bodily Injury Resulting in Death	Indefinite	799 PC	25 Years to Life	--
273d PC	Felony to Inflict Corporal Injury Upon Child	3 Years	801 PC	2-6 Years	Enhancement for prior conviction / Conditions of probation
273e PC	Sending or Permitting Minor to Enter House of Prostitution or Variety Theater	1 Year	802 PC	--	Misdemeanor
273f PC	Sending Minor to Saloon, Gambling House, or House of Prostitution	1 Year	802 PC	--	Misdemeanor
273g PC	Lewdness or Drunkenness in Presence of Child	1 Year	802 PC	--	Misdemeanor
273.5 PC	Domestic Violence	5 Years	803.7 PC	2-4 Years	Retain 10 years – 1109 Evidence Code
273.55 PC	Corporal Injury on Spouse or Cohabitant	3 Years	801 PC	2-5 Years	Punishment for repeat offender

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
273.6 PC	Protective Order Violations Pursuant to Family Code and Code of Civil Procedure	1 Year	802 PC	Up to 1 Year	If injury, additional jail term
273.7 PC	Disclosing Location of Domestic Violence Shelter	1 Year	802 PC	--	Misdemeanor
274 PC	Abortion – Exception	3 Years	801 PC	--	Abortions
275 PC	Woman Soliciting and Submitting to – Exception	3 Years	801 PC	--	Abortions
276 PC	Solicitation of Woman to Submit to or Procure – Exception	3 Years	801 PC	Up to 1 Year	Abortions
277 PC	Child Abduction	3 Years	801 PC	2-4 Years	Child abductions
278 PC	Taking, Enticing Away, Keeping, Withholding, or Concealing Child by Person without Right of Custody – Punishment	3 Years	801 PC	2-4 Years	--
278.5 PC	Taking, Enticing Away, Keeping, Withholding, or Concealing Child in Order to Deprive Lawful Custodian of Custody or Visitation Rights – Punishments	3 Years	801 PC	16 Mo-3 Years	--
280 PC	Punishment, Removal, or Concealment of Child Involved in Adoption Proceedings	1-3 Years	801 PC	Up to 1 Year	Within or removed from county of abduction
281 PC	Bigamy – Proof	3 Years	801 PC	--	--
284 PC	Punishment for Marrying Spouse of Another	3 Years	801 PC	--	--
285 PC	Incest	3 Years	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
286 PC	Sodomy	Indefinite	799 PC	3-13 Years	Age of victim and force used
286.5 PC	Assault – Animals	1 Year	802 PC	--	Including sexual assault
288 PC	Sexual Offense Against a Child	Indefinite	799 PC	3-8 Years	Victim under the age of 14
288(a) PC	Lewd Act on Child	Indefinite	799 PC	3-8 Years	Child under 14 years of age
288(b)(1) PC	Unlawful Oral Copulation	3 Years	800 PC	3-8 Years	By force, violence, duress, menace, or fear
288(b)(2) PC	Unlawful Oral Copulation	3 Years	800 PC	3-8 Years	Against a dependent adult
288(c)(1) PC	Unlawful Oral Copulation	3 Years	800 PC	3-8 Years	Suspect more than 10 years older / Victim under 14
288 (c)(2) PC	Unlawful Oral Copulation	3 Years	800 PC	3-8 Years	Against victim's will.
288.2 PC	Distribution or Exhibition of Lewd Material to Minor	3 Years	801 PC	--	--
288.5 PC	Engaging in Three (3) or More Acts of Substantial Sexual Conduct with Child Under Age 14	Indefinite	799 PC	6-16 Years	--
289 PC	Unlawful Sexual Penetration	Indefinite	799 PC	3-8 Years	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 Years	800 PC	--	--
302 PC	Disorderly Conduct at Church Service	1 Year	802 PC	Up to 1 Year	--

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
303 PC	Encouraging Sale of Alcoholic Beverage	1Year	802 PC	--	Misdemeanor
303a PC	Soliciting Purchase of Alcoholic Beverage	1Year	802 PC	--	Misdemeanor
307 PC	Furnishing Foods Containing Alcohol to Persons Under 21	1 Year	802 PC	--	Misdemeanor
308 PC	Selling Cigarettes or Tobacco to Minor	1 Year	802 PC	--	--
308b PC	Unsolicited Delivery of Tobacco	1 Year	802 PC	--	Misdemeanor
308.2 PC	Sale of Cigarettes Not in Sealed and Properly Labeled Package	1 Year	802 PC	--	Infraction
308.5 PC	Sale, Lease, or Offer of Video Games, Alcohol, or Tobacco Advertising to Minors	1 Year	802 PC	--	Misdemeanor
309 PC	Admitting or Keeping Minor in House of Prostitution	1 Year	802 PC	--	Misdemeanor
310 PC	Attendance of Minor at Prizefight or Cockfight	1 Year	802 PC	--	Misdemeanor
310.2 PC	Furnishing Diet Pills, Diuretic, or Laxatives to Minors/Athletic Team Members for Nonmedical Purposes	1 Year	802 PC	--	Misdemeanor
310.5 PC	Entering Into Contract to Pay Minor Victim of Unlawful Sex Act	1 Year	802 PC	--	Misdemeanor
311.1 PC	Bringing Into State Matter Depicting Child in Sexual Conduct	3 Years	801 PC	--	--
311.2 PC	Bringing Obscene Matter into or Distributing within State	3 Years	801 PC	2-6 Years	--



Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
311.3 PC	Developing, Duplicating, Printing, or Exchanging Obscene Matter Depicting Sexual Conduct of Person Under Age 18	3 Years	801 PC	--	--
311.4 PC	Using Minor to Assist in Distribution of Obscene Matter / Posing or Modeling Involving Sexual Conduct	10 Years	801.2 PC	3-8 Years	--
311.5 PC	Advertising Obscene Matter	1 Year	802 PC	--	Misdemeanor
311.6 PC	Engaging in Obscene Live Conduct	1 Year	802 PC	--	Misdemeanor
311.7 PC	Requiring Acceptance of Obscene Matter as Condition for Receiving Other Merchandise	1 Year	802 PC	--	Misdemeanor
311.10 PC	Punishment for Distributors of Obscene Matter Depicting Person Under Age 18	3 Years	801 PC	2-4 Years	--
311.11 PC	Possession or Control of Matter, Representation of Information, Data, or Image, Depicting Sexual Conduct of Person Under Age 18	3 Years	801 PC	2-6 Years	--
313.1 PC	Distribution to Minors / Restricting Display, Sale, Rental, Video Recordings, or Transmissions of Telephone Messages	1 Year	802 PC	Up to 1 Year	Infraction
314 PC	Indecent Exposure	3 Years	801 PC	Up to 1 Year	Felony, if prior conviction of 288 PC or prior 314
315 PC	Keeping or Living in House of Prostitution	1 Year	802 PC	--	--
316 PC	Keeping Disorderly or Assignment House	1 Year	802 PC	--	Misdemeanor

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
318 PC	Pimping, Capping, or Soliciting Patrons	1 Year	802 PC	6 Mo	County jail only
320 PC	Contriving, Proposing, or Drawing	1 Year	802 PC	--	Contrives, prepares, sets up lottery
321 PC	Selling Chances, Shares, or Tickets	1 Year	802 PC	--	Misdemeanor
322 PC	Assisting by Printing or Advertising	1 Year	802 PC	--	Misdemeanor
323 PC	Opening or Keeping Agency for Sale or Registration of Tickets	1 Year	802 PC	--	Misdemeanor
324 PC	Insuring For or Against Drawing	1 Year	802 PC	--	Misdemeanor
326 PC	Renting Premises for Lottery Purposes	1 Year	802 PC	--	Misdemeanor
327 PC	Endless-Chain Schemes	3 Years	801 PC	16 Mo-3 Years	--
330 PC	Prohibited Gaming	1 Year	802 PC	6 Mo	Games played for representative value or betting – County jail only
330.1 PC	Slot Machines Forbidden	1 Year	802 PC	6 Mo	County jail only
330.4 PC	Mere Possession Prohibited	1 Year	802 PC	6 Mo	County jail only
330.8 PC	Permissible Sale/Transportation/Storage/Manufacture of Gambling Devices	1 Year	802 PC	--	Misdemeanor
331 PC	Liability of Owner or Lessor of Gaming House	1 Year	802 PC	6 Mo	Knowingly permits – County jail only
332 PC	Card-Monte, Trick, and Sure-Thing Games	1 Year	802 PC	--	Wobbler – Based on dollar amount
333 PC	Witnesses in Prosecution	1 Year	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
334 PC	Sale/Manufacture/Use of Hidden Mechanical Device or Obstruction – Razzle-Dazzle Concession	1 Year	802 PC	--	Misdemeanor
335 PC	Officers Charged with Detection and Prosecution	1 Year	802 PC	--	Misdemeanor
336 PC	Permitting Minors to Play Games Where Liquor Is Sold	1 Year	802 PC	--	Misdemeanor
337 PC	Receiving "Protection-Money" or Granting Privileges	3 Years	801 PC	--	--
337a PC	Pool Selling, Bookmaking, or Wagering	3 Years	801 PC	--	--
337b PC	Bribing Player or Participant to "Throw" Sporting Event	3 Years	801 PC	--	--
337c PC	Accepting Bribe to "Throw" Sporting Event	3 Years	801 PC	--	--
337d PC	Bribing Judge of Sporting Event	3 Years	801 PC	--	--
337e PC	Accepting Bribe	3 Years	801 PC	--	--
337f PC	"Doping" Racehorse / Entry of Horse Under Unregistered Name	3 Years	801 PC	--	--
337h PC	Administering Drugs to Any Animal Entered in Race or Other Competition	1 Year	802 PC	--	Misdemeanor
337i PC	Transmitting Race Information for Gambling Purposes	3 Years	801 PC	--	--
337.1 PC	False Persuasion in Betting – A Tout	1 Year	802 PC	6 Mo	County jail only
337.3 PC	Felony to Misrepresent Source of Information	3 Years	801 PC	--	--

