California Commission on
Peace Officer Standards and Training

Management Counseling Services

LAW ENFORCEMENT AGENCY

EVIDENCE & PROPERTY MANAGEMENT GUIDE

Third Edition

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LAW ENFORCEMENT

EVIDENCE & PROPERTY MANAGEMENT GUIDE

Third Edition 2013

Produced by

POST Management Counseling Services Bureau

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Law Enforcement Property & Evidence Management Guide

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FOREWORD

The law enforcement evidence/property function is vital to the criminal justice process. Its effective and efficient operation is integral to an agency's quality of service to the community and the criminal justice system. The management of this function has become increasingly complex due, in part, to factors related to legislative mandates, hazardous material storage, the protection and preservation of biological/ DNA-related material, security and chain of custody, and the training of evidence/property personnel. The failure to manage the evidence and property function can affect the successful prosecution of criminal violators, resulting in agency liability or loss of public confidence.

Effective policies and procedures must be established in order to efficiently submit and retrieve items of evidence and property. To support the evidence and property function, managerial and executive personnel must ensure that essential training, both initial and ongoing, is identified and provided, with an adequate budget for sustained effective operation. Staff safety, storage facility security, and the ability to accurately catalog and track evidence and property are paramount to reducing liability exposure, thus increasing the credibility and defensibility of the agency.

The purpose of the POST *Law Enforcement Evidence & Property Management Guide* is to provide standardized recommended guidelines for the management of the evidence and property function, detailing best practices for the submission, receipt, storage, and disposition of evidence and property items in the agency's care and control. Agencies should use this guide to create or amend policies and procedures to ensure the integrity of the evidence and property process, protect the evidentiary value of property, and restore property to its owners in a timely fashion.

It is the intention of the Commission on Peace Officer Standards and Training that this guide will lead to improved management of the evidence and property function. POST envisions that this guide will serve as a comprehensive resource to aid evidence and property staff, field personnel, supervisors, managers, and executives in understanding the critical role of the evidence and property function to the agency, the criminal justice system, and the community.

The Commission appreciates the contributions of an ad-hoc advisory committee of evidence and property personnel from agencies throughout California.

Comments or questions related to information contained in this guide should be directed to the Management Counseling Services Bureau at (916) 227-4800.

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EXPLANATION AND USE OF THIS GUIDE

RELEVANCE OF THE EVIDENCE/PROPERTY FUNCTION

The *POST Law Enforcement Evidence & Property Management Guide* was developed as a resource for law enforcement agencies and personnel, noting best practices and providing standardized guidelines for the various aspects of the evidence and property function. The importance of this function in a law enforcement agency cannot be overstated. The agency has a fiduciary and legal obligation to store and protect items of evidence and property in its custody, and equally important, an obligation to legally restore property to the rightful owner as soon as practical or dispose of the property in a legal manner.

Law enforcement executives, managers, supervisors, peace officers, and professional staff members often fail to understand or appreciate the necessity and nature of the evidence and property function's existence, and its contribution to the success of the agency. Essentially, the evidence/property function's purpose can be summarized in the following basic mission statement:

> *The law enforcement evidence/property function exists in order for an agency to receive, catalog, safely store, and maintain the integrity of evidence, found property, and property for safekeeping. The function allows for the effective prosecution of criminal offenders while confirming innocence; and victims may find truth and closure as justice is served. Lastly, law enforcement agencies have the legal obligation to restore evidence/property to rightful owners or facilitate the legal disposition of evidence/property in agency possession.*

NAVIGATING THE GUIDE

This guide is divided into chapters, with each chapter pertaining to one of the six primary categories of the evidence and property function:

1. Organizational Considerations (organization, personnel, training, policy/procedure)
2. Documentation and Forms
3. Safety, Security, and Storage
4. Evidence and Property Handling Procedures
5. Audits, Inventories, and Inspections
6. Evidence and Property Disposition and Purging

Each chapter begins with a purpose, introducing the chapter material and supporting its relevance. The chapter purpose is followed by POST guidelines, based on state law and national best practices, corresponding to the chapter material. National best practices were determined through a review of Commission on Accreditation for Law Enforcement Agencies (CALEA) standards; a comparison of POST guidelines to the National Institute of Justice (NIJ) document, *The Biological Evidence Preservation Handbook*; a consultation with the Federal Bureau of Investigation; and an evaluation of past practices. The POST guidelines were created to standardize the processes and security related to the evidence and property function. Following each guideline is an in-depth commentary explaining and supporting the specified guideline criteria.

The guide includes six appendices containing: A) Glossary of Terms, B) Legal and Regulatory References and Issues, C) Sample Forms, D) Evidence/Property Retention Policy, E) *The Biological Evidence Preservation Handbook* provided by the National Institute of Justice, and F) Examples of

Commercially Available Evidence/Property Equipment. These appendices have been provided as an additional reference for evidence and property personnel, and agency supervisors and managers, to assist in policy development and legal compliance.

INCORPORATING THE GUIDE INTO AGENCY DIRECTIVES TO MEET BEST PRACTICES

The guidelines and supporting commentary contained in this guide are provided to use as a framework to assist agencies in the development of written directives created to document and standardize the processes related to the evidence/property function. The written directives should incorporate contemporary law enforcement best practices pertaining to the physical design and security of the evidence/property function. Comprehensive written directives, standardized practices, and heightened security can fortify an agency's position, if the agency must defend its evidence/property function, while reducing agency exposure to unwanted scrutiny and liability.

Although a number of guidelines are driven by statute, none of the guidelines are subject to POST compliance or regulation; but all of the guidelines are based on national law enforcement best practices. POST recommends that agencies desiring to be in compliance with California statutes and national best practices in the evidence/property function arena adhere to these guidelines in their entirety. If an agency is unable to adhere to a particular guideline, or portion of a guideline, due to fiscal or facility limitations, the agency should consider including any unmet best practice guidelines into a strategic plan which allows the agency to track this unmet goal and objective until the agency can bring itself into accordance with the guideline or guideline portion in question.

Agency heads are ultimately responsible for all items of evidence/property maintained in their facilities, and must make executive decisions to standardize processes, ensure security, and minimize risk. To assist in policy development and standardization, POST has provided this guide for use as a resource for facilitating the overall management of an efficient and effective evidence/property function.

Agencies are encouraged to annually review their directives for relevance, as well as ensure the necessary initial and ongoing training for evidence and property staff, supervisors, and managers is occurring. Agencies should stay current on evolving trends, and keep abreast of legal and regulatory issues related to the evidence/property function.

POST intends the *POST Law Enforcement Evidence/Property Management Guide* be maintained as a living document subject to annual reviews of the guidelines.

PURPOSE

An agency relies on the Evidence/Property Manager (EPM) and the Evidence/Property Technicians (EPT) to correctly maintain security and control in the evidence/property unit. Each agency has the weighty responsibility for the receipt, storage, safekeeping, release, and disposal of all evidence/property items in its control. Evidence/property personnel ensure that evidence items are correctly tracked and monitored for court exhibits, discovery, and prosecution/defense evidence viewing. Proper management, an adequate budget, and initial and ongoing training will enhance the efficiency and knowledge of evidence/property personnel. A well-organized storage facility and evidence/property cataloging system, in conjunction with well-designed policies and procedures, will enhance the success and facilitate the effective operation of the evidence/property function.

This chapter addresses the organization, management, and direction of an evidence/property unit, providing guidelines in the following areas:

1.1 Organizational Structure
1.2 Personnel Assignment, Staffing, and Training
1.3 Facility Access/Hours of Operation
1.4 Emergency and Disaster Planning
1.5 Budget Allocation
1.6 Policy and Procedure Development
1.7 Identifying and Mitigating Problems

GUIDELINE 1.1
Organizational Structure

Create or amend a written directive outlining the organizational structure of the evidence/property function to include, at a minimum, the following:

- Clearly define the chain of command from the agency head down (e.g., Chief, Sheriff, Director, Commissioner)
- Include the evidence/property function in the agency organizational chart depicting the evidence/property function outside of operational units

Commentary

The directive should clearly identify the chain of command, from the Evidence/Property Technician to the Agency Head. Whenever possible, the chain of command should be shortened or flattened allowing the agency head to have the most direct access to the evidence and property function.

The directive should identify the evidence/property function in the organizational chart. The evidence/property function should be separated from operational units. This separation eliminates the potential conflict of interest between the personnel who collect evidence or property and those who are charged with the responsibility of storing the evidence and property.

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

GUIDELINE 1.2
Personnel Assignment, Staffing, and Training

Create or amend a written directive addressing personnel assigned to the evidence/property function to include, at a minimum, the following:

- Identify the Evidence/Property Manager (EPM)
- Identify the EPM position as a specialized mid-management position
- Outline the desired qualifications, applicable certifications, skills, and duties of the EPM and EPT
- Establish assignment transfer policies associated with the evidence/property function
- Establish adequate staffing which will allow all of the duties of the evidence/property function to be accomplished
- Identify initial and an ongoing training plan for all personnel assigned to the evidence/property function ensuring they remain current in best practices, statutes, and regulations
- Provide evidence/property personnel with uniforms for both daily/ utility use and for court appearances

Commentary

Because the evidence/property function is critical to law enforcement, personnel assigned to this function should be clearly identified by job classification. It is suggested the EPM be a specialized, mid-management position.

The selection of an EPM and/or EPT should be based on stated directive qualifications, applicable certificates, skills, and duties. A background investigation should be completed on personnel having direct access to the evidence/property facility.

Due to the technical expertise required within the evidence/property function, the routine transfer of evidence/property personnel should NOT occur and be avoided whenever possible. Any time there is a change of assigned personnel within the evidence/property unit; consideration should be given regarding facility security. It is strongly recommended that access keys/ cards/codes be changed, and a complete inventory of currency/high-value items, narcotics and dangerous drugs, and firearms, at a minimum, be conducted.

Agencies should ensure adequate staffing of the evidence/property function which allows all of the duties and responsibilities to be carried out in an efficient and uninterrupted manner (e.g., audits, inventories, purging, and other staff-intensive functions).

To better manage agency risk and reduce liability, all evidence/property personnel should complete the POST Evidence and Property Management

course as well as continuing education and training through organizations such as the California Association for Property and Evidence (CAPE) and International Association for Property and Evidence (IAPE) .

POST encourages networking with regional and county agencies (e.g., local law enforcement agencies, district attorney offices, crime labs, courts, county coroner/medical examiners, and probation departments) to make consistent inter-agency policies, forms, and procedures to facilitate communication and to ensure court compliance. This networking provides a legal basis and a framework for managing evidence and property in law enforcement agencies.

For safety purposes, and to prevent contamination, evidence/property personnel should be provided with both daily/utility uniforms, as well as "Class A" uniforms for court appearances. A cleaning service should be utilized so that potentially contaminated uniforms DO NOT have to be transported to a staff member's residence for cleaning; and work shoes should remain at the agency.

GUIDELINE 1.3
Facility Access/ Hours of Operation

Create or amend a written directive addressing facility access procedures, staff call-out procedures, and hours of operation to include, at a minimum, the following:

- Identify the key control process for tracking and restricting access to the evidence/property facility
- Establish a call-out procedure
- Establish/publish public hours of operation
- Establish regular internal hours of operation

Commentary

To ensure security and integrity, agencies need a written directive defining facility access. Access to the evidence/property facility must be limited to essential evidence/property personnel only. Electronic and back-up manual keys should be assigned to the EPM's immediate supervisor (maintained on the supervisor's person, NOT in a drawer, envelope, lock box, etc). Qualified alternate personnel need to be identified and trained to function in the evidence/property room, in the event of an absence of the EPM and EPTs.

It is important a call-out procedure be established for the EPM and EPT to provide after-hours access (e.g., nights, holidays, and weekends).

Public hours of operation should be established and published within the agency and on the agency website. It is recommended that evidence/ property release to the public be carried out by appointment only, depending on agency circumstances. Using an appointment schedule will allow evidence/property staff to appropriately plan and manage work responsibilities.

It is recommended that the evidence/property function remain open to agency staff on all but one day of the work week. During this day (preferably an evidence/property staff overlap day) the evidence/property function should close to both agency staff (except for subpoenas) and the public, but remain in operation, creating an uninterrupted opportunity for purging and other ancillary responsibilities.

GUIDELINE 1.4
Emergency and Disaster Planning

Create or amend a written directive addressing procedures to ensure the continuation of the evidence/property function in the event of an emergency or a disaster to include, at a minimum, the following:

- Equip evidence/property personnel with personal duress alarms for use in the event of an emergency
- Develop procedures to address the removal, transportation, and relocation of personnel and all evidence/property items in the event of evacuation, including a method for tracking each item
- Identify an appropriate alternate evidence/property storage facility in the event evacuation is necessary
- Supply evidence/property personnel with radios to ensure contact with Communications unit staff and supervisors in the event of an emergency

Commentary

The directive should include identification of a temporary alternate site to be used if evidence/property must be moved from the existing facility. The organization's policy and/or emergency operations plan should designate an alternate evidence/property site that includes ample room and security to accommodate the evidence/property function for an extended period of time. A tracking system should be in place to ensure all evidence/property is accounted for during removal, transportation, and relocation. Security measures should be considered during the transport to alternate sites.

To enhance the safety of evidence/property personnel as well as provide immediate notification during emergency situations, evidence/property personnel should have radio contact with a 24/7 communications center. Evidence/property personnel should be equipped with personal duress alarms or accompanied by appropriate staff during property release.

GUIDELINE 1.5
Budget Allocation

Create a written directive establishing the budgeting process related to the evidence/property function to include, at a minimum, the following:

- The evidence/property function should be supported by a stand-alone, line-item budget

Commentary

The evidence/property function is a critical part of any law enforcement organization; it must be fully funded to meet the needs of the organization and the community. The organization's budget should identify the evidence/property function separately from other functions/units, with a stand-alone, line-item budget. The EPM should have some input into budget considerations regarding the evidence/property function.

GUIDELINE 1.6
Policy and Procedure Development

Create or amend a written directive establishing an operational manual outlining the agency policies and procedures regarding the evidence/property function to address, at a minimum, the following:

Organizational Considerations
(Organization, Personnel, Training, Policy/Procedure)

a) Organizational Structure
b) Personnel Assignment, Staffing, and Training
c) Facility Access/Hours of Operation
d) Emergency and Disaster Planning
e) Budget Allocation
f) Policy and Procedure Development
g) Identifying and Mitigating Problems

Documentation and Forms

a) Property Receipts
b) Establishing and Maintaining Chain of Custody
c) Chain of Custody Stamps, Labels/Property Tags, and Sealing Packages
d) Firearms Documentation/Forms
e) Property Release
f) Annual forms/Procedure Review
g) Visitors' Log
h) Automated Property Management

Safety, Security, and Storage

a) Facility Design and Storage Areas
b) Temporary Storage: Lockers and Refrigeration
c) Receiving and Processing Areas
d) Special Storage Concerns
e) Safety Policies/Procedures for Hazardous and Biohazardous Materials
f) Security Policies/Procedures

Evidence and Property Handling Procedures

a) General Handling Procedures

b) Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures

c) Firearms Handling Procedures

d) Narcotics/Controlled Substances Handling Procedure

e) Currency/High-Value Items Handling Procedures

f) Electronic Media/Photos/Digital Storage Handling Procedures

g) Biological/DNA Handling Procedures

h) Blood Drying and Wet Evidence Drying Equipment

Audits, Inventories, and Inspections

a) Audits

b) Inventories

c) Inspections

Evidence and Property Disposition and Purging

a) Considerations for Disposal

b) Methods of Disposal and Classifications of Property

c) Firearms: Special Procedures for Disposition/Purging

d) Narcotics: Special Procedures for Disposition/Purging

e) Currency/High-Value Items: Special Procedures for Disposition/Purging

f) Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging (including explosives, ammunition, flammables, and pyrotechnics)

Commentary

Incorporate into policy the requirement for an annual review of all agency policies and procedures related to the evidence/property function, with the results of the review forwarded in a report to the agency head and EPM.

Comprehensive evidence/property policy and procedure manuals ensure consistency in the process of managing the evidence/property function, and allow for the organization to comply with all associated statutes and best practices.

It is recommended that these manuals provide standards for the training of newly appointed evidence/property personnel and identify the responsibilities of the staff regarding the various evidence/property functions. Compliance with this guideline can reduce agency liability.

GUIDELINE 1.7
Identifying and Mitigating Problems

Create or amend a written directive addressing the procedure for identifying, documenting, mitigating, and resolving problems or issues that may arise in the course of daily operations of the evidence/property

- Establish procedures for reporting/correcting operations or systems problems, or safety issues, related to the evidence/property function

Commentary

Agency personnel should be directed to mitigate or resolve any problems or issues that arise in the daily operations of the evidence and property function. Staff should be encouraged to take immediate steps to notify appropriate personnel and rectify problems with the evidence/property facilities, security, equipment, documentation/tracking, or operations. Any identified problem or issue should be rectified and mitigated as soon as practical, and documentation of the issue or problem, and its resolution, should be forwarded to the agency head and the EPM.

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PURPOSE

The collection of evidence and property taken into agency custody must be documented pursuant to a variety of state statutes. Agency policy must require specific information be completed to establish a tracking record as items are received, stored, released, or otherwise purged.

This chapter provides guidelines for documentation and form development (both hardcopy and digital formats) related to the intake, storage, and disposal of evidence and property in the following areas:

2.1 Property Receipts
2.2 Establishing and Maintaining Chain of Custody
2.3 Chain of Custody Stamps, Labels/Property Tags, and Sealing Packages
2.4 Firearms Documentation/Forms
2.5 Property Release
2.6 Annual Forms/Procedure Review
2.7 Visitors' Log
2.8 Automated Property Management

GUIDELINE 2.1
Property Receipts

Create or amend a written directive addressing the use of a property receipt to include, at a minimum, the following:

- Reference number(s) (e.g., report number/case number/ CAD number) and/or item number or control number
- Classification or type of crime (e.g., PC 211, PC 459)
- Date/time collected/submitted
- Reporting or submitting peace officer/employee
- Involved party's name
- Designated relationship (e.g., suspect, victim, owner, finder)
- Type of evidence and property (e.g., recovered, found, safekeeping, seized by search warrant)
- Description of item (e.g., serial number)
- Location where evidence/property was found and by whom
- Storage location
- Chain of custody signature box
- Release information
- Declaration of ownership
- Receipt requirements pursuant to PC 1412, 1413, 1535, 18250, CC 2080.10, WI 8102 and 8103

Commentary

The purpose of a property receipt is to establish a record of the evidence/ property collected and submitted. When necessary, a receipt with instructions explaining the process for retrieval should be provided to the person from whom the evidence and property was collected.

Samples of property receipt forms and other evidence/property related forms may be accessed through www.cape-inc.us and found in Appendix C.

GUIDELINE 2.2
Establishing and Maintaining Chain of Custody

Create or amend a written directive addressing the procedure for maintaining and tracking the chain of custody to include, at a minimum, the following:

- Establishing the chain of custody for documenting the collection of evidence or property (in the field or in an in-custody setting), including the date and time, where the item was found, and the employee collecting the evidence/property
- Requiring an agency case number or Computer-Aided Dispatch (CAD) number be linked to all evidence/property items collected
- Items should be processed, packaged, and submitted prior to the end of shift
- In the event evidence/property processing cannot be completed prior to shift end, temporarily store items in a secure location with supervisor approval and appropriate notice to the EPM
- Requiring a chain of custody log with signature blocks printed on the packaging in addition to any supplemental computerized tracking or hardcopy forms
- Establish a process to document items released to the public, crime lab, court, agency, or other agencies
- Establish a procedure for items released pursuant to a subpoena or court orders

Commentary

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

To ensure an accurate chain of custody, all evidence and property collected should minimally include a unique report/case number or CAD-generated incident number. This number must be obtained to document the collection of evidence/property. This unique number associated with the items recovered is critical to the successful cataloging and tracking of evidence and property items.

The report/case file number and the collector's identification (badge number or equivalent) need to be listed on the packaging. The collection of evidence/ property should be documented in an agency report, cross-referenced to a property receipt form when required. The property receipt form is NOT to be used as a substitute for documenting evidence/property on the agency original

report form. The property receipt form should describe each item collected and corresponding item number(s) as appropriate *(see Guideline 2.1)*.

Agencies should require all evidence/property items to be processed, packaged, and submitted prior to the end of shift. Adhering to this practice will reduce agency exposure and undesirable attention. When it cannot be done, field personnel must obtain supervisor authorization, use an acceptable designated secure temporary location, and notify the evidence/property room of submission delays.

When evidence/property is received, the evidence/property personnel should ensure the chain of custody is maintained on all items collected, including items for temporary or permanent storage. Chain of custody is NOT the same process as the cataloging/tracking system for the item found in either a manual or electronic tracking system (bar-coding system). In order to maintain chain of custody on items, a chain of custody log is required with signature lines printed directly on the packaging containing the evidence. Printing a form from the tracking/cataloging system and attaching the form to the item's envelope does NOT satisfy the best practice.

When evidence/property is released, evidence/property personnel should document this action on appropriate property records forms.

For an internal transfer due to the need for further forensic review (e.g., an item will be forensically processed by the in-house crime lab), the evidence/ property personnel should attach a copy of the written request or directive for processing to the permanent record for that item.

For a transfer to an outside entity (e.g., court or county crime lab), an evidence transfer form should accompany the employee and evidence to its destination. A subpoena or other court order should be required prior to the transfer of evidence to court. A written request or directive for processing should be attached to the evidence/property room record of the item in question if it is being sent to a crime lab.

The employee transporting the evidence to an outside entity will be designated as the custodian and will be responsible for obtaining a release signature for items retained by the outside entity. The transfer form should be returned to the evidence/property unit within 24 hours for update of custody status. If the transfer form or evidence is NOT returned within 24 hours, proper notification should be made to the EPM and the appropriate supervisor. Original paperwork should always remain in the custody of the agency.

GUIDELINE 2.3
Chain of Custody Stamps, Labels/ Property Tags, and Sealing Packages

Create or amend a written directive addressing the procedure for appropriately labeling/noting the chain of custody on all evidence/property to include, at a minimum, the following:

- Use pre-printed or stamped labels or tags to properly identify an item of evidence or property, associated serial numbers, and agency report numbers and/or internal tracking numbers

- Adhere the chain of custody log to packaging or actual evidence/ property items to record handling and transfers
- Require employees sealing any evidence packages to put their initials across the package flap, and place clear tape (or a premade seal tape) across the flap, over the initials

Commentary

Evidence/property labels or tags, along with a chain of custody log, are necessary to identify, track, and match information on the property record with the item of evidence/property in question.

An evidence/property label or tag should be permanently adhered to any evidence or property package submitted to the evidence/property storage unit. The label or tag should identify the package by contents, serial number, agency report number and/or internal tracking number, date, reporting peace officer/employee name, classification/charge, and type of evidence or property (e.g., recovered, safekeeping, found, or booked for destruction). The collection of all items of evidence/property should be recorded in proper agency reports.

A chain of custody log should be stamped, affixed, or pre-printed on all packaging, or otherwise attached to all items of evidence/property and should contain the date, time, and signature blocks for both the person releasing the item and the person taking receipt of it. This log should note the description of the item, and agency report number and/or internal tracking number. For each incident, the information should be reconciled among the respective agency reports, property receipts, evidence and property labels or tags, and the chain of custody logs.

When an item is first collected and submitted, and whenever the item is removed from its packaging, evidence/property personnel should re-seal the item inside the packaging with a designated seal over the initials of employee responsible for the packaging. The seal information must correspond to the chain of custody log affixed elsewhere on the item/packaging. This process will assist in quality control for outside entities (e.g., forensic lab).

GUIDELINE 2.4
Firearms Documentation/ Forms

Create or amend a list detailing the forms used by the agency to track firearms from intake through final disposition to include, at a minimum, the following:

- All agency and State forms related to the intake, tracking, release, disposition/purging of firearms

Commentary

Firearms present special circumstances because of their unique legal requirements. It is important to both follow legal statutes and maintain up-to-date forms to satisfy those legal requirements.

Following case disposition, numerous documents and forms are necessary for the release and/or destruction of firearms. *(Refer to the California Department of Justice (DOJ) website for these legally mandated forms.)*

Refer to the DOJ form, Agency Checklist for Confiscated Firearms/Other Deadly Weapons, for guidance on procedures for intake, storage, and final disposition of firearms.

Agencies should confer with the local district attorney's office and crime lab to determine when firearms will be submitted for ballistics testing.

GUIDELINE 2.5
Property Release

Create or amend a written directive addressing the release or destruction of property to include, at a minimum, the following categories:

- Return to owner
- Diversion for official use
- Auction
- Destruction

Commentary

Property disposition release forms, both written and digital, reflect chain of custody as well as release information as it relates to owner information, official use, diversion, auction, and destruction.

The receipt and retention of appropriate documentation (including court orders) related to the final disposition of firearms and narcotics are critical. Obtaining a written signature for the release or disposal of property completes the final disposition of the chain of custody.

GUIDELINE 2.6
Annual Forms/ Procedure Review

Create or amend a written directive addressing the process for an annual review of forms and documents to determine necessity and relevance, to include, at a minimum, the following:

- The EPM should conduct an annual review of all evidence/property forms, ensuring procedural changes or statutes have been incorporated appropriately
- The EPM should act as the forms custodian, logging any changes to forms
- The EPM should ensure the newest version of each form is in circulation, destroying all previous versions or refusing any use of older forms

Commentary

To ensure the relevancy of its documentation, the agency should annually review its evidence/property forms and documents. A representative from every section that uses a particular form should participate in the review process. Considerations include:

- Is the form still being used and by whom?
- Are there revisions to be made?
- Can two or more forms be consolidated?
- Do new forms need to be created?
- Is there efficiency to be gained in automating forms?

The EPM should be the final voice on form revisions and should identify new form iterations with a date stamp and version number to ensure the most current form is in circulation. The EPM should have the authority to refuse any use of older forms.

GUIDELINE 2.7
Visitors' Log

Create or amend a written directive addressing the use of a visitors' log in the evidence/property storage facility(ies), to include, at a minimum, the following:

- Require ANY person (other than assigned evidence/property personnel) entering and departing any agency evidence/property storage area to sign an established visitors' log which identifies the individual, date and time of entry/exit, and purpose for entering the storage area
- Ensure that all visitors be in the immediate physical presence of agency evidence and property personnel

Commentary

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

GUIDELINE 2.8
Automated Property Management

Where feasible or applicable, create or amend a written directive addressing the use of automated property management systems, to include, at a minimum, the following:

- Integration of an electronic property management system with the agency's Computer-Aided Dispatch (CAD) and Records Management Systems (RMS)
- Establishment of appropriate security measures and redundancies related to information storage and back-up procedures when automated property management systems are employed
- Ability to account for the chain of custody of evidence/property
- Ability to track and identify the location of all items of evidence/ property within the custody of the organization (e.g., electronic bar coding system)
- Reporting capabilities, including statistics (e.g., workload studies, evidence and property ingress/egress) and inventories
- Alert mechanisms (e.g., tickler file) for notification of property purging/disposition

Commentary

An automated property management system facilitates a streamlined and efficient process for the generation and retention of critical documentation related to the collection, retention, and final disposition of evidence/property. If an automated property management system is employed, it should have integrated features that can match and cross-reference information from CAD incidents, report numbers, CAD incident numbers, and electronic bar coding systems.

Appropriately supported computer security and back-up systems should be established to reduce the risk of information loss or degradation due to system interruption or failure. In some situations, it may be appropriate to employ hardcopy back-up of critical actions.

When utilized, automated systems, such as bar coding, must account for the chain of custody of evidence/property. Security measures and back-up functions should be established to ensure system integrity, including the following:

- Procedures for both electronic tracking and hardcopy documentation of the chain of custody of evidence and property
- Procedures for manual data entry of evidence and property when appropriate or necessary
- Procedures for manual documentation of intake of cash or other valuables
- Management of “special” or “sensitive” items
- Bar coding, which should include information related to the item, its container, and storage location

An efficient automated system would facilitate the creation of reports encompassing inventory, evidence cataloging, item status, currency management, and location.