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
337.5 PC	Refusing to Leave a Racetrack – Touting	1 Year	802 PC	--	Misdemeanor
337.7 PC	Misrepresenting Self by Wrongful Use of Credential or License	3 Years	801 PC	--	--
343 PC	Withholding Register of Gold Bars from Officer	1 Year	802 PC	--	Misdemeanor
346 PC	Tickets to Entertainment Events	1 Year	802 PC	--	Misdemeanor
347 PC	Mingling Harmful Substance with Food or Drink	3 Years	801 PC	2-5 Years	--
347b PC	Poisoned Alcohol	1 Year	802 PC	1 Year	County jail only
350 PC	Manufacture or Sale of Counterfeit Mark	1 Year	801 PC	1-3 Years	Wobbler – Based on dollar amount
351a PC	Misrepresenting Name of Maker of Goods Sold	1 Year	802 PC	--	Misdemeanor
355 PC	Removing Identifying Marks on Wreckage	1 Year	802 PC	--	Misdemeanor
356 PC	Cutting or Altering Brands on Logs or Lumber	1 Year	802 PC	--	Misdemeanor
359 PC	Solemnizing Illegal Marriage	1 Year	802 PC	3 Mo-1 Year	County jail only
360 PC	In Absence of License – Marriage	1 Year	802 PC	--	Misdemeanor
362 PC	Disobedience of Habeas Corpus Writ	1 Year	802 PC	--	Misdemeanor
363 PC	Recommitting or Restraining Person Discharged on Return of Habeas Corpus	1 Year	802 PC	--	Misdemeanor
364 PC	Evading Service of Writ of Habeas Corpus	1 Year	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
365 PC	Refusal to Accommodate Hotel Guest or Receive Passenger for Hire	1 Year	802 PC	--	Misdemeanor
365.5 PC	Equal Access for Disabled Persons with Specially Trained Dogs	1 Year	802 PC	--	Misdemeanor
365.6 PC	Interfering with Use of Guide Dog – Misdemeanor	1 Year	802 PC	6 Mo	County jail only
365.7 PC	Guide Dog – Fraudulent Representation as Misdemeanor	1 Year	802 PC	6 Mo	Misdemeanor
367f PC	Sale of Human Organs for Purposes of Transplantation and Valuable Consideration	3 Years	801 PC	3-5 Years	--
368 PC	Person Causing Pain, Suffering, or Injury to Elder or Dependent Adult / Theft or Embezzlement by Caretaker	5 Years	801.6 PC	2-4 Years	--
369b PC	Penalties for Rail Transit-Related Traffic Violations	1 Year	802 PC	--	Only applies to counties with a population greater than 500,000
369d PC	Leaving Right-of-Way Gates Open	1 Year	802 PC	--	Misdemeanor
369g PC	Trespass on Railroad or Rail-Line Track	1 Year	802 PC	--	Misdemeanor
369h PC	Placing Light in Line of Vision Along Railroad Track – Exceptions	1 Year	802 PC	--	--
369i PC	Trespass on Railroad- or Rail Transit-Related Property	1 Year	802 PC	--	Misdemeanor
374d PC	Leaving Carcass of Dead Animal on Highway	1 Year	802 PC	--	Misdemeanor

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
374.3 PC	Dumping Refuse on Public or Private Roads or Property – Commercial Quantities	1 Year	802 PC	--	--
374.4 PC	Littering on Public or Private Property	1 Year	802 PC	--	Infraction
374.7 PC	Dumping Rubbish in Water	1 Year	802 PC	--	Misdemeanor
374.8 PC	Depositing Hazardous Substance	3 Years	801 PC	16 Mo-3 Years	--
375 PC	Gassing Theater, Restaurant, or Store – Making Gas	3 Years	801 PC	--	Amount of injury
377 PC	False Representation to Procure Drug	1 Year	802 PC	--	Misdemeanor
380 PC	Sale or Distribution of Toluene to Persons Under 18 Years	1 Year	802 PC	--	--
381 PC	Possessing Toluene or Similar Substance with Intent to Inhale and Become Intoxicated	1 Year	802 PC	--	Misdemeanor
381a PC	Misrepresenting Quality of Dairy Products	1 Year	802 PC	6 Mo	County jail only
381b PC	Nitrous Oxide – Penalties for Use	1 Year	802 PC	--	Misdemeanor
382 PC	Adulteration – Drugs, Liquor, and Food	1 Year	802 PC	--	--
382.4 PC	Only Veterinarian to Administer Succinylcholine	1 Year	802 PC	--	Misdemeanor
382.5 PC	Dinitrophenol Sale a Felony	3 Years	801 PC	--	Punishment – Exceptions

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
382.6 PC	Sale or Prescribing of Preparations Containing Diphenylamine, Paraphenylenediamine, or Paratoluylenediamine – Felony	3 Years	801 PC	--	--
382.7 PC	Silicone Injection	1 Year	802 PC	--	Misdemeanor
383 PC	Disposal of Adulterated Food, Drink, and Drugs	1 Year	802 PC	--	--
383a PC	Process or Renovated Butter	1 Year	802 PC	--	Misdemeanor
383b PC	Kosher Meat Preparations – Sale	1 Year	802 PC	--	Misdemeanor
384 PC	Emergency Use of Party Telephone Lines	1 Year	802 PC	--	Misdemeanor
384a PC	Cutting or Destroying Shrubs	1 Year	802 PC	6 Mo	County jail only
384f PC	Violation of 384b through 384f	1 Year	802 PC	6 Mo	County jail only
384h PC	Killing or Injuring Domestic Animal	1 Year	802 PC	--	Misdemeanor
384.5 PC	Removing Minor Forest Products without Permit or Bill of Sale	1 Year	802 PC	6 Mo	County jail only
385 PC	Place or Operate Certain Implements Near High Voltage Overhead Conductor	1 Year	802 PC	--	Misdemeanor
386 PC	Willful Construction or Maintenance of Inoperable or Unsafe Fire Protection System	3 Years	801 PC	2-4 Years	--
387 PC	Criminal Liability for Concealing Dangerous Business Practices	3 Years	801 PC	16 Mo-3 Years	Penalties/Definitions
395 PC	False Rumor to Affect Price of Goods	1 Year	802 PC	--	Misdemeanor

LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
396 PC	Increasing Prices for Consumer Goods or Services or Repairs or Reconstruction Services During an Emergency	1 Year	802 PC	Up to 1 Year	County jail only
396.5 PC	Federal Food Stamp Act – Violations by Retail Food Store or Wholesale Food Concern	1 Year	802 PC	90 Days	County jail only
397 PC	Selling Intoxicants to Common Drunkards or Incompetents	1 Year	802 PC	--	Misdemeanor
399 PC	Allowing Vicious Animals at Large	3 Years	801 PC	--	--
399.5 PC	Owner's Failure to Exercise Ordinary Care with Dog that Bites Human Being	1 Year	802 PC	6 Mo	County jail only
401 PC	Advising or Encouraging Suicide	3 Years	801 PC	--	--
402 PC	Sightseeing at Scene of Emergency	1 Year	802 PC	--	Misdemeanor
402a PC	Adulterating Candy with Clay or Deleterious Mixtures or Selling Same	1 Year	802 PC	--	Misdemeanor
402b PC	Abandoning Refrigerator or Other Appliances	1 Year	802 PC	--	Misdemeanor
402c PC	Integral Lock Necessary for Refrigerator, Icebox, or Deep-Freeze Locker	1 Year	802 PC	--	Misdemeanor
403 PC	Disturbing Assembly	1 Year	802 PC	--	Misdemeanor
404.6 PC	Incitement to Riot	1 Year	802 PC	Up to 1 Year	County jail only
405 PC	Participating in Riot	1 Year	802 PC	Up to 1 Year	County jail only
405b PC	Lynching	3 Years	801 PC	2-4 Years	Punishment



D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
408 PC	Participating in Rout or Unlawful Assembly	1 Year	802 PC	--	Misdemeanor
409 PC	Refusal to Disperse when Ordered	1 Year	802 PC	--	Misdemeanor
409.5 PC	Closing Areas in Emergencies	1 Year	802 PC	--	Misdemeanor
409.6 PC	Closing Areas in Disasters – Avalanche	1 Year	802 PC	--	Misdemeanor
410 PC	Duty to Suppress Riot or Rout	1 Year	802 PC	--	Misdemeanor
412 PC	Prize Fighting Regulated	1 Year	--	--	--
413 PC	Guilt of Spectator	1 Year	802 PC	--	Misdemeanor
414 PC	Leaving State to Evade	1 Year	--	--	--
415 PC	Fighting, Causing Loud Noise or Using Offensive Words in Public Place	1 Year	802 PC	90 Days	County jail only
415.5 PC	Unlawful Acts Committed in Buildings or Grounds of College or University	1 Year	802 PC	90 Days	County jail only
416 PC	Duty of Crowds to Disperse when Ordered / Restitution for Property Damage	1 Year	802 PC	--	Community service or restitution only
417 PC	Threatening with Weapon	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• If done to public – Misdemeanor</li> <li>• If done to peace officer – Felony</li> </ul>
417.25 PC	Drawing or Exhibiting Laser Scope in Threatening Manner	1 Year	802 PC	--	Misdemeanor
417.3 PC	Drawing or Exhibiting Firearm to Person in Motor Vehicle	3 Years	801 PC	16 Mo-3 Years	--
417.4 PC	Drawing or Exhibiting Imitation Firearm in Threatening Manner	1 Year	802 PC	--	County jail only

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
417.6 PC	Intentional Infliction of Great Bodily Injury with Weapon	3 Years	801 PC	--	--
417.8 PC	Exhibiting Weapon at Peace Officer	3 Years	801 PC	2-4 Years	--
418 PC	Forcible Entry or Detainer of Land	1 Year	802 PC	--	Misdemeanor
419 PC	Reentry on Land After Legal Ouster	1 Year	802 PC	--	Misdemeanor
420 PC	Obstructing Entry on Government Lands	1 Year	802 PC	--	Misdemeanor
422 PC	Criminal Threats	3 Years	801 PC	1 Year	--
422.6 PC	Use of Force, Threats, or Destruction of Property to Interfere with Another's Exercise of Civil Rights	1 Year	802 PC	--	Community service only
422.7 PC	Commission of Crime for Purpose of Interfering with Another's Exercise of Civil Rights	3 Years	801 PC	--	--
422.75 PC	Commission of Hate Crime – Additional Term	3 Years	801 PC	1-3 Years	--
422.9 PC	Violation of Civil Order Protecting Exercise of Civil Rights	1 Year	802 PC	--	County jail only
424 PC	Misappropriation of Public Funds	Indefinite	799 PC	2-4 Years	--
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 Year	802 PC	--	Misdemeanor
429 PC	Failure to Collect State Imposed Telecommunications Fees	1 Year	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
431 PC	Misuse of Tax or License Receipt	1 Year	802 PC	--	Misdemeanor
432 PC	Sale of License or Tax Receipt	3 Years	801 PC	--	--
436 PC	Auctioneer	1 Year	802 PC	--	Misdemeanor
439 PC	Procuring Insurance from Unlicensed Company	1 Year	802 PC	--	Misdemeanor
440 PC	Refusal to Permit Inspection of Official Books	1 Year	802 PC	--	Misdemeanor
451 PC	Arson	6 Years	800 PC	5-9 Years	Great bodily injury
451 PC	Arson	6 Years	800 PC	3-8 Years	Property/Dwellings
451 PC	Arson	3 Years	801 PC	2-4 Years	Land
451.5 PC	Aggravated Arson	Indefinite	--	--	\$7,000,000 loss or damage
452 PC	Unlawfully Causing a Fire	3 Years	801 PC	2-6 Years	--
453 PC	Possession or Manufacture of Combustible Material or Incendiary Device for Malicious Use	3 Years	801 PC	--	--
454 PC	Punishment for Unlawful Burning within Area of Insurrection or Emergency Proclaimed Because of Riot	3 Years	801 PC	3-7 Years	Probation restricted
455 PC	Attempts	3 Years	801 PC	16 Mo-3 Years	Set fire
457.1 PC	Person Required to Register with Chief of Police, Sheriff, or Campus Police Chief after Arson Conviction	1 Year	--	--	Registration requirements only
459 PC	Burglary – First Degree	3 Years	801 PC	2-6 Years	--

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
459 PC	Burglary – Second Degree	3 Years	801 PC	1 Year	--
463 PC	Violations Committed During State of Emergency or Local Emergency – "Looting"	3 Years	801 PC	--	--
464 PC	Use of Acetylene Torch or Explosive/Safe-Blowing	3 Years	801 PC	3-5 Years	--
466 PC	Burglar Tools	1 Year	802 PC	--	Misdemeanor
466.1 PC	Sale of Burglar Tools	1 Year	802 PC	--	Misdemeanor
466.3 PC	Vending Machine Theft	1 Year	802 PC	--	County jail only
466.5 PC	Motor Vehicle Master Key/Motor Vehicle Wheel Lock Master Key	1 Year	802 PC	--	Misdemeanor
466.6 PC	Motor Vehicle Ignition Key Made Other than by Duplication of Existing Key	1 Year	802 PC	--	Misdemeanor
466.7 PC	Unlawful Possession of Key Made Other than by Duplication	1 Year	802 PC	--	Misdemeanor
466.8 PC	Duplication of Key Involving Onsite Inspection	1 Year	802 PC	--	Misdemeanor
466.9 PC	Possession of Code Grabbing Device with Intent to Use in Unlawful Act	1 Year	802 PC	--	Misdemeanor
468 PC	Sniperscope	1 Year	802 PC	Up to 1 Year	County jail only
469 PC	Duplication of Keys to State Buildings	1 Year	802 PC	--	Misdemeanor
470 PC	Forgery	4 Years	801.5 PC	1 Year	From time of discovery or crime

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
470a PC	Forging Driver's License	3 Years	801 PC	--	--
470b PC	Possessing Forged Driver's License/Identification Card	3 Years	801 PC	--	--
471 PC	Altering Entries in Books and Records	4 Years	801.5 PC	--	Forgery
471.5 PC	Altering Medical Records	1 Year	802 PC	--	Misdemeanor
472 PC	State, Corporate, and Official Seals	4 Years	801.5 PC	--	Forgery
474 PC	Sending False Message by Phone or Telegraph	3 Years	801 PC	--	--
475 PC	Possessing, Receiving, or Uttering Forged Paper	4 Years	801.5 PC	--	Forgery
475a PC	Possessing, Receiving, or Uttering Forged Paper	4 Years	801.5 PC	--	Reference Section 470(d)
476 PC	Making, Passing, or Possessing Fictitious Bill, Note, or Check	4 Years	801.5 PC	--	Forgery
476a PC	Making, Drafting, or Passing Worthless Check, Draft, or Order	1 Year	802 PC	--	Value not to exceed \$950.
477 PC	Counterfeiting – Elements of Offense	3 Years	801 PC	2-4 Years	--
479 PC	Having or Uttering Counterfeit	3 Years	801 PC	2-4 Years	--
480 PC	Making or Having Counterfeit Die or Apparatus	3 Years	801 PC	2-4 Years	--
481 PC	Counterfeiting or Altering Passenger Ticket	3 Years	801 PC	--	--

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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 Years	801 PC	--	--
482 PC	Removing "Cancel" Mark from Passenger Ticket	1 Year	802 PC	Up to 6 Mo	County jail only
483 PC	Ticket Scalping	1 Year	802 PC	--	Misdemeanor
483.5 PC	Deceptive Identification Document	3 Years	801 PC	--	Possession or transportation within state / Disclaimer requirements / Definition / Penalty
484 PC	Acts Constituting Theft	1 Year	--	--	--
484b PC	Diversion of Construction Funds	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• Under \$1,000 – Misdemeanor</li> <li>• Over \$1,000 – Felony</li> </ul>
484c PC	Obtaining Construction Funds by False Voucher as Embezzlement	3 Years	--	--	Amount of funds
484e PC	Acquiring Access Card without Cardholder's or Issuer's Consent	3 Years	--	--	--
484f PC	Forging Access Card or Cardholder's Signature	3 Years	801 PC	--	--
484g PC	Using Access Card or Card Account Information to Obtain Items of Value without Consent of Cardholder or Issuer	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
484h PC	Offenses by Merchant / Knowingly Honoring Illegally Obtained Access Card / Receiving Payment for Items Not Furnished	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
484i PC	Access Cards – Counterfeiting	3 Years	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
484j PC	Publishing Access Card Number/Code to Avoid Payment or Defraud	1 Year	802 PC	--	Misdemeanor
484.1 PC	Providing False Identity Information to Pawnbroker or Secondhand Dealer to Obtain Money or Valuables	1 Year	802 PC	--	Theft
485 PC	Lost Property – Effort to Locate Owner	1 Year	802 PC	--	Theft
487	Grand Theft	4 Years	801.5 PC	1 Year	--
487	Grand Theft	4 Years	801.5 PC	1.5-3 Years	Gun stolen
487a PC	Anima – Theft Feloniously/Grand Theft	3 Years	801 PC	16 Mo-3 Years	--
487b PC	Conversion by Severance from Real Property	3 Years	801 PC	16 Mo-3 Years	\$250 or more
487c PC	Conversion by Severance from Real Property – Less than \$250	1 Year	802 PC	1 Year	County jail only
487d PC	Gold Dust, Amalgam, or Quicksilver	3 Years	801 PC	16 Mo-3 Years	Grand theft
487e PC	Theft of Dogs – Value of \$950 or More	3 Years	801 PC	16 Mo-3 Years	Grand theft
487f PC	Theft of Dogs – Value of \$950 or Less	1 Year	802 PC	--	Petty theft section – Misdemeanor
487g PC	Theft of Animals – For Sale, Research, Commercial Use, or Slaughter	3 Years	801 PC	--	--

LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
490.5 PC	Petty Theft of Merchandise from Merchant or Library Facility or Operating Video Recording Device in Theater without Authority	1 Year	802 PC	6 Mo	County jail only
496 PC	Stolen Property, Buying – Presumption	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
496a PC	Railroad, Telegraph, Gas, or Power Company Material – Junk Dealer	3 Years	801 PC	--	--
496b PC	Books Bearing Mark of Library	1 Year	802 PC	1 Mo	County jail only
498 PC	Unauthorized Diversion, Tampering with, Connection, Reconnection, or Use of Utility Services	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
499 PC	Enhancements for Repeat Offenses Involving Vehicles and Vessels	3 Years	801 PC	16 Mo-3 Years	--
499b PC	Taking Bicycle or Vessel Temporarily	1 Year	802 PC	3 Mo	County jail only
499c PC	Trade Secrets	3 Years	801 PC	--	--
499d PC	Aircraft – Stealing, Taking, or Operating without Consent of Owner	3 Years	801 PC	--	--
500 PC	Receiving Money for Transmittal to Foreign Countries	3 Years	801 PC	16 Mo-3Years	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
502 PC	Computer-related Crimes	3 Years	801 PC	16 Mo-3 Years	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
502.7 PC	Telephone and Telegraph Service	3 Years	801 PC	--	If prior conviction of same section – Felony
502.8 PC	Cellular Radiotelephone Service	3 Years	801 PC	--	If prior conviction of same section – Felony



Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
503 PC	Embezzlement	3 Years	801 PC	--	Embezzlement of public funds – No statute of limitations
504 PC	Persons Liable – Officers, Clerks, and Servants	3 Years	801 PC	--	--
504a PC	Lessee or Bailee	3 Years	801 PC	--	Embezzlement
504b PC	Debtor Selling Property Covered by Security Agreement	3 Years	801 PC	--	Embezzlement
505 PC	Carrier	3 Years	801 PC	--	Embezzlement
506 PC	Fiduciaries of Trust	3 Years	801 PC	--	Embezzlement
506a PC	Collector	3 Years	801 PC	--	Embezzlement
506b PC	Violator of Civil Code '2985.3 or '2985.4	3 Years	801 PC	--	Embezzlement
507 PC	Bailee, Tenant, or Lodger	3 Years	801 PC	--	Embezzlement
508 PC	Clerk, Agent, or Servant	3 Years	801 PC	--	Embezzlement
509 PC	Taking Unnecessary	3 Years	801 PC	--	Embezzlement
518 PC	Extortion – Defined	3 Years	801 PC	2-4 Years	Extortion
521 PC	Extortion – When Under Color of Office	1 Year	802 PC	--	Misdemeanor
524 PC	Attempt or Threat to Extort	3 Years	801 PC	--	--
527 PC	Printing, Publishing, or Selling	1 Year	802 PC	--	Misdemeanor
528 PC	Marriage by False Personation	3 Years	801 PC	16 Mo-3 Years	--
529 PC	Acts in Assumed Character	3 Years	801 PC	16 Mo-3Years	--