The system should include automatic notifications based on property classification to prompt review, purging, or other pre-determined actions.

To minimize redundant data entry, the system should be capable of interfacing with state databases to fulfill statutory requirements for entering evidentiary items (e.g., crime guns, serialized property).

Back-up Processes

Automated back-up processes should include a continuous Uninterruptible Power Supply (UPS); a routine back-up of system files; appropriate, secure housing of system files; and a procedure for the manual operation of the evidence/property function in the event of total electrical or system failure.

System Access/Security

To ensure system integrity, authorized users should have permission-based access. The following levels are suggested:

- High access levels for the system administrator and/or system alternate. The system administrator, in conjunction with the EPM, should determine subsequent levels for all users
- Medium access levels to allow users, such as evidence and property personnel and supporting clerical personnel, to view, enter data, modify records, run reports, and perform basic database maintenance
- Low access levels to allow the users to view records for official use only with selected reporting functions

Information Reporting, Tracking, and Inquiries

System access should be electronically tracked in order to maintain the evidence chain from collection through disposition/disposal. This should include the name of the user, date, and any additions or modifications made to the original entry. Failsafe procedures should be developed to ensure records are not inappropriately modified or deleted. Historical data should be retained as per the agency's records retention schedule. The system should have the ability to search by key word for accessing data.

PURPOSE

One of the most important aspects of the evidence/property function is the safety of the employees and the security and storage of evidence and property. The size and layout of the evidence facility is dependant on the size of the agency and the type and volume of property to be stored.

This chapter addresses the following guidelines for the main property facility, and any other facilities used for the storage of evidence/property. Additional security measures must be taken for high-risk items such as firearms, narcotics and other dangerous drugs, and currency/high-value items.

3.1 Facility Design and Storage Areas
3.2 Temporary Storage: Lockers and Refrigeration
3.3 Receiving and Processing Areas
3.4 Special Storage Concerns
3.5 Safety Policies/Procedures for Hazardous and Biohazardous Materials
3.6 Security Policies/Procedures

GUIDELINE 3.1 Facility Design and Storage Areas

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

- Use concrete block with filled cells or similar material for all construction (walls, floors, and ceilings must be impervious to intrusion)
- Use only metal doors
- Back any drywall with sheet metal or plywood
- Extend walls from floor to ceiling
- When possible, design the evidence/property room without windows
- Locate EPM's office and staff work areas adjacent to or near the evidence/property storage area
- Separate the evidence/property work area from the main evidence/property storage area
- Heating, ventilation, and air conditioning (HVAC) systems should be stand-alone systems, constructed to prevent entry. DO NOT comingle the HVAC system for the evidence/property storage area with the general air ducts. DO NOT comingle the narcotics storage area HVAC system with other air ducts in the evidence/property storage area
- High-risk items, such as firearms, narcotics, currency/high-value items, and jewelry require extra protection, security, and handling precautions

- Segregate high risk items from other property
- Equip the evidence/property room with a release counter for release of evidence and property to staff
- Establish a separate, secure area with a duress alarm for release to the public

Commentary

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

It is recommended that the EPM be in close proximity to the evidence/ property storage area. A barrier (e.g., fence and gate, wall and door) should exist between evidence/property staff work areas and the actual storage area.

Co-locating office space for the EPM, as well as evidence and property staff, adjacent to the evidence and property storage area facilitates appropriate access and enhances security measures.

High-Efficiency Particulate Air (HEPA) filters should be used in the venting of the narcotics storage area (consult OSHA as necessary).

A service counter or window should be provided for internal transactions. A separate, secure counter or area for public interaction should be provided. As security is of utmost importance at the public window, bullet-resistant glass is strongly recommended, along with the installation of a duress alarm.

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

GUIDELINE 3.2
Temporary Storage: Lockers and Refrigeration

Create or amend a written directive addressing the use of temporary storage lockers and temporary refrigeration to include, at a minimum, the following:

- The procedures for the use of temporary storage lockers and refrigeration units
- Self-locking or manual locking temporary storage lockers and temporary refrigeration
- Requiring varying sized temporary storage lockers
- A “drop box” for small items
- Individual, locked storage compartments inside the temporary refrigeration units

Commentary

Temporary storage lockers are meant to hold items for a short period of time and are NOT intended to serve as permanent storage. Ideally, these units should have pass-through doors and be self-locking. The rear doors of the

lockers can then be accessed from the security of the evidence/property room where authorized staff can securely remove items booked in the lockers. If a temporary locker is damaged or improperly functioning, that unit should be removed from use until the issue is resolved.

Ideally, self-locking, pass-through refrigeration units should be utilized for temporary storage of incoming evidence/property requiring a refrigerated environment.

GUIDELINE 3.3
Receiving and Processing Areas

Create or amend a written directive establishing a segregated evidence/property processing and packaging area to include, at a minimum, the following:

- An area used solely for the initial processing and packaging of evidence/property
- To ensure employee safety, DO NOT use report-writing areas for packaging evidence/property

Commentary

The area should be stocked with the necessary packaging materials and personal protective equipment (PPE), (e.g., gloves, goggles, particulate masks), with access to water and an eye wash station in the event decontamination is needed.

Report writing areas should be separated from the evidence/property processing or receiving areas. While workspace and building design do not always conform to this recommendation, every effort should be made to ensure these areas are separated to reduce health risks and the possibility of the contamination of evidence/property.

GUIDELINE 3.4
Special Storage Concerns

Create or amend a written directive outlining special requirements or considerations for unique storage needs and areas (e.g., shelving, cages, connex boxes, vaults) to include, at a minimum, the following:

- General evidence (e.g., envelopes and bags stored on specified shelves)
- Homicide evidence
- Bicycles
- Bulk items
- Electronic/digital media
- Smart phones
- Found and safekeeping items
- Hazardous materials
- Biological items and DNA

- Vehicles
- Sensitive items (e.g., firearms, narcotics, currency/high-value items)

Commentary

It is recommended that evidence/property facilities be equipped with high-density mobile shelving whenever possible in order to facilitate the best utilization of space. Shelving should accommodate the storage of the various sizes of envelopes, bags, and boxes in use by the agency. A high-density mobile filing system with adjustable shelving can significantly increase available storage and floor space. Stand-alone shelving should be bolted and secured to the floor and braced at the top to prevent tipping. Shelves should be numbered or lettered so that stored evidence can be readily located.

A separate storage location should be designated for the long-term storage of homicide evidence.

Bicycles and bulk items can be stored in a separate area to accommodate their size. Bicycles should be in a secured and locked area, preferably with both entry and perimeter alarms.

Due to the sensitivity of electronic/digital media/smart phones, they should be stored separately from other items.

Found and safekeeping items should be stored separately for the easy retrieval, release, and disposal of these items.

Due to health, safety, and contamination issues, hazardous materials should be stored separately from other evidence, preferably in an open-air environment or secured in a fireproof, ventilated cabinet located outside of the evidence/property storage area.

A refrigerator/freezer should be available for the storage of biological evidence. The unit can be a walk-in type or stand alone, depending on agency needs. A temperature alarm should be used to ensure proper temperature is maintained. It is recommended that refrigeration units be equipped with temperature sensors/alarms, and should have an automatic source of back-up power.

Secured, temperature-controlled (i.e., “cool room”) storage areas may be created to store biological/DNA evidence in replacement of or to supplement refrigeration units, and should be maintained between 60° and 75°F with less than 60% humidity. *(See Chapter 4 for specific details — and consult with county crime lab.)*

A separate area should be provided for the processing and storage of evidentiary vehicles. The vehicles should be protected from the elements for evidentiary purposes. The vehicle storage area should be video monitored and should have entry and perimeter alarms.

Additional security is required for storage of firearms, narcotics, currency/ high-value items, and other valuables. Items belonging to these categories should be stored separately in secured, alarmed areas monitored by video

surveillance. The narcotics storage area should be ventilated to the outside with an air exchange that meets OSHA requirements.

GUIDELINE 3.5
Safety Policies/ Procedures for Hazardous and Biohazardous Materials

Create or amend a written directive addressing safety policies, protocols, requirements, and procedures related to the management, receipt, storage, and disposal of hazardous and biohazardous materials to include, at a minimum, the following:

- Issuing personal protective equipment to comply with OSHA standards for safety (e.g., head, eyes, ears, hands, and feet should be protected while performing potentially harmful tasks)
- Exposure/decontamination issues include notification of emergency medical personnel
- Eye wash, hand wash, and shower facilities for decontamination
- Transportation of hazardous and biohazardous materials and their associated containers, including appropriate labeling requirements
- Syringe storage/disposal containers
- Biohazardous materials bins for discarding contaminated material
- Handling of evidence containing blood
- Use of appropriate filtering systems to be present in the evidence/ property facility (and the forensics unit if hazardous/biohazardous materials are introduced there)
- Handling of narcotics

Commentary

The safety of evidence/property and agency staff is of primary consideration when addressing hazardous/biohazardous material handling and storage. In addition, appropriate safety practices should be designed to prevent the contamination of evidence. Packaging material should be a consideration when submitting biohazardous materials. OSHA outlines specific areas of interest regarding occupational safety and workplace hazards. It is recommended that all procedures meet or exceed these OSHA standards.

Unless required for evidentiary purposes, syringes should NOT be booked into evidence. Sharps containers should be provided for disposal. To enhance staff safety, an agency may enter into a “photo/photocopy and disposal” agreement with the local district attorney’s office. Ensure compliance with all state laws and county regulations in the disposal of syringes and sharps containers through an approved disposal company.

Appropriate hazardous material handling and decontamination procedures should be established and practiced. OSHA-approved personal protective equipment and eye wash, hand wash, and showering facilities should be made available. Biohazardous materials bins and containers should be established for the appropriate discarding of contaminated material.

GUIDELINE 3.6
Security Policies/ Procedures

Create or amend a written directive establishing a comprehensive security policy for the evidence/property function to include, at a minimum, the following:

- Facility access
- Ingress/egress tracking systems
- Video surveillance system
- Store internal video surveillance recordings for one year (Government Code, GC 34090.6)
- Duress alarms
- Perimeter alarms and motion sensors
- Fire detectors
- Carbon monoxide alarm
- Require staff to engage the alarm in the evidence/property facilities during off-duty hours
- All evidence/property facilities' access doors must be locked at all times to prevent unauthorized entry

Commentary

Security for the evidence/property facility is critical and essential to limit agency liability and ensure appropriate chain of custody and successful case prosecution. It is recommended that access be key or electronically restricted to designated evidence/property personnel only, and that all ingress/egress be tracked.

A video surveillance system should be installed and positioned to record and store surveillance of perimeter doors and interior doors where weapons, narcotics, drugs, cash, or other high-value items are stored. Internal surveillance recordings must be stored for a minimum of one year in accordance with time requirements established in Government Code, GC 34090.6. However, internal surveillance recordings may be stored longer at the discretion of the agency head after consultation with city/county counsel.

Alarm systems should be integrated within the property area to allow evidence/property staff to carry a personal alarm activation device. Monitored perimeter alarms should be used that include fire, carbon monoxide, and motion detection.

PURPOSE

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

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

4.1 General Handling Procedures
4.2 Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures
4.3 Firearms Handling Procedures
4.4 Narcotics/Controlled Substances Handling Procedures
4.5 Currency/High-Value Items Handling Procedures
4.6 Electronic Media/Photos/Digital Storage Handling Procedures
4.7 Biological/DNA Handling Procedures
4.8 Blood drying and Wet Evidence Drying Equipment

GUIDELINE 4.1
General Handling Procedures

Create or amend a written directive addressing procedures for evidence/ property intake, documentation, logging, processing, packaging, labeling, tracking, storage, and release to include, at a minimum, the following:

Evidence/Property Intake

a) Chain of custody
b) Establishing a dedicated area to be used solely for field personnel to process and package evidence/property, and preferably equipping this area with water access and an eye wash station for emergency decontamination
c) Processing and entry of serialized property
d) "Two-person" rule for documenting currency/high-value items
e) Packaging, labeling, and sealing
f) Right of Refusal/Correction notices
g) Notifications to property owners
h) Receipt to person from whom property was taken

Evidence/Property Storage

a) Evidence and property storage and tracking
b) Separate storage locations for short-term and long-term property
c) Evidence/Property Release
d) Identify a secure location
e) Release by appointment only

Commentary

Specific processes should be established for evidence/property intake, logging, booking, initial processing, and labeling, including the completion of all required accompanying documentation. Field personnel should have a room designated solely for the initial processing and packaging of evidence/ property. This room should be in close proximity to the evidence and property temporary storage lockers, and should be equipped with access to water and an eye wash station for use in emergency decontamination.

Adhering to protocols for ensuring an uninterrupted chain of custody assists in facilitating successful criminal prosecutions. Regardless of the packaging method used, every package containing evidence or property should be marked with an identifier (e.g., case number, control number, item number) which corresponds to the item description noted on the evidence/property report (e.g., evidence tag, property sheet, property receipt, property invoice). Each package submitted should be sealed with clear tape, or premade seal tape, across the evidence/property package flap, over the initials of the field personnel responsible for the packaging.

Wet/blood items need to be dried prior to packaging and submission, to reduce the chance of mildew. Agencies should consider using either a commercial drying locker (with appropriate venting and HEPA-filter system) or a simple isolated/secure area such as a locker or shower stall. *(See commentary in Guideline 4.7 regarding the drying of items containing wet biological evidence.)*

In the event the item booked is not properly packaged or documented, the agency should utilize a “Right of Refusal” or “Correction Notice” document. The “Right of Refusal” or “Correction Notice” is a notification to correct an error in the submission of evidence or property. The staff responsible for originally booking the item should be notified of the deficiency and a timeline for correction. Additionally, that staff member’s supervisor and the executive overseeing the evidence/property function for the agency should be notified.

One option is the item in question be returned to an identified locker secured with a changeable combination lock. That combination should be released only to the responsible staff member for correction and can be changed after each use.

Evidence/property should never be stored in an employee’s desk, locker, vehicle, home, or any other location that would potentially interrupt the chain of custody. Personal use of any property should be strictly prohibited.