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
529a PC	Manufacture, Sale, or Possession of False Birth Certificate or Baptismal Certificate	1 Year	802 PC	1 Year	County jail only
529.5 PC	Manufacture, Sale, or Transfer of Document Purporting to Be Government-issued Identification Card or Driver's License	1 Year	802 PC	1 Year	County jail only
530 PC	Receiving Property in Assumed Character	3 Years	801 PC	--	Punishable similar to larceny
531 PC	Conveyance to Defraud Creditors and Others	1 Year	802 PC	--	Misdemeanor
531a PC	Making or Recording Deed without Title	1 Year	802 PC	1 Year	--
532 PC	False Pretenses – Obtaining Property, Labor, or Services	3 Years	801 PC	--	Proof at trial – Punishable similar to larceny
532a PC	Financial Statement	3 Years	801 PC	16 Mo-3 Years	--
532b PC	False Representation of Military Service, Veteran, or Ex-Serviceman	1 Year	802 PC	6 Mo	County jail only
532c PC	Land Lotteries	1 Year	802 PC	6 Mo	County jail only
532d PC	Soliciting Charitable Contributions	1 Year	802 PC	1 Year	County jail only
532e PC	Rebates from Construction Funds	1 Year	802 PC	6 Mo	County jail only
532f PC	Making False Statement Regarding Financial Condition when Applying for Real Property Loan	1 Year	802 PC	1 Year	County jail only
533 PC	Selling Same Land Twice	3 Years	801 PC	16 Mo-3 Years	--

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
534 PC	Concealing Necessity that Spouse Join in Deed	3 Years	801 PC	16 Mo-3 Years	--
535 PC	Pretended or Mock Auction	3 Years	801 PC	16 Mo-3 Years	--
536 PC	Factor or Broker – Holding Out on Principal	1 Year	802 PC	6 Mo	County jail only
536a PC	False Accounting	1 Year	802 PC	6 Mo	County jail only
537 PC	Nonpayment of Hotel, Lodging, Apartment, Bungalow Court, or Marina Accommodations	3 Years	801 PC	16 Mo-3 Years	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
537b PC	Defrauding Liveryman or Abusing Hired Horses	1 Year	802 PC	6 Mo	County jail only
537c PC	Liveryman Using or Loaning Animal or Vehicle of Guest	1 Year	802 PC	6 Mo	County jail only
537e PC	Transfer of Possession of Articles from Which Serial Number Is Altered	3 Years	801 PC	16 Mo-3 Years	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
537f PC	Batteries – "Rebuilt"	1 Year	802 PC	6 Mo	County jail only
537g PC	Alteration or Destruction of Owner Identification Number	1 Year	802 PC	1 Year	County jail only
538a PC	False Signature on Letter to Newspaper	1 Year	802 PC	6 Mo	County jail only
538b PC	Using or Wearing Insignia	1 Year	802 PC	6 Mo	County jail only
538d PC	Misrepresenting Oneself as Peace Officer	1 Year	802 PC	6 Mo	County jail only
538e PC	Fraudulent Personation of Firefighter	1 Year	802 PC	6 Mo	County jail only

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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 Year	802 PC	6 Mo	County jail only
538.5 PC	Fraudulent Use of Wire, Radio, or Television Transmissions	3 Years	801 PC	16 Mo-3 Years	--
539 PC	Fraudulent Certification of Completion of Community Service	1 Year	802 PC	--	--
548 PC	Defrauding Insurer	3 Years	801 PC	2-5 Years	--
549 PC	Solicitation or Referral for Purposes of Insurance Fraud	3 Years	801 PC	16 Mo-3 Years	--
550 PC	Making False or Fraudulent Claims	3 Years	801 PC	2-5 Years	<ul style="list-style-type: none"> <li>• Under \$950 - Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
551 PC	Unlawful Referrals to Auto Repair Dealers	3 Years	801 PC	16 Mo-3 Years	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
555 PC	Entry without Permission	1 Year	802 PC	6 Mo	County jail only
555.1 PC	Destruction of Signs	1 Year	802 PC	6 Mo	County jail only
556 PC	Unlawful to Place Advertising Sign on Public Property without Permission	1 Year	802 PC	6 Mo	County jail only
556.1 PC	Unlawful to Place Advertising Sign on Private Property without Permission	1 Year	802 PC	6 Mo	County jail only
558 PC	Trespass at Scripps Institution of Oceanography	1 Year	802 PC	30 Days	County jail only
560 PC	Issuance of False Documents of Title	3 Years	801 PC	--	--
560.1 PC	Issuance of False Receipt for Goods	1 Year	802 PC	1 Year	County jail only
560.2 PC	Delivering Goods without Receiving Negotiable Instrument of Title	1 Year	802 PC	1 Year	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
560.3 PC	Fraudulent Negotiation of Document of Title	1 Year	802 PC	1 Year	County jail only
560.4 PC	Issuance of Fraudulent Duplicate Document of Title	3 Years	801 PC	--	--
560.5 PC	Failure to Show Warehouseman's Ownership on Document of Title	1 Year	802 PC	1 Year	County jail only
560.6 PC	Negotiation of Fraudulent Warehouse Receipt	1 Year	802 PC	6 Mo	County jail only
565 PC	Misdemeanor Dairy Equipment Offenses	1 Year	802 PC	6 Mo	County jail only
566 PC	Felony Dairy Equipment Offenses	3 Years	801 PC	--	--
570 PC	Penalty for Unlawfully Subleasing	3 Years	801 PC	--	--
577 PC	Bill of Lading, Receipt, or Voucher	3 Years	801 PC	--	--
578 PC	Warehouse or Wharf Receipt	3 Years	801 PC	--	--
580 PC	Failure to Show that Receipt Is "Duplicate"	3 Years	801 PC	--	--
581 PC	Sale or Pledge of Chattel without Written Consent of Person Holding Receipt	3 Years	801 PC	--	--
587 PC	Injuring or Obstructing Railroad Tracks, Rights-of-Way, or Structures	3 Years	801 PC	--	--
587a PC	Injuring Brakes of Appliances on Railroad Cars or Engines	1 Year	802 PC	6 Mo	County jail only
587b PC	Riding Engine or Train without Authority	1 Year	802 PC	30 Days	County jail only
587c PC	Evading Payment of Fare	1 Year	802 PC	6 Mo	County jail only

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
587.1 PC	Unauthorized Moving of Locomotives	3 Years	801 PC	--	Likelihood of injury makes this a felony
588 PC	Injuring Public Road or Bridge	1 Year	802 PC	6 Mo	County jail only
588a PC	Depositing Glass, Tacks, or Other Substances	3 Years	801 PC	--	Likelihood of injury makes this a felony
588b PC	Removing Barriers, Notices, or Danger Signals on Closed Road	1 Year	802 PC	6 Mo	County jail only
590 PC	Injuring Road Signs or Guide Posts	1 Year	802 PC	6 Mo	County jail only
591 PC	Injuring or Tapping Telegraph, Telephone, Cable Television, or Any Electrical Line	3 Years	801 PC	--	--
592 PC	Taking or Polluting Water by Injuring Ditch or Canal	3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
593 PC	Injuring Electric Power Line	3 Years	801 PC	--	--
593a PC	Driving Iron or Other Hard Substance into Trees, Saw-Logs, or Other Wood	3 Years	801 PC	--	Additional punishment for causing bodily injury
593b PC	Tower or Pole Climbing	1 Year	802 PC	6 Mo	County jail only
593c PC	Interference or Obstruction of Flow of Gas or Other Hazardous Liquids	3 Years	801 PC	--	--
593d PC	Unauthorized Connection with Multichannel Video or Information Services Provider	3 Years	801 PC	--	--
593e PC	Manufacture, Distribution, or Sale of Device for Intercepting or Decoding Subscription Television Transmissions	1 Year	802 PC	1 Year	Repeat offense carries 2-year sentence

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
593f PC	Multi-Point Distribution Service or Instructional Television Fixed Service	1 Year	802 PC	90 Days	County jail only
593g PC	Possession of Substance Hard Enough to Injure Saws or Wood Manufacturing Equipment	1 Year	802 PC	1 Year	County jail only
594 PC	Vandalism	3 Years	801 PC	--	Amount of damage in dollars
594.1 PC	Giving or Selling Aerosol Containers of Paint to Minor	1 Year	802 PC	90-240 Days	Community service only
594.2 PC	Possession of Tools or Marking Substance with Intent to Commit Vandalism	1 Year	802 PC	--	--
594.3 PC	Vandalism – Place of Worship	3 Years	801 PC	--	--
594.4 PC	Vandalism of Structure with Butyric Acid or Similar Caustic Substance	3 Years	801 PC	--	--
594.7 PC	Subsequent Conviction for Vandalism	3 Years	801 PC	--	--
596 PC	Poisoning Animals	1 Year	802 PC	6 Mo	County jail only
596.5 PC	Abuse of Elephants	1 Year	802 PC	6 Mo	County jail only
597 PC	Killing, Maiming, or Abusing Animals	3 Years	801 PC	--	Counseling for offenders
597a PC	Cruelty in Transporting Animals	1 Year	802 PC	6 Mo	County jail only
597b PC	Animal Fights / Worrying Animals	1 Year	802 PC	6 Mo	County jail only
597c PC	Training Animals to Fight / Attending Training Quarters or Fight	1 Year	802 PC	6 Mo	County jail only
597e PC	Impounding Animal with Insufficient Food and Water	1 Year	802 PC	6 Mo	County jail only