When evidence/property has been placed under the agency's control, a procedure should be established for removing the property for further investigation, court, release to an owner or other custodian, or any other official purpose. An uninterrupted chain of custody can be further assured with appropriate logging and recording of property status.

Agencies should develop a protocol for standardizing evidence packaging materials and customizing shelving to allow for more efficient retrieval of evidence/property.

In dealing with currency/high-value items, field personnel should document all amounts and descriptions using the two-person rule. The two-person rule is a system whereby two agency employees, other than evidence/property personnel, verify currency/high value items noting amounts, denominations, or description to ensure accurate documentation.

Evidence/property storage location should be based on item size and classification. Whenever possible, consideration should be given to storing like-sized items in a specific storage location using a pre-identified indexing system (e.g., case number order). Packaging may include boxes, bags, envelopes, or boxes sized to the dimensions of the storage shelf. Large, bulky items should be stored in a location that will support their size and weight.

A storage location should be identified for items collected for safekeeping or found property. Consideration should be given to separating these property classifications from general evidence and property. *[Refer to CC 2080 (Civil Code), et al.]*

Tracking methods should be established that support the appropriate documentation of the chain of custody, as well as allowing for timely retrieval of evidence or property. This can be accomplished through the use of an electronic or manual tracking system. *(See Chapter 2 for additional information regarding automation.)*

Methods should be established for notifying property owners regarding the release and/or status of their property. Following case adjudication or other disposition, reasonable, timely attempts should be made to return property to rightful owners. Release of property should occur in a secure area and be scheduled by appointment.

GUIDELINE 4.2
Explosives, Ammunition, Flammable, and Hazardous Materials Handling Procedures

Create or amend a written directive addressing procedures for the handling of hazardous or dangerous evidence/property to include, at a minimum, the following:

- Explosives
- Pyrotechnics
- Ammunition
- Flammables
- Hazardous materials
- Hazardous material spills/exposures within the property facility
- Disposal of hazardous materials

Commentary

Flammables, explosives, pyrotechnics, and ammunition should be handled and stored in a manner approved by the fire department, bomb squad, and agency rangemaster.

Explosives, flammables, or hazardous materials should NOT be housed within the evidence/property facility. In the event these or other potentially dangerous items or substances are submitted, they should be stored separately in an appropriately secured, vented, grounded, and fireproof storage location outside the main facility. Ammunition must be removed from firearms and stored separately in a fireproof locker.

Agencies should consult with the local fire department, bomb squad, and/or the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) when determining department policy as it pertains to explosives, ammunition, flammables, and hazardous materials. Additional resources include county environmental health agencies, hazardous material teams, and the California Emergency Management Agency (Cal-EMA).

Agencies should work with their local fire departments in the development of protocols for reporting and responding to hazardous material spills and exposures inside the evidence and property facility. Disposal of hazardous materials should be in accordance with local and state environmental health and OSHA regulations.

GUIDELINE 4.3
Firearms Handling Procedures

Create or amend a written directive addressing procedures for the handling of firearms to include, at a minimum, the following:

Firearms Intake

a) Chain of custody
b) Requiring proper packaging using gun boxes
c) Photographs of serial numbers and packaged condition of the firearm (unloaded, rendered safe, secured properly in package)
d) Verification of completed data entries
e) Notifications to property owners
f) Receipt to person from whom property was taken

Firearms Processing, Storage, and Release

a) Firearms processing (NIBIN/IBIS, and processing for DNA/biological evidence)
b) Separate, secure storage locations for firearms (video monitored/ alarmed)
c) Special handling procedures (e.g., firearms that cannot be immediately unloaded, firearms held for fingerprints, firearms contaminated with biological material, etc.)
d) Firearms release procedures (e.g., Law Enforcement Gun Release and criminal history inquiry)

Commentary

As with the intake of all evidence/property, firearms handling requires that specific intake, processing, and storage methods are followed to ensure the chain of custody. Prior to submission by field personnel, a firearm must be rendered unloaded and safe with the action open, and placed in a specifically designed firearms storage container (e.g., cardboard gun box or similar container), and secured to the container using nylon ties. *(Refer to Guideline 4.1 regarding the "Right of Refusal.")*

- **Evidence/property personnel MUST NOT be allowed, under any circumstances, to open sealed gun boxes to check firearms for safety or to confirm condition or serial numbers.**
- **Digital photographs of the firearm should be taken by field personnel *prior* to sealing the firearm in a gun box.** The photos will depict the firearm serial number and the fact that the firearm has been packaged in a safe condition (unloaded with action open). Copies of these photographs will accompany the evidence/property paperwork, and be placed in an envelope secured to the firearms box.
- **Firearms should NOT be packaged in a loaded condition**. However, in the unlikely event where firearms cannot be immediately unloaded (due to mechanical or evidentiary reasons), they **MUST** be packaged with caution in firearms boxes. The boxes **MUST** be labeled with warnings that the firearms are loaded and they must be temporarily stored in a separate section of the temporary storage area. These firearms **MUST** then be inspected by agency armorers/firearms specialists in a safe environment and rendered safe. A report is required specifying who rendered the firearms safe, and what measures were taken to do so. Agencies may consult their respective crime labs to set up procedures in which the loaded firearms can be boxed, identified as loaded, and sent directly to the crime labs to be unloaded and processed.

All firearms require entry into the Automated Firearms System (AFS) via the firearms module of the California Law Enforcement Telecommunications System (CLETS). **Entering firearms into AFS is not the duty or responsibility of the Evidence/Property Unit. This duty should be assigned to field, records, or dispatch personnel.**

Agencies, in consultation with their local crime labs and district attorney's offices, should create a protocol for determining under what circumstances firearms will be submitted to the crime lab for forensic/biological evidence and ballistics testing and input into the National Integrated Ballistics Information Network (NIBIN) or the Integrated Ballistics Identification System (IBIS).

Firearms should be stored separately from other evidence/property, preferably in a card-key accessed, alarmed storage location equipped with video surveillance. Access to this storage facility should be limited to authorized personnel. Firearms identified for destruction are to be stored in the same location (gun vault/storage room) as other firearms.

In order to ensure firearms are only released to those who are legally eligible to possess them, and as per PC 33855, owners must complete and submit the Law Enforcement Gun Release (LEGR) Application through the Department of Justice. A record of ownership must be recorded in AFS for the person claiming ownership.

GUIDELINE 4.4
Narcotics/Controlled Substances Handling Procedures

Create or amend a written directive addressing procedures for the handling of narcotics and other controlled substances to include, at a minimum, the following:

- Narcotics and dangerous drugs intake and storage
- Chain of custody
- Presumptive testing and weighing — must be conducted solely by field personnel (ventilation, personal protective equipment, and decontamination area is recommended)
- Packaging and labeling (heat-sealed vs. breathable packaging)
- Drying and packaging of green, wet, or fresh plant material
- Separate, secure, ventilated, monitored, and alarmed storage location (check OSHA recommendations)

Commentary

As with the intake of all evidence/property, narcotics and controlled substance handling requires that specific intake, processing, and storage methods are followed to ensure the chain of custody. Because of the hazards associated with narcotics and controlled substances, additional special handling is required.

Prior to packaging narcotics and/or controlled substances, presumptive testing and weighing by field personnel should be required. Caution should be taken whenever conducting such testing. Many vendors offer self-contained presumptive testing kits to avoid the hazards associated with open-liquid testing kits. In addition, field personnel should be required to wear protective gear (e.g., eye protection and gloves) when conducting the testing process. As a precaution, the testing should be conducted in an area with access to water or some type of hazardous spill clean-up equipment. If testing is conducted indoors, proper ventilation (e.g., fuming hood) should be used. All testing, equipment, and safety measures should minimally conform to OSHA standards (consult OSHA for recommendations).

Narcotics and/or controlled substances should be packaged in tamper-proof protective packaging and clearly labeled to eliminate the need for content verification during exchanges of custody. Proper sealing of narcotics and/or controlled substances includes a heat-sealed plastic bag, 4 mm or greater in thickness (e.g., KPAK-style packaging). All containers and packages should be inspected for tampering as a safeguard against evidence removal/ substitution. All narcotics and/or controlled substances procedures should minimally conform to OSHA standards.

Green, wet, or fresh plant material should be dried prior to packaging. A secured, well-ventilated area should be provided for drying. Breathable material should be used for packaging.

As part of the packaging process, agencies may consider requiring two people to verify the weight of the substance prior to sealing.

Narcotics and/or controlled substances should be stored separately from other evidence and property in a secure, card-key accessed, alarmed storage location equipped with video surveillance. Access to this storage facility should be limited to specified/authorized personnel.

The ventilation system in the narcotics/controlled substances storage area should be separate from other facility HVAC systems. Consult OSHA recommendations for guidelines on air exchange related to the narcotics/ controlled substances storage area (**OSHA recommends a complete air exchange of five times per hour**).

Agencies should be aware that due to the potential health hazards associated with the storage of narcotics/controlled substances, as well as hazardous/biohazardous material, complaints to OSHA could result in OSHA inspections and fines.

GUIDELINE 4.5
Currency/High-Value Items Handling Procedures

Create or amend a written directive addressing procedures for the handling of currency/high-value items to include, at a minimum, the following:

- Intake and packaging (two-person rule)
- Detailed descriptions (using generic terms) of valuables
- Chain of custody
- Packaging and labeling (e.g., currency envelopes and generic descriptions)
- Separate, secure storage location (safe/vault)
- Access/use of the safe/vault
- Alarm and video surveillance of the safe/vault
- Deposit policy, monetary threshold, and deposit procedure
- Maintaining a running balance of cash stored in the safe/vault
- Maintaining a current inventory of valuables stored in the safe/vault

Commentary

As with the intake of all evidence/property, the handling of currency/high-value items (e.g., travelers' checks, negotiable bonds, jewelry, collectors' items) requires that specific intake, processing, and storage methods are followed to ensure security and the maintenance of the chain of custody. Because of the liability associated with currency and valuables, additional special handling is required.

Specific procedures should be established that include the use of the two-person rule in the inventory and counting system. To assist in eliminating counting errors, currency should be identified by denomination and placed in specially designed cash envelopes.

In order to avoid potential liability or questions of impropriety, valuables should be individually itemized and carefully (but generically) described and documented (e.g., yellow metal ring with clear stone) prior to packaging.

A monetary threshold and deposit procedure should be established in coordination with local prosecutors and city/county attorneys. If currency has unique evidentiary value, it should NOT be deposited, but kept in a secured storage area. If the practice of depositing such funds is not feasible on an individual basis, an agency may consider establishing a threshold for the depositing of multiple cases in one transaction.

Currency/high-value items must be stored separately in a safe or vault, and should NOT be mixed with general items of evidence/property. The entry to the safe/vault should be alarmed and monitored by video surveillance.

Procedures should be established regarding the access and use of the safe/vault. A running balance of the cash total in the safe should be maintained, as well as a current inventory of valuables stored in the safe.

GUIDELINE 4.6
Electronic Media/ Photos/Digital Storage Handling Procedures

Create or amend a written directive addressing procedures for the packaging and storage of digital or electronic media to include, at a minimum, the following:

- Anti-static bubble wrap bags
- Anti-static heat-sealed bags (e.g., KPAK)
- Faraday packaging for mobile/smart phones
- Shared systems for storing digital evidence (e.g., dash-camera videos, digital interviews/interrogations, digital photos)
- Separate storage location for digital media
- Video, audio, digital files or tapes
- Data storage devices (e.g., desktop/laptop/tablet computer)
- Proper e-waste disposal

Commentary

Law enforcement agencies should consider contacting the local crime lab to develop guidelines for packaging standards and destruction of electronic evidence (e.g., smart phones, hard drives). Faraday pouches can allow mobile phones/smart phones to be stored while being switched on, in order to verify time and date stamps on information contained in the phones. The protective material on the pouches prohibits the phones from receiving any further outside signals/information, and protects the data stored in the phones from remote wiping.

Agencies using a shared system for downloading and storing digital information such as dash-camera videos, interrogations, etc., should ensure the system is secure from unauthorized users and is backed up appropriately to prevent the potential loss of evidence. Written directives should specify what information is to be stored in these shared systems, when the information is to be placed in the system, and how and when it is to be retrieved. Retrieval or review of this data should NOT be a collateral duty of evidence/property personnel.

All digital media should be stored separately from other evidence to prevent possible loss of information due to magnetic influences (e.g., static electricity, magnet, or electromagnetic pulse).

Disposal of e-waste should be done in accordance with county environmental health and OSHA regulations.

GUIDELINE 4.7
Biological/DNA Handling Procedures

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

Biological Material Intake

a) Safety equipment and exposure plan
b) Packaging and labels
c) Temporary storage/secure drying area

Evidence and Property Storage and Disposal

a) Packaging condition upon receipt to evidence storage
b) Controlled environment storage room (i.e., cool room), refrigerator, or freezer
c) Statutory requirements (e.g., PC 680 - Sexual Assault Victims' DNA Bill of Rights, PC 803 - Tolling or Extension of Time Periods, PC 1417.9 - Retention of Biological Material)
d) Safe disposal of biohazardous materials pursuant to statutory requirements

Commentary

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

To reduce the risk of evidence contamination and to ensure personal safety, evidence/property personnel should utilize personal protective equipment (PPE), including goggles, gloves, and masks. The agency should have a plan to address occupational exposure to potentially infectious materials.

Packaging

Packaging requirements must account for the condition of the evidence at time of collection. Biological/DNA evidence exists in several different

forms, each of which must be packaged, handled, and stored uniquely. Biological/DNA evidence comes in two physical states: wet or dry. Items typically found in wet form include blood or urine vials. Items requiring drying must be dried prior to packaging and submission. Agencies are encouraged to use a commercially manufactured drying cabinet. The following information is an excerpt from the *NIJ Biological Evidence Preservation Handbook*.

Packaging Best Practices Summary

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

Containers

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

Item Packaging

- ✓ Package each item separately; avoid comingling items to prevent cross-contamination.
- ✓ Use a biohazard label to indicate that a potential biohazard is present.
- ✓ Plastic bags are NOT preferred for storage due to the possibility of bacterial growth or mold.
- ✓ If drying wet evidence is not possible, place the evidence in an impermeable and nonporous container and place the container in a refrigerator that maintains a temperature of 2°–8°C (approximately 35°–46°F) and is located away from direct sunlight until it can be air dried or until it can be submitted to the lab.
- ✓ Seal each package with evidence tape or other seals, such as heat seals and gum seals (avoid staples if possible). All seals should be marked to identify the person who sealed the package. Mark across the seal with the sealer's identification or initials and the date.
- ✓ All firearms submitted into evidence for biological testing should be unloaded, made safe, and placed into a new cardboard gun box. The submitting individual should seal the box and indicate on the exterior of the box that the weapon was unloaded, made safe, and may contain biological material.

- ✓ Label items according to agency policy and procedures. At a minimum, mark each package with a unique identifier, the identification of the person who collected it, and the date of collection. The unique identifier should correspond to the item description noted on the property/evidence report (e.g., evidence tag, property sheet, property receipt, or property invoice).
- ✓ Maintain the integrity of the item through the package documentation. Documentation includes all markings, seals, tags, and labels used by all of the involved agencies. Therefore, it is critical to preserve and document all packaging and labels received by or returned to the agency.

Storage

Storage equipment for biological evidence may include lockers, refrigerators/ freezers, or evidence rooms which are secure. Breathable storage containers prevent condensation and evidence degradation.

According to the *NIJ Biological Evidence Preservation Handbook*, biological evidence should be stored in one of the following environments depending on the type of evidence, and if known, the type of analysis that will be conducted:

- ***Frozen:*** Lab freezer storage temperatures at or below –10°C (14°F)
- ***Refrigerated:*** Stored between 2°C (35°F) and 8°C (46°F) with less than 25% humidity
- ***Temperature Controlled:*** Stored between 15.5°C (60°F) and 24°C (75°F) with less than 60% humidity (i.e., a cool room)
- ***Room Temperature:*** No temperature or humidity control guidelines

The creation of a temperature-controlled room (i.e., cool room) would allow agencies greater storage capacity and could reduce the need for acquiring additional refrigerators/freezers as the evidence inventory increases.

The choice of storage location for biological evidence depends upon how long the evidence is meant to be stored. The matrices on the following page identify both temporary (Table 4.1) and long-term (Table 4.2) storage conditions. The information shown is an excerpt from the *NIJ Biological Evidence Preservation Handbook*.

An agency should consult with the county crime lab and district attorney's office for input on preference for the storing of biological evidence.

Table 4.1 Temporary Storage Conditions Matrix

Type of Evidence	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood	Never	Best	Less than 24 Hours	–
Urine	Best	Less than 24 Hours	–	–
Dry Biological Stained Item[1]	–	–	Best	Acceptable
Wet Bloody Items (if cannot be dried)	Best	Acceptable	Less than 24 Hours	–
Bones	Acceptable	–	Acceptable	Acceptable
Hair	–	–	Best	Acceptable
Swabs with Biological Material	–	Best (Wet)	Best (Dried)	–
Vaginal Smears	–	–	Best	–
Feces	Best	–	–	–
Buccal Swabs	–	–	Best	Less than 24 Hours

Table 4.2 Long-Term Storage Conditions Matrix

Type of Evidence	Frozen	Refrigerated	Temperature Controlled	Room Temperature
Liquid Blood	Never	Best	–	–
Urine	Best	–	–	–
Dry Biological Stained Item[1]	–	–	Best	–
Bones	–	–	Best	–
Hair	–	–	Best	Acceptable
Swabs with Biological Material	–	–	Best (Dried)	–
Vaginal Smears	–	–	Best	–
Feces	Best	–	–	–
Buccal Swabs	–	–	Best	–
DNA Extracts	Best (Liquid)	Acceptable (Liquid)	Acceptable (Dried)	–

[1]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 (i) of PC 803.

  If the law enforcement agency elects not to analyze DNA evidence within the time limits of PC 803, a victim of PC 261, 261.5, 262, 286, 288a, or 289, where the identity of the perpetrator is in issue, shall be informed, either orally or in writing, of that fact by the law enforcement agency.

  If the law enforcement agency intends to destroy or dispose of rape kit evidence or other crime scene evidence from an unsolved sexual assault case prior to the expiration of the statute of limitation as set forth in PC 803, the agency shall give written notification to the victim at least 60 days prior to the destruction or disposal of the rape kit evidence or other crime scene evidence.

- ***PC 803 – Tolling or Extension of Time Periods***

  Notwithstanding any other limitation of time described, a criminal complaint may be filed within one year of the date on which the identity of the suspect is conclusively established by DNA testing, if both the following conditions are met:

  1. The crime is one that is described in PC 290(c) .
  2. The offense was committed prior to January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type ***no later*** than January 1, 2004, **OR** the offense was committed on or after January 1, 2001, and biological evidence collected in connection with the offense is analyzed for DNA type ***no later*** than two years from the date of the offense.

Requirements of Penal Code 1417.9

PC 1417.9(a) established the condition that the appropriate government agency shall retain all biological material that is secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with that case. However, if certain conditions are met, as specified in PC 1417.9(b), the biological evidence may be disposed of prior to the period of time established in PC 1417.9(a).

Upon approval for biological evidence disposition, but prior to the final disposition of such evidence, refer to the legal requirements for notification per PC 1417.9, to ensure proper compliance. *(Refer to the California Attorney General's Post-Conviction DNA Testing Report.)*

GUIDELINE 4.8
Blood Drying and Wet Evidence Drying Equipment

Create or amend a written directive addressing procedures for the use, care, and cleaning of blood drying and wet evidence drying equipment, to include, at a minimum, the following:

- Protocols for when to use the equipment
- Instructions on how to use/secure the equipment
- Procedures for tracking items of evidence/property that are being dried but have not as yet been submitted to the evidence/property storage area
- Procedures for tracking the use and cleaning of the equipment
- Instructions for the care/maintenance of the equipment
- Instructions for the cleaning of the equipment (i.e., equipment must be cleaned after each use and the equipment must be identified as clean for the next user)
- Procedures for the packaging/submission of items after the drying process is complete

Commentary

Agencies must ensure that protocols are established for the use of commercial blood drying and wet evidence drying equipment (or lockers identified specifically for the drying of blood-soaked or wet items). The use of blood drying and wet evidence drying equipment should be standardized by agency policy dictating when and how the equipment is to be used, how items being dried are to be tracked prior to submission to the evidence/ property storage area, and how the equipment is to be cared for, maintained, and cleaned.

The equipment must be located outside the main evidence/property storage area, accessible to field personnel. Agencies should avoid placing the equipment in areas where cross-contamination could occur due to external influences (e.g., vehicle sally port, firearms range, etc.). Once the equipment is in use, it should be locked or secured until the evidence is dry.

Records/logs must be maintained perpetually and indefinitely regarding the use and cleaning of the equipment. The equipment is to be cleaned in an approved manner after each use and identified as clean (e.g., with the use of colored tie or seal) for the next user. Directives must indicate how the items are to be packaged/submitted after the drying process.

PURPOSE

In order to maintain a high degree of evidentiary integrity, ensure the safekeeping of all items, and preserve the chain of custody of evidence/property, regular audits, inventories, and inspections of the evidence/property facility are required and need to be conducted by qualified personnel and documented appropriately.

This chapter will define and discuss the pertinent elements of:

5.1 **Audits –** Audits focus on the systems in place to locate, track, and account for items of evidence/property in the custody of the agency.

5.2 **Inventories** – An inventory is an accounting of all items of evidence/property in the custody of the agency.

5.3 **Inspections –** Inspections deal with safety, cleanliness, functionality, and efficiency related to an agency's evidence/property facilities.

GUIDELINE 5.1
Audits

Create or amend a written directive addressing procedures for conducting an audit to include, at a minimum, the following:

- Quarterly review of selected stored items and their corresponding completed property transactions, including special emphasis on sensitive items (e.g., firearms, narcotics, currency, jewelry, and other valuables)
- Review of packaged evidence seals for any evidence of tampering
- A requirement for audit results to be documented and directed to the agency head

Commentary

Evidence/property facility audits should ensure the following:

- Standards and policies are routinely followed
- Evidence/property is protected from damage or deterioration
- Appropriate chain of custody processes are utilized
- Written documentation (e.g., flow charts, property reports, and logs) are appropriately maintained
- Notification and release authorizations have been obtained
- Evidence/property location and status are validated
- Evidence/property having no evidentiary value is being disposed of according to policy

In addition, evidence/property facility audits should identify the following:

- Who seized the item
- What was the date and time of the evidence/property seizure

- Who documented it
- Who packaged it
- Who placed it in a temporary storage locker
- Who retrieved it from a temporary locker and processed it into the evidence system
- Who stored the evidence/property and at what time and date
- Who signed the property out for court use, when, and what was the disposition
- Who signed it out for analysis, who transported it, who analyzed it and when and with what results, and who transported it back to the evidence room
- Who authorized release of the property
- Who notified the owner to retrieve the property and what date was the owner notified
- Who released the property and the date and time of release
- What identification was obtained from the owner prior to release
- Does the release paperwork show final release information including release signature and date
- Have CLETS entries been updated to show release information or destruction information

Audits not only verify compliance, but identify areas that may require review, and can facilitate appropriate processes for identifying and correcting procedural deficiencies. One of the following auditing methods should be utilized:

- Select and review a single case, reviewing the file from collection through disposition
- Randomly select an item of evidence/property for review, and backtrack the storage process and documentation of the item from its shelved location through its submission to the evidence/property storage area
- Randomly select an inactive case file for review. If purged, documentation should be reviewed to ensure compliance from collection through disposition

  (See further commentary below for considerations on ensuring the "random selection process.")

Audits should be thoroughly documented to demonstrate compliance and/or rectification of non-compliance issues, and the results forwarded to the agency head. When validating items, focus attention first on narcotics/ controlled substances, currency/high value items, and firearms. After random items from these areas are selected and validated, the audit can then focus on general items of evidence/property.

Audits should be conducted on both a routine and random basis. Audits should be conducted when information is received that the integrity of the systems or facility is in question, when there is a change in the agency head, or when there is a change in evidence/property personnel.

An audit of evidence packaging and employee seals is critical to ensuring the safety and integrity of the evidence management system. Items should NOT be opened; however, if seals have been broken, the contents must be verified and documented prior to resealing. The replacement seal should be initialed, dated, and witnessed, updating the chain of custody as well. Special attention should be given to handling, packaging, and storing biological evidence to reduce the potential for cross-contamination. If a broken seal is identified during the audit, appropriate PPE should be utilized to safeguard both staff members and the integrity of the evidence.

Handling of biological evidence should be documented and appropriate decontamination procedures should be followed in the event biological evidence is unsealed.

Random Selection Process

In the case of random audits, the audit staff should ensure that items selected have been chosen randomly, without any personal bias. For example, an auditor checking the firearms vault might gravitate toward selecting a particular model of firearm of interest to the auditor. To minimize bias, a firearm could be selected randomly by placing all the case numbers of firearms located on a shelf into a hat, and blindly selecting a case number associated with one of the firearms. Programs and software for randomizing can be located on the Internet.

GUIDELINE 5.2
Inventories

Create or amend a written directive addressing procedures for conducting an inventory to include, at a minimum, the following:

- A process and timeline to ensure accountability of all evidence and property items, and the schedule for the inventory process
- Review of agency records
- Ensure integrity of specific storage locations or categories (narcotics, firearms, currency, etc.) and associated documentation.
- Shelf-to-file inventory process
- Routine inspection of “Unable to Locate” (UTL) files
- Procedures to follow if agencies employ RMS software with an inventory capability
- A requirement for inventory results to be documented and directed to the agency head

Commentary

Conduct an inventory under the following conditions:

- When information is received suggesting a breach of system integrity
- When there is a change of the agency head
- When there is a change of evidence/property personnel
- On an ***annual basis*** where the inventory is started and completed in its entirety at the end of the calendar or fiscal year and all items in the evidence/property storage facility are accounted for and verified

OR

- On a ***perpetual basis*** where the evidence/property facility is sectioned off at the beginning of a calendar or fiscal year, and each section is inventoried throughout the year until the entire evidence/property facility and its contents are accounted for and verified by year's end. As with audits, during an inventory, seals should remain unopened; however, if seals have been broken, contents must be verified and documented in a written report prior to resealing. The replacement seal should be initialed, dated, and witnessed

When completed, the file(s) should be reviewed for any unaccounted items. Items unaccounted for are considered to be missing and should immediately be brought to management's attention. In this situation, a written report should be filed to explain the discrepancy and its resolution. The record should be maintained on file until final disposition is determined.

In the event items are found on the shelf without documentation, the items should be researched to connect them to a case, even if a complete inventory of all items of evidence and property must be conducted. If, after all practical research has been exhausted, the items still cannot be connected to a case, they should be listed on a "Found Property Report," held for the statutory period, and then disposed of according to existing statutes.

Some RMS/Bar Coding systems may be equipped with an inventory function. Agencies using this module need to establish written procedures specifying how to use the module in the inventory process.

Inventory results should be thoroughly documented, with the results forwarded to the agency head. In the case of a perpetual inventory, the agency head should receive a report of the inventory results as each section is completed.

GUIDELINE 5.3
Inspections

Create or amend a written directive addressing procedures for conducting an inspection to include, at a minimum, the following:

- Frequency of inspections (e.g., scheduled and random)
- Inspector(s)

- Cleanliness, order, and functionality of storage facility
- Health and safety
- Quality assurance requirements
- A requirement for inspection results to be documented and directed to the agency head

Commentary

Periodic inspection of the evidence/property facility is important to ensure the security, integrity, and safety of the evidence/property facility.

Formal inspections should be documented, with the results forwarded to the agency head and the EPM. When specific issues are identified, a proposed resolution designed to ensure compliance with agency policy should be developed. All inspection records should be retained based on agency records retention schedules.

Routine, informal inspections of the evidence/property facility are recommended to ensure the facility is maintained in a safe, clean, functional, and organized manner.

Inspection results should be thoroughly documented, with the results forwarded to the agency head.