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
597f PC	Animal Neglect / Killing Neglected, Sick, or Useless Animal	1 Year	802 PC	6 Mo	County jail only
597g PC	Poling or Tripping of Horses	1 Year	802 PC	6 Mo	County jail only
597h PC	Animals Attached to Motor Vehicles	1 Year	802 PC	6 Mo	County jail only
597i PC	Manufacture, Sale, or Possession of Gaffs, Slashers, or Sharp Implements	1 Year	802 PC	6 Mo	County jail only
597j PC	Owning, Possessing, or Keeping Any Cock with Intention to Engage in Fighting	1 Year	802 PC	6 Mo	County jail only
597k PC	Use of Bristle or Tack Bur on Animals	1 Year	802 PC	10-175 Days	County jail only
597l PC	Pet Shops	1 Year	802 PC	90 Days	County jail only
597m PC	Conducting Bullfighting Exhibitions	1 Year	802 PC	6 Mo	County jail only
597n PC	Docking Horses	1 Year	802 PC	6 Mo	County jail only
597o PC	Requirement for Transporting Equine to Slaughter	1 Year	802 PC	6 Mo	County jail only
597r PC	Purebred Imported Horses	1 Year	802 PC	6 Mo	--
597s PC	Abandoning Domestic Dog or Cat	1 Year	802 PC	6 Mo	County jail only
597t PC	Mistreatment of Confined Animals	1 Year	802 PC	6 Mo	County jail only
597x PC	Sale or Transport of Disabled Animal for Slaughter Out of State	1 Year	802 PC	6 Mo	County jail only
597y PC	Violations	1 Year	802 PC	6 Mo	County jail only
597.1 PC	Keeping Animal without Proper Care	1 Year	802 PC	6 Mo	County jail only



Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
597.5 PC	Dog Fights – Training, Conducting, Attending	3 Years	801 PC	16 Mo-3 Years	--
598 PC	Killing birds or Robbing Nests in Cemeteries	1 Year	802 PC	6 Mo	County jail only
598a PC	Killing or Possessing Dog or Cat with Intent of Selling or Giving Away Pelt	1 Year	802 PC	6 Mo	County jail only
598b PC	Possession, Importation, Exportation, Buying, or Selling of Pet for Food	1 Year	802 PC	6 Mo	County jail only
599 PC	Mistreatment of Poultry or Rabbits	1 Year	802 PC	6 Mo	County jail only
599e PC	Added Authority for Killing Animal Outliving Usefulness	1 Year	802 PC	6 Mo	County jail only
599f PC	Non-ambulatory Animals	1 Year	802 PC	6 Mo	County jail only
600 PC	Punishment – Harming, Interfering with, or Obstructing a Peace Officer's Horse or Dog	3 Years	801 PC	16 Mo-3 Years	--
600.5 PC	Intentional Injury to or Death of Guide Dog	1 Year	802 PC	1 Year	Restitution and imprisonment
601 PC	Trespass – Threat to Cause Serious Bodily Injury	3 Years	801 PC	--	--
602 PC	Trespass to Land	1 Year	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 Year	802 PC	90 Days	County jail only
602.4 PC	Unauthorized Sales at Airports	1 Year	802 PC	6 Mo	County jail only

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
602.5 PC	Unauthorized Entry of Dwelling	1 Year	802 PC	6 Mo	County jail only
602.6 PC	Unauthorized Entry of Fairgrounds	1 Year	802 PC	6 Mo	County jail only
602.7 PC	Unauthorized Peddling on Rapid Transit District Property or Vehicles	1 Year	802 PC	--	Infraction
602.8 PC	Trespass – Entering Cultivated, Fenced, or Posted Land	1 Year	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 Year	802 PC	1 Year	County jail only
602.11 PC	Obstructing Individual from Entering or Exiting Health Care Facility, Place of Worship, or School	1 Year	802 PC	5-30 Days	County jail only
603 PC	Injury to Dwelling House	1 Year	802 PC	6 Mo	County jail only
604 PC	Injuring Crops of Grain, Fruit, or Vegetables	1 Year	802 PC	6 Mo	County jail only
605 PC	Injuring Survey Marks or Monuments	1 Year	802 PC	6 Mo	County jail only
607 PC	Injuring Hydro-Power Equipment	1-3 Years	801 PC	--	Dollar amount of damage
610 PC	Endangering Navigation by Masked or False Light	3 Years	801 PC	--	--
615 PC	Tampering with Coast or Geodetic Survey Monument	1 Year	802 PC	6 Mo	County jail only
616 PC	Tampering with Posted Legal Notice	1 Year	802 PC	1 Mo	County jail only
617 PC	Mutilating Writings	3 Years	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
618 PC	Opening or Disclosing Contents of Sealed Letter	1 Year	802 PC	6 Mo	County jail only
620 PC	Altering Telegram or Phone Message	3 Years	801 PC	--	--
621 PC	Vandalism to Law Enforcement or Firefighter's Memorial	3 Years	801 PC	--	--
622 PC	Destroying Monuments or Civic Improvements	1 Year	802 PC	6 Mo	County jail only
622.5 PC	Willful Injury of Any Archeological or Historical Object	1 Year	802 PC	6 Mo	County jail only
623 PC	Destruction of Caves and Contents	1 Year	802 PC	1 Year	County jail only
624 PC	Injuring Water Pipes	1 Year	802 PC	6 Mo	County jail only
625 PC	Using Water after Shut-Off	1 Year	802 PC	6 Mo	County jail only
625b PC	Aircraft – Tampering with or Removing Parts from	1-3 Years	801 PC	--	If aircraft is rendered unsafe – Felony
625c PC	Willful Tampering with Passenger Transit Vehicle or System	3 Years	801 PC	--	--
626.2 PC	Suspended or Dismissed Student or Employee Willfully Entering Campus	1 Year	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 Year	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 Year	802 PC	6 Mo	County jail only

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
626.7 PC	Interference with Peaceful Conduct of Campus Activities	1 Year	802 PC	6 Mo	County jail only
626.8 PC	Person Upon or Near School Ground without Lawful Business –Interference with Peaceful Conduct	1 Year	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 Year	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 Years	801 PC	2-5 Years	--
626.10 PC	Stabbing Instruments, Razors, Tasers, Stun, or Pellet Guns on School Grounds	3 Years	801 PC	--	--
627.7 PC	Failure or Refusal to Leave School Grounds Promptly	1 Year	802 PC	6 Mo	County jail only
627.8 PC	Subsequent Offenses	1 Year	802 PC	6 Mo	County jail only
631 PC	Wiretapping	3 Years	801 PC	--	--
632 PC	Eavesdropping on or Recording Confidential Communications	3 Years	801 PC	--	--
632.5 PC	Intercepting or Receiving Cellular Radio Telephone Communication	3 Years	801 PC	--	--
632.6 PC	Intercepting or Receiving Cordless Telephone Communication	3 Years	801 PC	--	--
632.7 PC	Recording Communications via Cellular Radio, Cordless, or Landline Telephone without Consent of All Parties	3 Years	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
634 PC	Trespassing for Purpose of Committing Invasion of Privacy	3 Years	801 PC	--	--
635 PC	Manufacturing or Selling Devices Intended for Eavesdropping or Interception of Telephone Communications	3 Years	801 PC	--	--
636 PC	Eavesdropping on or Recording Conversation between Person in Custody and His Attorney	3 Years	801 PC	--	--
636.5 PC	Wrongful Interception and Divulgence of Police Radio Communication	1 Year	802 PC	--	--
637 PC	Wrongful Disclosure of Telegraphic or Telephonic Communication	3 Years	801 PC	--	--
637.1 PC	Wrongful Obtaining of Telegraphic or Telephonic Communication	3 Years	801 PC	--	--
637.4 PC	Use of Polygraph Examination as Prerequisite to Accusatory Pleading Prohibited	1 Year	802 PC	--	Fine only
637.5 PC	Cable Television – Invasion of Privacy	1 Year	802 PC	--	--
637.6 PC	Disclosure of Personal Information Obtained in Establishment or Implementation of Carpool or Rideshare Programs Prohibited	1 Year	802 PC	1 Year	County jail only
639 PC	Bribing Financial Institution Employee to Obtain Credit	3 Years	801 PC	--	--
639a PC	Financial Institution Employee Accepting Bribe	3 Years	801 PC	--	--

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
640 PC	Infractions Committed on or in Facilities or Vehicles or Public Transportation System	1 Year	802 PC	48 Hrs.	Community service only
640a PC	Beating Vending or Slot Machine	1 Year	802 PC	--	--
640b PC	Beating Pay Phone	1 Year	802 PC	--	--
640.5 PC	Graffiti or Other Inscribed Material – Government Facilities and Vehicles of Public Transportation Systems	1 Year	802 PC	1 Year	County jail only
640.6 PC	Graffiti or Other Inscribed Material – Real or Personal Property of Another	1 Year	802 PC	1 Year	County jail only
640.7 PC	Graffiti and Vandalism – Highways	1 Year	802 PC	1 Year	County jail only
641 PC	Inducing Disclosure of Phone Message or Telegram by Bribery	3 Years	801 PC	--	--
641.3 PC	Commercial Bribery	1-3 Years	801 PC	16 Mo-3 Years	<ul style="list-style-type: none"> <li>• Under \$1,000 – Misdemeanor</li> <li>• Over \$1,000 – Felony</li> </ul>
641.5 PC	Clothes Cleaning Establishment Using Volatile, Commercially Moisture-free Solvent	1 Year	802 PC	--	--
641.6 PC	Use of Carbon Tetrachloride or Trichlorethylene by Onsite Dry Cleaner	1 Year	802 PC	--	--
642 PC)	Removing and Keeping Articles from Corpse	1-3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• Under \$950 – Misdemeanor</li> <li>• Over \$950 – Felony</li> </ul>
643 PC	Disposal of Fetal Remains	1 Year	802 PC	--	--
646 PC	Solicitation of Personal Injury Claims with Intent to Sue Out of State	1 Year	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
646.5 PC	Employment Solicitation to Obtain Authorization as Investigator	1 Year	802 PC	--	--
646.6 PC	Solicitation for Sale of Accident Photographs	1 Year	802 PC	--	--
646.9 PC	Stalking	3 Years	801 PC	2-4 Years	--
647 PC	Disorderly Conduct Defined	1 Year	802 PC	--	--
647(h) PC	Prowling or Loitering	1 Year.	802 PC	--	--
647(i) PC	Peeping	1 Year.	802 PC	--	--
647b PC	Loitering Around Adult Schools	1 Year	802 PC	6 Mo	--
647c PC	Obstructing Movement on Street or Public Place	1 Year	802 PC	--	--
647e PC	Counties May Prohibit Open Containers in Certain Locations	1 Year	802 PC	--	Infraction only
647f PC	Prostitution Following Prior Conviction/Positive AIDS Test	3 Years	801 PC	--	--
647.6 PC	Child Molesters – Punishment	3 Years	801 PC	--	Forced entry or second violation – Felony
647.7 PC	Disorderly Conduct Involving Peeping	1 Year.	802 PC	Up to 1 Year	County jail only
647.9 PC	Child Molesters – Punishment	1 Year	802 PC	--	Minor – 2-year statute of limitations
648 PC	Uttering and Passing Counterfeit Paper	1-3 Years	801 PC	--	<ul style="list-style-type: none"> <li>• First offense – Misdemeanor</li> <li>• Additional offenses – Felonies</li> </ul>
648a PC	Tokens or Slugs Imitating Coins	1 Year	802 PC	--	--

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
649 PC	Unlawful to Misdirect Prospective Hotel Guests	1 Year	802 PC	--	--
649a PC	Fraud in Procuring Hotel Guests	1 Year	802 PC	--	--
651 PC	Food Stamps – Selling of	1 Year	802 PC	--	--
652 PC	Body Piercing of Unemancipated Minor	1 Year	802 PC	--	Infraction only
653 PC	Tattooing Minor	1 Year	802 PC	--	--
653d PC	Failure to Keep Records on Sale of Mining Machinery	1 Year	802 PC	--	--
653f PC	Solicitation to Commit Felony	1-6 Years	801 PC	Up to 9 Years	Dependent on type of crime solicited
653h PC	Sound Recordings	3 Years	801 PC	2-5 Years	--
653i PC	Leaving Scene of Skiing Accident	1 Year	802 PC	--	Infraction only
653j PC	Solicitation of Minor to Commit Felony	3 Years	801 PC	3-7 Years	--
653k PC	Switchblade Knives	1 Year	802 PC	--	--
653m PC	Harassing by Telephone	1 Year	802 PC	1 Year	County jail only
653n PC	Installation or Maintenance of Two-way Mirror Permitting Observation of Certain Areas	1 Year	802 PC	--	--
653o PC	Unlawful Import of Dead Animals for Commercial Purposes	1 Year	802 PC	--	--
653q PC	Importation/Possession of Dead Seals for Commerce	1 Year	802 PC	6 Mo	County jail only



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 Year	802 PC	--	--
653s PC	Sale/Transportation of Live Performance Recorded without Consent	3 Years	801 PC	2-5 Years	--
653t PC	Interfering with Amateur or Citizen's Band Radio Frequency or with Emergency Communication Over Police Radio Frequency	1-3 Years	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 Years	801 PC	--	--
653x PC	Telephoning 911 Emergency Line with Intent to Annoy or Harass	1 Year	802 PC	6 Mo	County jail only
653w PC	Failure to Disclose Origin of Recording or Audiovisual Work	3 Years	801 PC	2-5 Years	--
653.1 PC	Balloons Made of Electrically Conductive Material – Restrictions	1 Year	802 PC	--	--
653.22 PC	Loitering with Intent to Commit Prostitution Unlawful	1 Year	802 PC	--	--
653.55 PC	False or Misleading Statement or Assertion of Fact	1 Year	802 PC	6 Mo	--
654.1 PC	Transportation – Providing without Permit Unlawful	1 Year	802 PC	--	--
659 PC	Counseling or Aiding Misdemeanor	1 Year	802 PC	--	--
666 PC	Conviction to Petty Theft after Serving Term for Other Theft	3 Years	801 PC	16 Mo-3 Years	--

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
666.5 PC	Repeat Offenders – Enhancement for Felony Vehicle Theft or Felony Grand Theft Involving Motor Vehicle, Trailer, or Special Construction Equipment	3 Years	801 PC	2-4 Years	--
666.7 PC	Sentence Enhancement Schedules	3 Years	--	--	--
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 Years	801 PC	--	Formerly 12303 PC
18715 PC	Possession of Destructive Device in Public Places	3 Years	801 PC	2-6 Years	Formerly 12303.2 PC
18720 PC	Intention to Make Destructive Device without Valid Permit	3 Years	801 PC	2-4 Years	Formerly 12312 PC
18725 PC	Carrying or Placing Explosive on Transportation Vehicles	3 Years	801 PC	2-6 Years	Formerly 12303.1 PC
18730 PC	Sale or Transportation of Destructive Device Prohibited	3 Years	801 PC	2-4 Years	Formerly 12303.6 PC
18735 PC	Punishment for Possession or Transportation of Ammunition Greater than .60 Caliber	1-3 Years	801 PC	--	Prior conviction makes this a felony – Formerly 12304 PC
18740 PC	Explosion of Destructive Device	3 Years	801 PC	3-7 Years	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 Years	800 PC	5-9 Years	Formerly 12309 PC

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
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"> <li>If offense results in death – Life without parole</li> <li>If offense results in serious injury – Life with possibility of parole (formerly 12310 PC)</li> </ul>
19100 PC	Carrying Concealed Explosive Substance	3 Years	801 PC	--	Formerly 12020(a)(3) PC
19200 PC	Possession of Hand Grenade (Military/Replica)	3 Years	801 PC	1 Year	Formerly 12020(a)(1) PC
19405 PC	Sale of Less Lethal Weapon to Minor	1 Year	802 PC	--	Formerly 12655 PC
19910 PC	Sale of BB Device to Minor	1 Year	802 PC	--	Formerly 12551 PC
19915 PC	Furnishing BB Device to Minor without Permission of Parent or Legal Guardian	1 Year	802 PC	--	Formerly 12552 PC
20010 PC	Sale/Possession/Manufacture of Blow Gun	1 Year	802 PC	--	Formerly 12582 PC
20110 PC	Booby Traps	3 Years	801 PC	2-5 Years	Formerly 12355 PC
20150(a)	Altering Appearance of Imitation Firearm	1 Year	802 PC	--	Formerly 12553(b)
20310 PC	Sale/Possession/Manufacture of Air Gauge Knife	3 Years	801 PC	--	Formerly 12020(a)(1) PC
20410 PC	Sale/Possession/Manufacture of Belt Buckle Knife	3 Years	801 PC	--	Formerly 12020(a)(1) PC
20510 PC	Sale/Possession/Manufacture of Cane Sword	3 Years	801 PC	--	Formerly 12020(a)(1) PC
20610 PC	Sale/Possession/Manufacture of Lipstick Case Knife	3 Years	801 PC	--	Formerly 12020(a)(1) PC

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
20710 PC	Sale/Possession/Manufacture of Shobi-Zue	3 Years	801 PC	--	Formerly 12020(a)(1) PC
20910 PC	Sale/Possession/Manufacture of Writing Pen Knife	3 Years	801 PC	--	Formerly 12020(a)(1) PC
21110 PC	Sale/Possession/Manufacture of Ballistic Knife	3 Years	801 PC	--	Formerly 12020(a)(1) PC
21310 PC	Carrying Concealed Dirk or Dagger	3 Years	801 PC	--	Formerly 12020(a)(1) PC
21510 PC	Sale/Possession of Switchblade Knife	1 Year	802 PC	--	Formerly 12020(a)(1) PC
21710 PC	Possession of Composite or Wooden Knuckles	1 Year	802 PC	--	Formerly 12020.1 PC
21810 PC	Possession of Metal Knuckles	3 Years	801 PC	--	Formerly 12020(a)(1) PC
22010 PC	Sale/Possession/Manufacture of Nunchaku	3 Years	801 PC	--	Formerly 12020(a)(1) PC
22210 PC	Sale/Possession/Manufacture of Sap or Similar Weapon	3 Years	801 PC	--	Formerly 12020(a)(1) PC
22410 PC	Sale/Possession/Manufacture of Shuriken	3 Years	801 PC	--	Formerly 12020(a)(1) PC
22610 PC	Purchase/Possession/Use of Stun Gun	1 Year	802 PC	--	Formerly 12651 PC
22810 PC	Possession by Others – Qualifications for Tear Gas/Weapon	3 Years	801 PC	16 Mo-3 Years	Formerly 12403.7 PC
22900 PC	Sale/Possession/Transportation of Tear Gas or Tear Gas Weapon Prohibited	1 Year	802 PC	1 Year	Formerly 12420 PC
22910 PC	Alteration of Identification on Tear Gas Weapon	3 Years	801 PC	--	Formerly 12422 PC

D. Evidence/Property Retention References

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
23900 PC	Altering or Effacing Identifying Marks on Firearms	3 Years	801 PC	--	Formerly 12090 PC
24310 PC	Possession/Manufacture of Camouflaged Firearm Container	1 Year	802 PC	--	Formerly 12020(a)(1) PC
24410 PC	Sale/Possession/Manufacture of Cane Gun	3 Years	801 PC	--	Formerly 12020(a)(1) PC
24510 PC	Sale /Possession/Manufacture of Firearm Not Immediately Recognizable as Firearm	3 Years	801 PC	--	Formerly 12020(a)(1) PC
24610 PC	Sale /Possession/Manufacture of Undetectable Firearm	3 Years	801 PC	--	Formerly 12020(a)(1) PC
24710 PC	Sale /Possession/Manufacture of Wallet Gun	3 Years	801 PC	--	Formerly 12020(a)(1) PC
25100 PC	Criminal Storage of Firearm	3 Years	801 PC	16 Mo-3 Years	Formerly 12035 PC
25300 PC	Carrying Firearm in Public Place while Masked to Hide Identity Prohibited	3 Years	801 PC	--	Formerly 12040 PC
25400 PC	Carrying Concealed Firearm	3 Years	801 PC	1 Year	Formerly 12025 PC
25850 PC	Carrying a Loaded Firearm in Public	3 Years	801 PC	1 Year	Formerly 12031 PC
26100 PC	Prohibition of Firearms in Vehicles/Discharging Firearm from Vehicle	1-3 Years	801 PC	16 Mo-3 Years	Formerly 2034 PC <ul style="list-style-type: none"> <li>• Person discharging firearm from vehicle – Felony</li> <li>• Person driving vehicle, not discharging firearm – Misdemeanor</li> </ul>
26350 PC	Open Carry Unloaded Firearm	1 Year	802 PC	--	--