INTENTIONALLY BLANK

- Evidence and property subject to court order (e.g., search warrant, return of property order)
- Evidence and property associated with sexually violent predators *[Refer to WI 6600 (Welfare and Institutions Code)]*
- Evidence and property associated with domestic violence incidents

Disposal of Digital Media Storage Devices

Before a device (e.g., computer, smart phone, or tablet) can be auctioned, its hard drives or storage media should be removed and recycled by a bonded recycler. A computer hard drive cannot be completely erased, and if sold with sensitive material (e.g., financial records), significant penalties may be imposed on the releasing agency. Agencies are encouraged to contact the Department of Justice or a digital forensics expert regarding disposal criteria.

Disposal of Serialized Property

Any person who knowingly buys, sells, receives, disposes of, or has in his or her possession any personal property from which the manufacturer's serial number, identification number, electronic serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, is guilty of a public offense *(refer to PC 537e)*.

- When property comes into the custody of a peace officer, it becomes subject to the provision of PC 1407–1411 relating to disposal of stolen or embezzled property. Property subject to this section shall be considered stolen or embezzled property and, prior to being disposed of, may have an identification mark imbedded or engraved in, or permanently affixed to it
- If serialized property is returned to the finder or auctioned, the appropriate disposition should be entered into the California Department of Justice Automated Property System. If the original serial number has been tampered with or destroyed, an attempt should be made to restore the serial number or a new serial number should be generated and affixed prior to release. A new number does NOT need to be generated if the property is to be destroyed *(refer to PC 537e)*
- Proper documentation of both the release and the newly generated serial number should be retained

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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

PURPOSE

One of the critical functions of the evidence/property unit is ensuring the appropriate, timely, and lawful disposition of evidence/property.

This chapter provides guidance on the disposition and purging of evidence/property, with emphasis on the classifications of property, methods of disposal, and procedures for the disposition and purging of firearms, narcotics/controlled substances, currency/high-value items, and biohazardous materials. The following guidelines are addressed:

6.1 Considerations for Disposal

6.2 Methods of Disposal and Classifications of Property

6.3 Firearms: Special Procedures for Disposition/Purging

6.4 Narcotics: Special Procedures for Disposition/Purging

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

6.6 Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging *(including explosives, ammunition, flammables, and pyrotechnics)*

GUIDELINE 6.1
Considerations for Disposal

Create or amend a written directive addressing the issues to consider in determining the disposition and purging of evidence/property to include, at a minimum, the following:

- Obtaining proper authorization for final disposition of evidence and property
- Returning items to identified owners
- Lawful disposal of evidence and property
- Disposal of items requiring special consideration
- Reconciling all computerized data systems and hard-copy paperwork to reflect the final disposition of evidence/property items, including who authorized and handled the release or destruction, and to whom items were released

Commentary

When appropriate, district attorneys and investigating peace officers should be involved in decisions involving evidence/property disposition. This collaboration will aid in the prevention of erroneous disposal of evidence that may be classified as follows:

- Evidence and property associated with multiple cases
- Cases with multiple defendants
- Cases subject to DA refilling
- Evidence and property with questionable ownership

- Property for auction/donation
- Property retained for agency use (must be secured separately and listed in the agency's general inventory)
- Property for destruction

Commentary

Agencies should determine the proper method of disposal associated with each classification of property. The primary methods used to dispose of items from the evidence/property facility are listed below.

- Returned to the owner or finder
- Sold at public auction
- Converted to agency use (includes asset-seizure items)
- Destroyed
- Other claims of ownership
- Donations

Found Property

Any property with no evidentiary value, and for which the owner may or may not be known, is defined as found property *[refer to CC 2080–2080.9, (Civil Code)]*.

Found property should be maintained separately from evidence. This separation ensures that found property is retained for the term prescribed by law.

Refer to the individual sections of this chapter for disposition of found weapons, narcotics, contraband, and valuables.

Returning to Owner

The agency is required to notify the owner , if known, that it possesses the property and where the property may be claimed. This notification should be made as soon as possible. The agency may require the property owner to make a "reasonable" payment to defray the costs of storage and care of the property. If the owner appears within 90 days after an agency receives the property, the owner proves his/her ownership of the property, and pays all reasonable charges, the agency will return the property *(refer to CC 2080.2)*.

Returning to Finder

If the found property is valued at less than $250 and no owner appears to claim the property within 90 days, the title shall vest in the person who found or saved the property without the requirement of published notification. (*Exception*: If the property was found by a public employee in the course of employment, the employee will have no claim to the property and the said property will be sold at public auction, lawfully diverted to agency use, or destroyed.)

If the property is valued at $250 or more and the owner does NOT claim it, the law enforcement agency shall cause notice of the property to be

published at least once in a newspaper of general circulation. If after seven days, the owner fails to claim the property and the person who found or saved the property pays the costs of publication, the title shall vest in the person who found the property *(refer to CC 2080.3)*. The agency may require the finder to pay the storage fees.

Adoption of Local Regulations

Any public agency may elect to be governed by the provisions of CC 2080–2080.10 with respect to disposition of personal property found or saved on property subject to its jurisdiction, or may adopt reasonable regulations for the care, restitution, sale, or destruction of unclaimed property in its possession. The agency shall provide that such property will be held for a period of at least three months, that thereafter such property will be sold at public auction to the highest bidder, and that notice of the sale will be published at least five days prior to sale in a newspaper of general circulation published in the county in which such property was found *(refer to CC 2080.6)*.

- With the concurrence of legal counsel, agencies may consider NOT returning found weapons or firearms to the finder. The weapons or firearms may be declared a nuisance and destroyed
- Agencies may adopt local legislation to allow the disposal of perishable foods and liquor at the time of intake to reduce health risks
- Agencies may consider procedures for the return or destruction of found prescription medications
- Any found item determined to be contraband should be processed for destruction

Abandoned Property

There is no application of CC 2080–2080.6 to items that have been abandoned intentionally by their owners *(refer to CC 2080.7)*.

Other Claims of Ownership

The agency should be mindful of other civil proceedings or claims against the held property. Pawn dealers and insurance companies may have a claim against the property.

Property for Safekeeping

Property that has no evidentiary value, which is being held by a public agency for the purpose of temporary storage for the owner, is considered property for safekeeping *(refer to CC 2080.10)*.

Agency Responsibilities

When an agency takes property from an individual for safekeeping, the agency takes responsibility for the care, storage, documentation, and disposition of the property.

The agency must provide a receipt to the owner and provide instructions regarding the retrieval of the property. The receipt and instructions should either be given to the person from whom the property was taken at the time

of collection, or be immediately mailed, by first-class mail, to the person from whom the property was taken. *(Refer to Appendix C for a Sample Property Receipt.)*

The receipt and instructions should notify the owner or person from whom the property was taken that the property must be claimed within 60 days after the public agency obtains possession. If the owner of the property does NOT respond to the written notification and the property is NOT claimed within 60 days, the property will be considered abandoned and will be disposed of. To retrieve the property, the owner should be required to do one or more of the following:

- Make an appointment to pick up the property. The person claiming the property must identify him/herself with acceptable identification (e.g., driver's license, California identification card, passport, military identification card, or booking photo). The identification information should be recorded on the appropriate property form
- Authorize, in writing, another person to retrieve the property
- Notify the public agency, in writing, that he/she is unable to retrieve the property because he/she is in custody, and request the agency to hold the property. If a person notifies the agency that he/she is unable to retrieve the property within 60 days, or has an authorized person retrieve the property, the agency should hold the property for no more than ten additional months. The agency may then dispose of the property according to CC 2080.10.

Evidence

Items taken, with or without a search warrant, in connection with the investigation of a crime, are considered evidence.

Authorization for Release or Destruction of Evidence

Evidence/property personnel may receive notification and authorization for release or destruction in any of the following ways:

- The district attorney's office forwards a case disposition to close, suspend, or reject a case or return property
- The court sends disposition on completed cases
- The property owner inquires about the disposition of his/her property
- The investigating peace officer authorizes release or disposal
- A court order authorizes the release of the property
- The property, or an accumulation of property, poses a storage problem or hazard and disposal is ordered by the agency head
- Department policy allows for property personnel to purge old items according to the statute of limitations in the Penal Code (photograph and release prior to disposition based on established criteria)

Appeals Period – Adjudicated Cases

Generally, evidence may NOT be released or disposed of prior to the adjudication of the case and the expiration of the appropriate appeals period following sentencing (30 days following sentencing on misdemeanors and 60 days on felony cases) in accordance with CRC 8.320 and CRC 8.782 (Rules of Court). It is advisable to wait an additional 30 days beyond these dates to verify that no appeal has been initiated.

Maintaining Evidence from Adjudicated Cases

Evidence/property from capital crime homicides, embezzlement of public funds, or falsification of public documents cases should be retained indefinitely, except when disposal release is ordered by the investigating peace officer, district attorney's office, the court, or death of the defendant.

Biological material from convicted felons meeting the criteria of PC 1405 must be maintained for the duration of the incarceration, or when notice of disposal is given to all appropriate parties, and no response is received within 90 days of notice being sent *(refer to PC 1417.9)*.

Statute of Limitations* – Open Cases

- Misdemeanor Cases ..... 1 year

  Exceptions:
  - PC 647.6 ..... 2+ years
  - BPC 729, 7027–7189 ..... 2+ years (Business and Professions Code)

- Felony Cases:
  - Felony sexual offenses .....10 years
  - Felonies punishable by 8 years or more .....6 years
  - PC 368 felonies.....5 years
    Exceptions: Theft or embezzlement
  - PC 803(c) felonies.....4 years
  - All other felonies.....3 years

- Cases that Involve:
  - Property from homicide .....Retain indefinitely
  - Embezzlement of public funds .....Retain indefinitely
  - Falsification of public documents .....Retain indefinitely

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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 for judge's signature.

Some agencies have a clause included in the original search warrant which allows for disposal of evidence upon adjudication without the need of an additional court order.

Court Exhibits

Items held by the court as exhibits need a court order for disposition, destruction, or diversion per PC 1417, *et al*.

Property for Auction

Upon adjudication of a criminal case, all unclaimed, found, safekeeping, evidence, and property items may be subject to sale at public auction.

Authorization to Sell or Auction Property

The legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale, or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county *(refer to CC 2080.4*). All provisions of CC 2080.3 and CC 2080.6 must be adhered to.

- The police or sheriff's department may sell such property by public auction, in the manner and upon the notice of sale of personal property under execution, if it is a thing which is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or being found, refuses upon demand to pay the lawful charges provided by sections CC 2080 and CC 2080.1, or fails to respond to notifications and in the following cases *(refer to CC 2080.5):*

  - The property is in danger of perishing, or of losing the greater part of its value
  - The lawful charges provided by CC 2080 and CC 2080.1 amount to two-thirds (2/3) of its value
- In the case of other personal property, a similar notice must be posted not less than five days prior to sale in a newspaper of general circulation

Property Retained for Agency Use

Upon adjudication of a criminal case, all unclaimed, found, safekeeping, evidence, and property items may be retained and/or released to a public agency, in lieu of public auction as provided by CC 2080.6 and PC 1411. A memo from an agency head should document the approval of a transfer of property for agency use.

Property for Destruction

Any item in the custody of the agency whose disposition has been determined and is subject to destruction is considered property for destruction.

Suggested Methods for Destruction

- Property of little or no value can be disposed of in an appropriate dumpster after being made unserviceable
- Papers and digital media of a sensitive nature should be appropriately destroyed (e.g., in-house or contracted through a bonded shredding company)
- Alcoholic beverages should be poured out and containers should be properly recycled
- Ammunition can be disposed of by various means, including, but not limited to relinquishing it to a:
  - Rangemaster
  - Bomb squad
  - Military facility
  - Local range
  - Private disposal service
- Fireworks should be relinquished to the fire department or bomb squad for disposal
- Digital media components are considered hazardous waste and should be disposed of appropriately

GUIDELINE 6.3
Firearms: Special Procedures for Disposition/Purging

Create or amend a written directive addressing procedure for the disposition or purging of firearms to include, at a minimum, the following:

- Automated Firearms System (AFS) inquiry to determine firearm status
- Conferring with the Department of Justice or local crime lab for potential evidentiary value of firearms booked as evidence, found property, or destruction

Releasing/Destroying Firearms:

a) Establish criteria for approval from the district attorney's office and the investigating peace officer

b) Query firearms through appropriate systems and databases

c) Regardless of classification, conduct a DOJ Law Enforcement Gun Release and criminal history inquiry on the owner claiming custody of the firearm prior to its release

d) Check current DOJ publications for definition of assault weapons and ownership restrictions

e) Ensure firearms for destruction are made unserviceable through shredding, grinding, or melting at a commercial facility

Disposing of Firearms NOT Subject to Destruction:

a) Auction by a federally licensed firearms dealer

b) Conversion to agency use

c) Transfer to a crime lab or other agency for official use (requires a court order)

Commentary

Prior to the release, destruction, or retention of any firearm in the custody of the agency, several criteria must be satisfied, including all appropriate database inquiries regarding ownership or possession of the firearm.

Before any firearm is released, an inquiry should be made through all applicable federal, state, and local databases.

Firearms taken at the scene of a domestic violence incident pursuant to PC 18265 must be made available after 48 hours but no later than five business days after the seizure. In those cases where a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency shall advise the owner of the firearm or other deadly weapon, and within 60 days of the seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. Each agency should establish a policy or procedure to enable this process to be handled expeditiously.

When weapons are seized from an individual (WI 5150) pursuant to WI 8100–8103, agencies may petition the court within 30 days of release of the individual from the mental health facility if the agency has reasonable

cause to believe the return of the weapon is likely to endanger the individual or others. The owner should contact the evidence/property officer, after 15 days from the date of seizure, to determine if a weapon can be returned. If no petition is filed with the court within 30 days of release of the individual from the mental health facility, the weapon may be made available upon request. Each agency should establish a policy to facilitate this process.

FC 6389 (Family Code) states a person subject to a protective order may NOT own or possess a firearm and the civil court may order that the agency hold the firearm(s) for the duration of the protective order. This code allows agencies to charge fees for the actual cost of storing these firearms.

Weapons are turned in for safekeeping for a variety of other reasons (e.g., "cooling-off" period, taken from impounded vehicles, taken from an arrestee in legal possession of the weapon NOT related to the cause of arrest). There is no specified holding period; the owner may claim the firearm at any time within 60 days of notification.