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
26400 PC	Carrying Unloaded Firearm Not Handgun	1 Year	802 PC	--	--
29610 PC	Possession of Pistol, Revolver, or Concealable Firearm by Minor	1-3 Years	801 PC	--	Prior conviction makes this a felony Formerly 12101(a)(1) PC
29650 PC	Possession of Live Ammunition	1-3 Years	801 PC	--	Prior conviction makes this a felony Formerly 12101(b)(2) PC
29800 PC	Unlawful Person in Possession	3 Years	801 PC	--	Formerly 12021 PC
29825 PC	Person Restricted from Firearm Possession Due to Restraining Order, Probation, or Protective Order	3 Years	801 PC	--	Formerly 12021(g)(2) PC
29900 PC	Person Previously Convicted of Violent Offense Prohibited from Possessing Firearms	3 Years	801 PC	--	Formerly 12021.1 PC
30210 PC	Sale/Possession/Manufacture of Flechette Dart/Bullet Containing Explosive Agent	3 Years	801 PC	1 Year	Formerly 12020(a)(1) PC
30300 PC	Sale/Supply of Ammunition to Under Aged Person	3 Years	801 PC	--	Formerly 12316 PC
30300 PC	Sale of Ammunition to Minor	1-3 Years	801 PC	--	Formerly 12316a and b PC
30305 PC	Possession of Ammunition by Prohibited Person	3 Years	801 PC	--	Formerly 12316 PC
30305 PC	Possession of Ammunition by Prohibited Person	1-3 Years	801 PC	--	Formerly 12316b and d PC
30306 PC	Sale of Ammunition to Prohibited Person	3 Years	801 PC	--	Formerly 12317 PC

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
30306 PC	Sale of Ammunition to Prohibited Person	1-3 Years	801 PC	--	Formerly 12316b and d PC
30310 PC	Ammunition on School Grounds	1-3 Years	801 PC	--	Formerly 12316c PC
30315 PC	Possession of Metal or Armor Penetrating Ammunition	3 Years	801 PC	--	Formerly 12320 PC
30315 PC	Possession of Metal or Armor Penetrating Ammunition	3 Years	801 PC	--	Formerly 12320 PC
30320 PC	Sale/Manufacture/Transportation of Metal or Armor Penetrating Ammunition	3 Years	801 Pc	16 Mo-3 Years	Formerly 12320 PC
30320 PC	Sale/Manufacture/Possession/Use of Metal or Armor Penetrating Ammunition	3 Years	801 PC	--	Formerly 12321 PC
30600 PC	Sale/Possession/Manufacture/Transportation of Assault Weapon/.50 BMG Rifle	6 Years	800 PC	4-8 Years	Formerly 12280(a) PC
30605 PC	Sale/Possession/Manufacture/Transportation of Assault Weapon	3 Years	801 PC	--	Firearm was registered as legal weapon Formerly 12289(b) PC
30610 PC	Possession of .50 BMG Rifle	3 Years	801 PC	--	--
31500 PC	Sale/Manufacture/Possession of Unconventional Pistol	3 Years	801 PC	--	Formerly 12020(a)(1) PC
32625(a) PC	Possession/Transportation of Illegal/Conversion of Firearms	3 Years	801 PC	--	Formerly 12220(a) PC
32625(b) PC	Possession/Transportation of Machineguns	6 Years	800 PC	4-8 Years	Formerly 12220(b) PC
32900 PC	Sale/Manufacture/Possession of Multi-Burst Trigger Activator	3 Years	801 PC	--	Formerly 12020(a)(1) PC

LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
33215 PC	Sale/Manufacture/Possession of Short Barreled Shotgun or Rifle	3 Years	801 PC	--	Formerly 12020(a)(1) PC
33410 PC	Possession of Silencer	3 Years	801 PC	--	Formerly 12520 PC
33410 PC	Possession of Firearm Silencers	3 Years	801 PC	--	Formerly 12520 PC
33600 PC	Sale/Manufacture/Possession of Zip Guns	1 Year	802 PC	--	Formerly 12020(a)(1) PC
2800.1 VC	Intention to Evade Peace Officer in Motor Vehicle or on Bicycle – Misdemeanor	1 Year	802 PC	--	--
2800.2 VC	Attempting to Evade Peace Officer while Driving Recklessly – Punishment	3 Years	801 PC	--	Disregard for safety
2800.3 VC	Evasion of Peace Officer	3 Years	801 PC	3-5 Years	Causing serious injury or death
4461 VC	Unlawful Use of Forms of Registration, Plates, Permits, Placards, or Validation Tabs	1 Year	802 PC	--	--
4462 VC	Unlawful Use or Possession of Vehicle Identification Documents	1 Year	802 PC	--	--
4463 VC	Falsifying Evidence of Registration, Ownership, or Identification/Falsifying or Loaning Disabled Person Placard	1-3 Years	801 PC	16 Mo-3 Years	Placard only – Misdemeanor
5500 VC	Delivery of Evidence of Registration before Disassembly	1 Year	802 PC	6 Mo	County jail only
10501 VC	False Theft of Vehicle Reports	1-3 Years	801 PC	16 Mo-3 Years	Prior conviction makes this a felony



Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
10752 VC	Illegal Possession or Sale of Identification Number	3 Years	801 PC	--	--
10801 VC	Owning or Operating Chop Shop	3 Years	801 PC	2-4 Years	--
10802 VC	Tampering with Vehicle Identification Number	3 Years	801 PC	16 Mo-3 Years	--
10803 VC	Buying or Possessing Vehicles with Altered Vehicle Identification Numbers	3 Years	801 PC	2-6 Years	--
10851 VC	Vehicle Theft	3 Years	801 PC	2-4 Years	--
10854 VC	Uncontested Action by Vehicle Bailee – Punishment	1 Year	802 PC	1 Year	County jail only
12500 VC	Unlicensed Operation Unlawful	1 Year	802 PC	--	--
13200 VC	Speeding and Reckless Driving	1 Year	802 PC	--	Revocation of license only
13200.5 VC	Driving in Excess of 100 Miles Per Hour	1 Year	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 Year	802 PC	6 Mo	County jail only
14610.5 VC	Sale/Distribution of Crib Sheets/Impersonation of License Applicant	1 Year	802 PC	--	--
20001 VC	Hit and Run	3 Years	801 PC	2-4 Years	<ul style="list-style-type: none"> <li>• If great bodily Injury</li> <li>• If not great bodily injury – 1 year</li> </ul>
20002 VC	Property Damage Reports and Notices – Punishment	1 Year	802 PC	6 Mo	County jail only

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
23152 VC	Driving while Under the Influence of Alcohol or Drugs	1 Year	802 PC	96 hrs.	County jail only
23153 VC	Driving Under the Influence	3 Years	801 PC	--	Causing bodily injury
23222 VC	Open Alcoholic Beverage Container or Marijuana in Vehicle	1 Year	802 PC	--	Fine only
23223 VC	Open Alcoholic Beverage Containers-Possession	1 Year	802 PC	--	--
38318 VC	Throwing Substances at Off-Highway Motor Vehicles	1 Year	802 PC	6 Mo	County jail only
38318.5 VC	Malicious Acts	1 Year	802 PC	6 Mo	County jail only
42001.7 VC	Littering	1 Year	802 PC	--	Fine only
8101 H&S	Vandalism to Cemeteries	3 Years	801 PC	--	--
11162.5 H&S	Prescription Blanks – Counterfeit	3 Years	801 PC	--	--
11350 H&S	Unlawful Possession of Drugs	1 Year	802 PC	--	Narcotics
11351 H&S	Unlawful Possession of Drugs for Sale	3 Years	801 PC	2-4 Years	Narcotics
11351.5 H&S	Possession/Purchase of Cocaine for Sale	3 Years	801 PC	3-5 Years	--
11352 H&S	Unlawful Possession of Drugs for Transportation	3-6 Years	801 PC	3-5 Years	Narcotics
11353 H&S	Adult's Employment of Minor for Unlawful Transactions	6 Years	800 PC	3-9 Years	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11353.5 H&S	Selling or Giving Controlled Substance to Minor	6 Years	800 PC	5-9 Years	--
11353.7 H&S	Preparation for Sale or Sale of Controlled Substance to Minor in Public Park	6 Years	800 PC	3-9 Years	--
11354 H&S	Minor's Employment of Fellow Minor for Unlawful Transactions	3 Years	801 PC	--	--
11355 H&S	Delivery of Falsely Represented Items	3 Years	801 PC	--	--
11357(a) H&S	Possession of Marijuana – Concentrated Cannabis	1 Year	802 PC	--	Concentrated cannabis
11357(b) H&S	Possession of Marijuana	1 Year	802 PC	--	Less than 28.5 grams – Fine only
11357(c) H&S	Possession of Marijuana	1 Year	802 PC	6 Mo	More than 28.5 grams – County jail only
11357(d) H&S	Possession on School Grounds – Punishment	1 Year	802 PC	10 Days	Less than 28.5 grams – Over 18 years old
11357(e) H&S	Possession on School Grounds – Punishment	1 Year	802 PC	--	Less than 28.5 grams – Under 18 years old
11359 H&S	Possession of Marijuana for Sale	3 Years	801 PC	--	Marijuana – 28.5 grams or more
11360 H&S	Possession of Marijuana for Transportation	3 Years	801 PC	2-4 Years	Marijuana – 28.5 grams or more
11361 H&S	Employment of Minors for Unlawful Transactions	3 Years	801 PC	3-7 Years	--
11363 H&S	Planting and Harvesting Peyote	3 Years	801 PC	--	--

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11364 H&S	Possession of Paraphernalia for Unlawful Use	1 Year	802 PC	--	--
11364.7 H&S	Furnishing/Manufacturing Drug Paraphernalia/Furnishing to Minors – Forfeiture of Business License	1-3 Years	801 PC	--	Wobbler – Based on controlled substance type
11366 H&S	Maintenance of Location for Unlawful Activities	3 Years	801 PC	--	--
11366.5 H&S	Management of Location Used for Unlawful Manufacture or Storage of Controlled Substance	3 Years	801 PC	--	--
11366.6 H&S	Use of Location to Suppress Law Enforcement Entry in Order to Sell Controlled Substances	3 Years	801 PC	3-5 Years	--
11366.8 H&S	Possession of False Compartment Designed for Storing Controlled Substances	3 Years	801 PC	16 Mo-3 Years	--
11370.1 H&S	Unlawful Possession of Controlled Substances while Armed with Loaded Firearm	3 Years	801 PC	2-4 Years	--
11370.6 H&S	Possession of Funds in Excess of \$100,000 for Unlawful Purchase of Controlled Substances	3 Years	801 PC	2-4 Years	--
11371 H&S	Offenses Carrying Mandatory State Prison Sentence	3 Years	801 PC	--	--
11371.1 H&S	Prescription Fraud for Violation or for Inducing Violation by Minor	3 Years	801 PC	--	--
11374.5 H&S	Manufacturer of Controlled Substances – Disposal of Hazardous Substances	3 Years	801 PC	2-4 Years	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11375 H&S	Possession for Sale of Designated Substances	3 Years	801 PC	--	--
11377 H&S	Unlawful Possession of Drugs – Controlled Substances	1 Year	802 PC	--	Wobbler – Based on controlled substance type
11378 H&S	Unlawful Possession of Drugs for Sale	3 Years	801 PC	--	--
11378.5 H&S	Possession for Sale of Phencyclidine (PCP)	3 Years	801 PC	3-5 Years	--
11379 H&S	Unlawful Possession of Drugs for Transportation	3-6 Years	801 PC	2-4 Years	--
11379.2 H&S	Possession for Sale of Controlled Substance Containing Ketamine	3 Years	801 PC	--	--
11379.5 H&S	Sale/Importation/Distribution of Phencyclidine (PCP)	6 Years	800 PC	3-9 Years	--
11379.6 H&S	Manufacture of Controlled Substances	3 Years	801 PC	3-7 Years	--
11380 H&S	Employment of Minors for Unlawful Transactions – Restricted Drugs	6 Years	800 PC	3-9 Years	--
11382 H&S	Substitution of Fraudulently Represented Items	3 Years	801 PC	--	--
11383 H&S	Possession for Manufacturing of Methamphetamine and Phencyclidine	3 Years	801 PC	2-6 Years	--
11390 H&S	Cultivation of Spores or Mycelium Capable of Producing a Controlled Substance – Mushrooms	3 Years	801 PC	--	--

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11391 H&S	Sale/Importation/Transportation/ Furnishing of Spores or Mycelium Capable of Producing a Controlled Substance	3 Years	801 PC	--	--
11550 H&S	Use Prohibited/Offense/Punishment – Controlled Substance	1 Year	802 PC	90-180 Days	County jail only
109575 H&S	Penalties – Imitation Controlled Substance	1 Year	802 PC	6 Mo	County jail only
109580 H&S	Penalties for Distribution to Minors – Imitation Controlled Substance	1 Year	802 PC	1 Year	County jail only
119 B&P	Unlawful Use of Licenses, Certificates, etc.	1 Year	802 PC	6 Mo	County jail only
580 B&P	Sale of Degrees, Certificates, or Transcripts of Medical Records	3 Years	801 PC	--	--
581 B&P	Fraudulent Procurement or Alteration of Diplomas of Medical Records	3 Years	801 PC	--	--
582 B&P	Use of Fraudulent Diplomas, Certificates, etc. of Medical Records	3 Years	801 PC	--	--
583 B&P	False Statement in Writing, or Document Required, or Applicant of Medical Records	3 Years	801 PC	--	--
584 B&P	Impersonation During Examination of Medical Records	3 Years	801 PC	--	--
729 B&P	Sexual Exploitation by Physician, Surgeon, Psychotherapist, or Alcohol and Drug Abuse Counselor	1-3 Years	801 PC	16 Mo-3 Years	<ul style="list-style-type: none"> <li>• One victim – Misdemeanor</li> <li>• More than one victim – Felony.</li> </ul>
1700 B&P	Misdemeanor Offense and Punishment	1 Year	802 PC	10 Days	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
1701 B&P	Offenses Constituting Felony on Second Conviction	1-3 Years	801 PC	--	Prior conviction makes this a felony
1764 B&P	False Representation of License Status	1 Year	802 PC	6 Mo	County jail only
2052 B&P	Unauthorized Practice of Medicine	1 Year	802 PC	6 Mo	County jail only
2053 B&P	Unauthorized Practice Creating Risk to Patient	3 Years	801 PC	--	--
2054 B&P	False Indications of License	1 Year	802 PC	6 Mo	County jail only
2474 B&P	Unauthorized Practice of Podiatric Medicine	1 Year	802 PC	6 Mo	County jail only
2795 B&P	Unauthorized Practice of Nursing	1 Year	802 PC	1 Year	County jail only
2796 B&P	Unlawful Representation of Nursing	1 Year	802 PC	1 Year	County jail only
2885 B&P	False Representation of License Status	1 Year	802 PC	1 Year	County jail only
2886 B&P	Impersonation of Applicants	1 Year	802 PC	1 Year	County jail only
3123 B&P	Alteration of Certificates	1 Year	802 PC	1 Year	County jail only
3124 B&P	Use of Fraudulent Certificates	1 Year	802 PC	1 Year	County jail only
3127 B&P	Unauthorized Practice	1 Year	802 PC	1 Year	County jail only
4149 B&P	Sale or Distribution by Nonresident Distributors	1 Year	802 PC	6 Mo	County jail only
4324 B&P	Unlawful Use of Prescriptions	3 Years	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 Year	802 PC	6 Mo	County jail only

## LAW ENFORCEMENT EVIDENCE AND PROPERTY MANAGEMENT GUIDE

<b>Violation Code</b>	<b>Violation Description</b>	<b>Statute of Limitations</b>	<b>Statute Code Section</b>	<b>Possible Sentences</b>	<b>Other Considerations/Former Code Numbers</b>
25661 B&P	Possession or Presentation of False Identification	1 Year	802 PC	32 hrs.	Community service only
25662 B&P	Alcoholic Beverages in Possession of or Furnished to Minor – Seizure by Peace Officer	1 Year	802 PC	6 Mo	County jail only



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**[The Biological Evidence Preservation Handbook](#)**

***Provided by the  
National Institute of Justice (NIJ)***

**[Sexual Assault Forensic Evidence Tracking Database Annual Report](#)**

***Provided by the  
Attorney General***

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**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:

<b>Example #</b>	<b>Page</b>
<a href="#"><u>1</u></a> Biohazardous Materials Waste Container .....	F-2
<a href="#"><u>2</u></a> Blood Drying/Wet Evidence Drying Equipment ..... (Examples A–D)	F-2
<a href="#"><u>3</u></a> Bulk Storage Locker/Cage .....	F-3
<a href="#"><u>4</u></a> Commercial Grade Industrial Refrigerator and Freezer .... (Examples A, B)	F-4
<a href="#"><u>5</u></a> Hazardous Materials Storage Container/Cabinet .....	F-5
<a href="#"><u>6</u></a> High Density Mobile Shelving .....	F-6
<a href="#"><u>7</u></a> Industrial Safe .....	F-7
<a href="#"><u>8</u></a> Media Storage .....	F-8
<a href="#"><u>9</u></a> Modular/Uniform Shelving .....	F-8
<a href="#"><u>10</u></a> Pass-through Temporary Refrigerator .....	F-9
<a href="#"><u>11</u></a> Pass-through Temporary Storage Lockers .....	F-10
<a href="#"><u>12</u></a> Sharps Container .....	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**



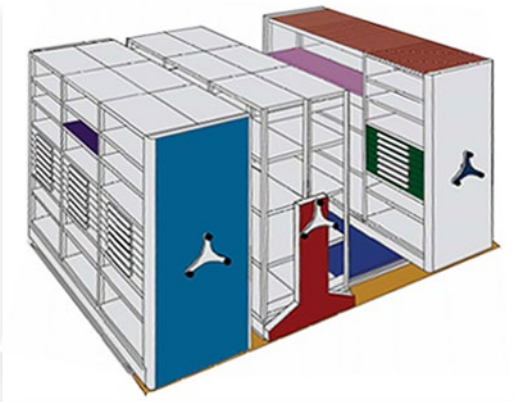
**EXAMPLE 5E:**  
**Hazardous Materials Storage**  
**Container/Cabinet**



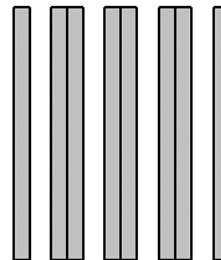
**EXAMPLE 5F:**  
**Hazardous Materials Storage**  
**Container/Cabinet**



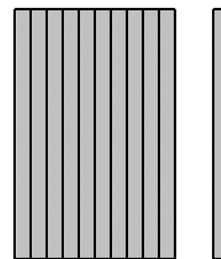
**EXAMPLE 6A:**  
**High Density Mobile Shelving**  
**(Schematic)**



**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**

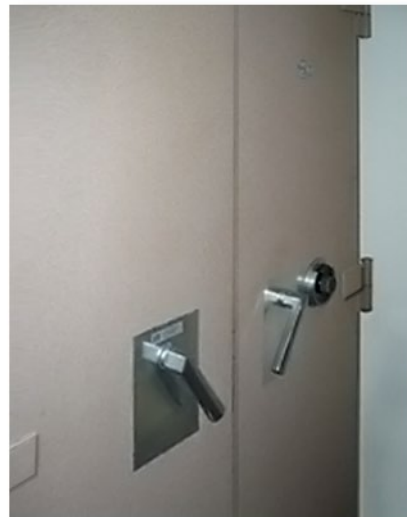


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**EXAMPLE 7A:  
Industrial Safe**



**EXAMPLE 7B:  
Industrial Safe**



**EXAMPLE 8:  
Media Storage**



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**EXAMPLE 9A:  
Modular/Uniform Shelving**



**EXAMPLE 9B:  
Modular/Uniform Shelving**



**EXAMPLE 10A:**  
**Pass-through Temporary Refrigerator**  
(Closed front view)



**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)



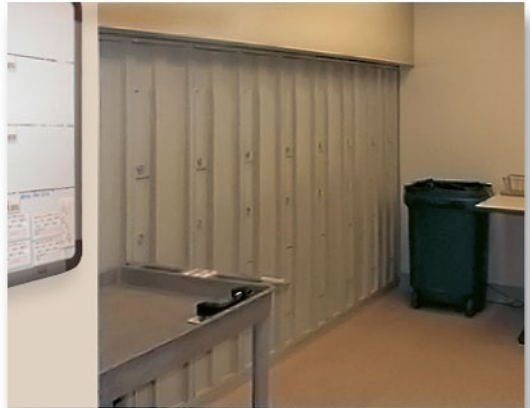
**EXAMPLE 11B:**  
**Pass-through Temporary Storage Lockers**  
(Rear view)



**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)