In any event where a firearm is released to someone other than the owner, a federally licensed firearms dealer must conduct the transfer of ownership.

Firearms Disposition and Disposal

Each weapon subject to disposal must be entered into the Automated Firearms System (AFS) as destroyed (PC 34010). A master list of these firearms and their serial numbers should be retained indefinitely.

Firearms in transport for disposal should be accompanied by armed escort.

Methods of Disposal

- Shredding or grinding
- Melting at a commercial facility
- Conversion to agency use
- Training
- Transfer to crime lab or other agency (requires court order)
- **Firearms should NOT be disposed of through public auction**

Firearms Retained for Agency Use

PC 34005 allows agencies to retain firearms for departmental use. With the approval of the agency head, the evidence and property personnel may release the firearms to the department armorer/rangemaster. A record of each firearm(s) make, model, and serial number should be maintained by both the EPM and armorer/rangemaster. Each weapon should be entered into the California Department of Justice AFS as converted to department use. When the department no longer requires the firearm, it shall be turned back over to the evidence/property room for destruction pursuant to PC 34005(c).

Firearms as Evidence

If a weapon is used in the commission of a crime, it may be destroyed as a "nuisance" pursuant to PC 18005, PC 18275, and PC 34005 or, if stolen, returned to the owner after the adjudication of the case and following the appeal period. California law requires a DOJ Law Enforcement Gun Release inquiry be conducted prior to release to the lawful owner.

Ensure that the district attorney's office and the investigating peace officer are in agreement that the firearm is no longer needed as evidence in any proceeding or investigation.

GUIDELINE 6.4
Narcotics: Special Procedures for Disposition/Purging

Create or amend a written directive addressing procedures for the disposition and purging of narcotics/controlled substances to include, at a minimum, the following:

- Seizure by search warrant
- Exception to court orders
- Destruction of large amounts of PCP
- Confiscation of large amounts of narcotics
- Hazardous chemicals
- Packaging and preparation for disposal
- Methods of destruction
- Clandestine labs

Commentary

All controlled substances and related items, paraphernalia, or objects contaminated by the controlled substances which were unlawfully used or possessed and which are in possession of the agency, shall be destroyed by the order of the court *[refer to HS 11473 and HS 11473.5 (Health & Safety Code.]* The actual destruction may be done by a police or sheriff's department, the California Highway Patrol, or by the State DOJ *(refer to HS 11474.)*

Exception: Per HS 11473 and HS 11473.5, law enforcement may request of the court that certain uncontaminated science equipment be relinquished to a school or school district for science classroom education in lieu of destruction.

Some agencies temporarily divert narcotics to their K-9 unit for training. Agencies should develop policies and procedures for this process. When the unit has completed the training, the narcotics should be returned to evidence/ property and will fall under the same guidelines for destruction as other narcotics or controlled substances.

Depending on the courts in the local jurisdiction, orders may or may not have been received to destroy controlled substances on a case-by-case basis as the cases were adjudicated. Regardless, an order encompassing all items to be destroyed shall be presented to the court for destruction/authorization.

Many cases are not prosecuted and there may be other found substances as well as paraphernalia. The court order should contain the name of the agency and the evidence/property controller responsible for the destruction. It should list the controlled substances, items, or paraphernalia to be destroyed and the case number relating to each. Jurisdictions may differ slightly as to form and content of order.

Controlled Substances Obtained by Search Warrant

If certain controlled substances and/or paraphernalia were obtained in connection with a search warrant, a separate court order for each case must be obtained for disposal *(refer to PC 1536)* .

Exceptions to the Court Order Requirement

HS 11479 allows for destruction prior to adjudication of anything in excess of 10 pounds in gross weight connected to one particular case by order of the agency head, chief, or sheriff of the law enforcement agency or designee. The following requirements must be met in order to proceed with the destruction:

- At least five random samples must be taken (not included in 10-lb weight requirement)
- Photos must be taken
- The evidence must be weighed
- The agency head must be satisfied that all other alternative storage methods have been exhausted

In addition, an affidavit must be filed with the court 30 days subsequent to destruction detailing the above and reciting the date and time of destruction.

Destruction of Large Amounts of PCP

HS 11479.1 provides for destruction prior to adjudication of phencyclidine, or an analog thereof, in excess of one gram of a crystalline substance, 10 milliliters of liquid substance, two grams of plant material, or five hand-rolled treated cigarettes. The following requirements must be met in order to proceed with the destruction:

- Samples must be taken
- Photos must be taken
- The evidence must be weighed
- The agency head must be satisfied that all other alternative storage methods have been exhausted

In addition, an affidavit must be filed with the court 30 days subsequent to destruction detailing the above and reciting the date and time of destruction.

Confiscation of Large Amounts of Narcotics/Controlled Substances

If the agency confiscates a large amount (in excess of 57 grams) of a suspected controlled substance, except marijuana, HS 11479.2 allows for its destruction prior to adjudication. A separate court order is required and there are several conditions, which must be met, including:

- Five random samples must be taken
- Photos must be taken
- The evidence must be weighed
- The agency head must be satisfied that all other alternative storage methods have been exhausted

When a defendant is charged, a motion must be filed for the destruction order in the court having jurisdiction over any pending criminal proceedings.

Hazardous Chemicals

HS 11479.5 allows for the immediate disposal of amounts in excess of one fluid ounce of liquid, or one avoirdupois ounce of solid, of a suspected hazardous chemical believed to have been used, or intended to have been used, in the unlawful manufacture of controlled substances. The chemical, and its container, may be disposed of without a court order by the seizing agency. For the purposes of this section, “hazardous chemical” is defined as any material that is believed by the agency head to be toxic, carcinogenic, explosive, corrosive, or flammable, and that is believed by the agency head to have been used, or intended to have been used, in the unlawful manufacture of controlled substances. As with the above exceptions, these conditions must be met:

- At least a one-ounce sample must be taken from each different type of suspected hazardous chemical
- At least a one-ounce sample must be taken from each container of a mixture of a suspected hazardous chemical with a suspected controlled substance
- Photos must be taken
- The gross weight or volume of the suspected hazardous chemical seized must be determined

In addition, an affidavit must be filed with the court within 30 days, reciting all required information.

A law enforcement agency responsible for the disposal of any hazardous chemical must comply with the Health and Safety Code, as well as all applicable local, state, and federal statutes and regulations. When preparing for controlled substance destruction, it is appropriate to use the two-person rule. As each container of controlled substances is placed into the box, it should be verified by a second person. Once a box is filled, it should be sealed with tape and initialed by both individuals to verify contents.

Method of Destruction

Many law enforcement agencies burn their controlled substances (marijuana, cocaine, methamphetamine, and drug paraphernalia) at burn sites in Northern and Southern California that have been approved by the Air Quality Management District. An appointment for a disposal burn should be made in advance. Because of air quality laws, many burn facilities require that a general list of items to be incinerated be forwarded prior to the destruction.

During transport to an authorized burn facility, items to be destroyed must be accompanied by an armed escort. The disposal of all evidence must be witnessed.

Procedures should be taken to ensure that all conditionally exempt controlled substances are handled and transported in accordance with CCR 66261.4 (California Code of Regulations) .

The following destruction guidelines should be followed:

- The destruction should NOT be publicized
- The destruction should be documented appropriately

Hazardous Waste and Clandestine Lab Disposal Procedures

With the exception of representative samples, handling, storing, and transporting hazardous chemicals should NOT be the responsibility of evidence/property personnel. When transporting “sharps” and other hazardous waste, the transporting agency falls under the category of “small quantity generator” under HS 11760 and a permit is required from the Department of Health Services.

In all cases involving hazardous waste clean-up or disposal, agency personnel should first contact the local environmental health department or fire department.

The county environmental health department may be contacted for additional disposal options, as well as for collecting and disposing of small amounts of certain chemicals at the scene.

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

Create or amend a written directive addressing procedures for the disposition of currency/high-value items to include, at a minimum, the following:

- Identify a threshold for cash prior to depositing it into a bank account
- Establish a ledger to keep a current accounting of the amount of cash and other contents stored in the safe, and specify when and how the ledger is to be used
- Identify the process for disposition/purging of items deemed by the agency as having potentially high value (e.g., jewelry)

Commentary:

The managing of cash may be accomplished by establishing a threshold for deposit into an account established by the city or county treasurer, or into a general account in a banking institution. Unclaimed money should be deposited to the general fund after all notification requirements have been met.

Any currency with specific evidentiary value (e.g., containing trace evidence or documented serial numbers) should be retained.

An ongoing ledger should be maintained in the safe to keep an accurate accounting of cash and other safe contents.

The disposition/purging of high-value items should be conducted in similar manner as general items of evidence/property.

GUIDELINE 6.6
Hazardous/Biohazardous Materials: Special Procedures for Disposition/Purging

Create or amend a written directive addressing procedures for the disposition of hazardous/biohazardous materials (**including explosives, ammunition, flammables, and pyrotechnics**) to include, at a minimum, the following:

- Ensure compliance with all applicable local environmental health agencies
- Use of qualified/approved disposal vendors, if applicable
- Comply with PC 1417.9 where applicable/required
- Use of approved/authorized disposal sites

Commentary:

The disposal of hazardous/biohazardous materials falls under a number of local, state, and federal statutes. The California Department of Health Services regulates most disposals. Disposal services, if used, should be qualified and approved to handle, transport, and dispose of biohazardous material. Disposal of biohazardous materials should be in compliance with PC 1417.9. Consult with the fire department, agency bomb squad, and rangemaster when developing protocols for the disposal and destruction of explosives, ammunition, flammables, and pyrotechnics.

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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 & 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. (Department of Justice, Office of Justice Programs, 1999)
Cool Room	A secure, temperature-controlled room that is maintained between 60°–75°F (15.5°–24°C), with less than 60% humidity.
Crime Lab	A facility (government or private) that analyzes physical evidence.
Crime Scene	A location in which (or a person upon whom) a crime may have occurred.
Currency/ High-Value Items	Evidence/property in the form cash/currency of any amount or denomination, or items such as travelers checks, negotiable bonds, jewelry, collector items, and any other item determined by the agency to be of potentially high value.
Degradation	The transition from a higher to a lower level of quality.
Disposition of Property	Authorized and approved method of purging evidence/property.
DNA	The genetic material; a double helix composed of two complementary chains of paired bases, known as nucleotides (National Institute of Justice , 2000); Deoxyribonucleic acid (DNA), often referred to as the "blueprint of life," is the genetic material present in the nucleus of cells that is inherited, half from each biological parent. DNA is a chemical substance contained in cells that determines each person's individual characteristics. An individual's DNA is unique except in cases of identical twins.
Evidence	Property which may be related to a crime, or which may implicate or clear a person of a criminal charge.

Evidence Packaging	The manner in which items with potential evidentiary value are wrapped, bagged, or boxed to be preserved, documented, and labeled. *(Latta & Bowers, 2010)*
Evidence/Property Manager (EPM)	The agency employee selected and trained to be the lead person responsible for the overall daily operation of the evidence/property function with managerial authority over the routine functions and procedures and direct supervision over the unit staff. The EPM reports directly to the agency head, or a command-level staff member, to communicate evidence/property matters, resolve issues, formulate policy, and receive direction. This position has been previously referred to as the evidence/property controller or supervisor.
Evidence/Property Record – Field Receipt	A form used by law enforcement personnel to document evidence/property placed into custody *(see Appendix C).*
Evidence/Property Room/Unit	A location dedicated to housing evidence for the purpose of criminal investigations. Can be located in a law enforcement office, a crime lab, a hospital, or a court.
Evidence/Property Technician (EPT)	The agency employee selected and trained to perform the general duties, assignments, and functions associated with the evidence/property unit. The EPT reports to, and takes direction from, the Evidence/Property Manager.
Found Property	Non-evidentiary property which, after coming into the custody of a law enforcement agency, has been determined to be lost or abandoned and is NOT known or suspected to be connected with any criminal offense.
Frozen	Storing by freezing. Lab freezer storage temperatures are at or below –10°C (14°F).
HEPA	A High-Efficiency Particulate Air Filter (HEPA) that satisfies U.S. Department of Energy standards of efficiency and removes 99.97% of all particles greater than 0.3 micrometer from the air that passes through.
Inspection	The process of examining and evaluating the safety, cleanliness, functionality, and efficiency related to an agency's evidence/property facility.
Inventory	An accounting of all evidence/property items in an agency's custody.
Law Enforcement Agency	Any agency that enforces the law. This may be a local or state police or federal agencies, such as the Federal Bureau of Investigation or the Drug Enforcement Administration.
Long-Term Storage of Biological Evidence	A long-term storage location must be designated to secure all biological evidence or property items in the custody of the agency for the duration of the time it is held in the property room until the items are diverted, sold, released, or destroyed. The buildings, rooms, and shelves/bins designated for long-term storage must be large enough to hold all evidence and property.
Nonporous Container	Packaging through which liquids or vapors cannot pass (e.g., glass jars, metal cans, and plastic bags). *(Department of Justice, Office of Justice Programs, 1999)*
Packaging	Container used to house individual items of evidence.
Personal Protective Equipment(PPE)	Items used to prevent an individual's direct contact with bloodborne pathogens. PPE includes disposable gloves, disposable overalls, disposable shoe covers, lab coats, masks, and eye protection.

Property Destruction	Non-evidentiary property which a law enforcement employee has requested to be destroyed in accordance with proper procedures and agency policies. This term generally applies to weapons and ammunition.
Property Officer	A worker responsible for the intake, submission, and/or retrieval of evidence in a property room.
Return of Property	The receipt used to document the return of property which had been temporarily checked out of agency custody for investigation, processing, court, or similar reasons.
Room Temperature	No temperature or humidity control guidelines.
Refrigerated	Stored between 2°C (35°F) and 8°C (46°F) with less than 25% humidity.
Refrigerator	Equipment used to keep an item or group of items cooler than room temperature.
Safekeeping	Non-evidentiary property which is placed into the custody of a law enforcement agency for temporary protection on behalf of the owner.
Sharps	Typically, a medical instrument or device, or a grooming implement (e.g., syringe, razor blade), that is capable of carrying a pathogen, and transmitting that pathogen via cutting or piercing the skin of the handler.
Temperature Controlled	Refers to storage conditions that are monitored to maintain a constant temperature between 15.5°C (60°F) and 24°C (75°F) with less than 60% humidity.
Temporary Storage	Storage of evidence from the time collected to reception by property room personnel. For the purposes of this handbook, temporary storage refers to any location that can hold evidence for up to 72 hours.
Temporary Storage Lockers	Secure lockers used to temporarily house evidence/property that has been properly packaged and tagged, and is accompanied by an Evidence/Property Record – Field Receipt.
Tickler File	A file that serves as a reminder and is arranged to bring matters to timely attention; can be manual, (e.g., folders into which copies of property records are placed when an item is temporarily signed out to the lab, court, investigation, etc.) or can be automated as part of a computer application that sets a reminder date that triggers a notification that an action is overdue (e.g., an item has not been returned from court).
Two-Person Rule	The process whereby two agency employees verify the condition/amount/description of evidence/property, and in particular, currency/high-value items, prior to packaging and submission.

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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 and property. Agencies should ensure that all applicable codes and statutes are referenced appropriately when developing policies and procedures related to the evidence and property function. Failure to comply with statutes or agency policies and procedures has led not only to unsuccessful prosecution, but to charges against agency personnel, loss of employment, and civil sanctions.

Since codes and statutes are routinely modified, agencies have the responsibility to keep abreast of current case law and legislation affecting the evidence/property function, and adapt their written directives accordingly. Agencies should routinely review applicable laws and regulations to ensure compliance, and confer with legal counsel as may be required.

CATEGORY TABLE

The following list is an alphabetized reference of legal/regulatory codes pertinent to the evidence/property function. Agencies should confirm the accuracy and applicability of statutes within these codes when they are referenced within written policies. Use this list as a reference to abbreviations used for statutes cited within this appendix.

Category	Code
Business and Professions Code	BPC
Civil Code	CC
Code of Civil Procedure	CP
Code of Regulations	CR
Evidence Code	EC
Family Code	FC
Government Code	GC
Health and Safety Code	HS
Penal Code	PC
California Rules of Court	CRC
United States Code	US
Vehicle Code	VC
Welfare and Institutions Code	WI

REGULATORY CODES BY TYPE OF EVIDENCE/PROPERTY

ABANDONED PROPERTY

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

ADVERTISEMENT

Auction ..... 2080.4, 2080.6 CC
Currency: District Attorney or Court Clerk Possession ..... 1420–1422 PC
Found ..... 2080.3 CC
Sale
- Found/saved/unclaimed ..... 2080.4, 2080.6 CC
- Seized pursuant to narcotics arrest ..... 11488.6 HS
- Vehicle Lien ..... 3071 CC

AFFIDAVIT

Controlled Substances ..... 11479 HS
Found or Saved ..... 2080.1 CC
Hazardous Chemicals ..... 11479.5 HS
PCP Destruction ..... 11479.1 HS

AMMUNITION

Prohibition against Possession by Convicted Felon ..... 30305(a) PC

APPEALS

Appeal Period on Felony Convictions (within 60 days) ..... 8.308 CRC
Appeal Period on Misdemeanor Convictions (within 30 days) ..... 8.782 CRC

AUCTION

Auction ..... 2080.3 CC

BICYCLES/TOYS

Unclaimed/Diversion to Juvenile Programs ..... 217 WI

CONTRABAND/CONTROLLED SUBSTANCES

Ammunition: Armor Penetrating ..... 34350–34370 PC
Booby Traps ..... 16310, 20110 PC
Counterfeit/Forged
- Counterfeiting equipment ..... 480 PC
- Forged public or corporate seals ..... 472 PC
- Forged keys ..... 466.5–466.8 PC
- Identification card or drivers license ..... 470a, 470b PC
- Lottery ..... 319–326, 328, 329 PC

Destruction
- Controlled substances/contraband as exhibit ..... 1417.6 PC
- Court order ..... 11474 HS
- Large quantities of dangerous substances ..... 11479 HS
- Property with conviction ..... 11473 HS
- Property without conviction ..... 11473.5 HS
- Transportation of exempt controlled substances ..... 66261.4 CR

Destructive Device ..... 18710–18780, 18800 PC
Diversion from Adjudicated Cases for Training ..... 11367.5 HS
Firearms/Weapons ..... 11370.1, 11550(e) HS / 25850(c)(5) PC
- Altered marks or number ..... 23900, 23920, 23925 PC
- Prohibited persons ..... 29800–29875 PC
- Commission of crime ..... 1417.6 PC
- Confiscate ..... 18000, 18250 PC
- Nuisance ..... 19190, 21390, 21590, 25700, 29300 PC
- Prohibited persons ..... 29800–29875 PC
- Prohibited weapons ..... 29900–29905 PC

Forfeiture ..... 11470 HS
- Containers ..... 11470(c) HS
- Currency ..... 11470(f) HS
- Materials and equipment ..... 11470(b) HS
- Science equipment: Division for schools ..... 11473(b), 11473.5(b) HS
- Written materials, books, or information ..... 11470(d) HS

Hypodermic Needle ..... 4141–4149.5 BPC
Knives ..... 20310, 21590 PC
Mental Health ..... 8103(f)(1) WI
Narcotics
- Destruction: Controlled substances ..... 11473, 11473.5, 11475, 11476 HS
- Forfeiture of substances, property, or valuables ..... 11470 HS
- Possession: Controlled substances ..... 11350, 11357 HS
- Science equipment for education ..... 11473, 11473.5 HS

Paraphernalia ..... 11364 HS
PCP (Large Quantity) ..... 11479.1 HS
Receipt for Property Taken ..... 11488(b) HS
Seizure
- Plants ..... 11476 HS
- Recovery of expenses ..... 11470.1 HS
- Schedule 1 substances ..... 11475 HS
- Vehicles ..... 11470(e) HS

Serialized Property ..... 537e PC
Silencer ..... 17210 PC
Sniper Scope ..... 468 PC
Stun Gun ..... 22610 PC
Tear Gas ..... 22810 PC

COSTS

Found Property

- Agency storage ..... 2080.1(b), 2080.2 CC
- Publication notice ..... 2080.3 CC

Controlled Substances/Material Seized: Recovery of Expenses ..... 11470.1 HS

Restitution to Agency ..... 1203.1(a)(3) PC

Vehicle

- Lien sale ..... 3073 CC
- Recovery by lien holder (low-value vehicle) ..... 22851.2 VC
- Recovery from lien sale ..... 3074 CC

COUNTERFEITING

Destruction: Dies and Plates ..... 480 PC

COURT

Controlled Substances (Claim for Third-party Interest in Property Seized) ..... 11488.5 HS

Motion to Return Property or Suppress Evidence ..... 1538.5 PC

Notification of Court-held Property ..... 1417.7, 1420 PC

Orders

- Destruction: Narcotics ..... 11473.5, 11474 HS
- Exhibits ..... 1417, 1417.1 PC
- Mental health restriction/Authorization Certificate for Firearm ..... 8103 WI
- Motion to challenge order: 10 days ..... 1008 CP
- Search warrant ..... 1536 PC
- Stolen or embezzled property ..... 1408 PC

Vehicle/Components Seizure Hearing ..... 10751 VC

CURRENCY/VALUABLES

Abandoned/Unclaimed

- Exhibits ..... 1420 PC
- Found ..... 2080–2080.3 CC
- Stolen ..... 1411 PC

Controlled Substances

- Valuables seized upon conviction ..... 11470 HS
- Disposition of proceeds from sale of forfeited property ..... 11489 HS

DECLARATION OF OWNERSHIP

Stolen/Embezzled Property ..... 1413(b) PC

DESTRUCTION/DISPOSAL

Controlled Substances:

- Controlled substances/paraphernalia ..... 11474 HS
- Large quantities of dangerous substances ..... 11479 HS
- Without conviction ..... 11473.5 HS

Counterfeiting Dies, Plates, Etc. ..... 480 PC

Cremated Remains (Human) ..... 7104 HS

Destructive Devices ..... 18710, 18800 PC

Firearms/Weapons ..... 34000 PC
- Nuisances ..... 18000, 19190, 21390, 21590, 25700, 29300(a) PC
- Official use no longer needed ..... 34005 PC

Lottery/Gambling Devices ..... 335a PC
Machine Guns ..... 32750 PC
Obscene Material ..... 312 PC
PCP (Large Quantity) ..... 11479.1 HS
Unclaimed Property ..... 2080.4, 2080.6 CC
Vehicles/Components ..... 10751 VC

DISCOVERY

Effect of Discovery ..... 1054 PC
Exclusive Means, Procedures ..... 1054.5 PC

DISPOSITION

Explosives ..... 12355 HS
Firearms/Weapons
- Destruction requirements ..... 34000 PC
- DOJ notification requirement ..... 34010 PC
- Firearms to crime lab ..... 34005(b)(2) PC
- Nuisances ..... 25700 PC

Found/Saved ..... 2080.6 CC
Funds
- Sale of forfeited property ..... 11489 HS
- Sale proceeds ..... 11495 HS

Identification Marks ..... 537e, 1413 PC
Narcotics
- Liens on seized property ..... 11488.6 HS
- Property: Seized ..... 11495 HS
- Property: Third-party interest or forfeiture ..... 11488.5 HS

Search Warrant ..... 1536 PC
Vehicle
- Lien holder cost recovery ..... 22851.12 VC
- Lien sale proceeds ..... 3073 CC
- Low valued ..... 22851.10, 22851.2, 22851.8 VC
- Numbers removed ..... 10751 VC

DIVERSION/DELIVERY

Agency Use
- Found or saved: Unclaimed ..... 2080.4, 2080.6 CC
- Stolen: Unclaimed ..... 1411 PC
- Firearms/Weapons
  - Agency: Law enforcement use ..... 34005(b) PC
  - Firearms: Military use ..... 34005(a)(1), 34005(c)(2) PC

Bicycles/Toys ..... 217 WI

Controlled Substances

- Agency: Delivery to for destruction ..... 11474 HS
- Forfeiture: Vehicles ..... 11470(e) HS
- Science equipment: School use ..... 11473(b) HS

Stolen/Embezzled Property

- County officer ..... 1411 PC
- Owner ..... 1408-1411, 1413(b) PC
- Pawnbroker ..... 1411 PC

DNA EVIDENCE

Post-conviction

- Disposal ..... 1417.9(b) PC
- Retention ..... 1405 PC , 1417.9(a) PC

DOMESTIC VIOLENCE

Liability: Officer (Good Faith Actions) ..... 18500 PC

Weapons

- Court-ordered retention ..... 6389(f) FC
- Disposal process ..... 18415 PC
- Prior cases/holding of evidence ..... 1109(e) EC
- Receipt/seizure ..... 18255 PC
- Stolen ..... 18270 PC
- Time-frame for holding ..... 18265(c) PC
- Unclaimed ..... 18275 PC

EMBEZZLED PROPERTY *(see Stolen Property)*

EMPLOYEE IN CHARGE OF PROPERTY SECTION

DMV Confidentiality ..... 1808.4(22) VC

Liability ..... 1413(d), 18500 PC

EVIDENCE

Admissibility: Relevant ..... 350, 351 EC

Defined ..... 140 EC

Retaking: Illegal Attempt to Obtain Evidence from Officer ..... 102 PC

EXPLOSIVES

Disposal ..... 12355 HS

Return: Petition ..... 12353, 12354 HS

Storage ..... 12353 HS

FIREARMS/WEAPONS

Assault Weapons

- Definition ..... 30510, 30515, 30710 PC
- Possession ..... 30605 PC
- Relinquishment ..... 30605 PC
- Nuisance ..... 30800 PC

Delivery
- Lawful owner ..... 18005(b) PC
- Military agency ..... 34005(a) PC

Destruction/Sale/Preservation ..... 18005 PC
- Destructive devices ..... 19000 PC
- Exhibit in criminal action ..... 34000 PC
- Machine guns ..... 32750 PC
- Nuisances: Other weapons ..... 18010 PC

Domestic Violence
- Conviction ..... 29805 PC
- Federal laws ..... 18 [921(a)(33)(A), 922(d)(9), 922(g)(9) US
- Firearms storage fees ..... 6389(e) FC
- Petition for destruction ..... 18400 PC
- Relinquish firearms ..... 6389(c) FC
- Restraining orders ..... 29825 PC

Eligibility: Personal Firearms Eligibility Check ..... 30105 PC

Exhibit: Use in Commission of Crime ..... 1417.6 PC

Found Firearms
- Return to finder ..... 16960(i) PC
- DOJ notification ..... 11108 PC

Identification Mark/Serial Number: Assigned by DOJ ..... 23910 PC
- Serial number restoration plan ..... 11108.9 PC

Mental Health
- Prohibition and return ..... 8100–8103 WI

Minors
- BB guns: Furnish to minor ..... 19915 PC
- Sale of BB device ..... 19910 PC

Notification
- ATF: Trace firearm used in crime (Crime Firearms, used in) ..... 11108.3 PC
- DOJ for firearm used in crime ..... 11108 PC
- Retention or destruction ..... 34010 PC

Retention
- Certification ..... 32005 PC
  - Official use ..... 34005(b) PC
- Sale ..... 18005(a) PC
- Firearm storage fees ..... 33880 PC

Short-Barreled Shotguns/Rifles: Permit for Use as Props ..... 33300 PC

Transfer of Firearm from Prohibited Person ..... 29810 PC

Unclaimed Firearms: Disposition ..... 18275, 34000 PC

Violent Use of Firearm: Offenses ..... 23515 PC

FOUND PROPERTY

Abandoned ..... 2080.7 CC

Affidavit ..... 2080.1 CC

Controlled Substances/Paraphernalia ..... 11473.5(a) HS
Firearms: Return to Finder ..... 16960(i) PC
Illegal Appropriation: Known Owner ..... 485 PC
Public Employee as Finder ..... 2080.3(b) CC
Requirements
- Advertisement:
  - Auction ..... 2080.4–2080.6 CC
  - Value over $250 ..... 2080.3(a) CC
- Legislative body: Adopted regulations ..... 2080.4 CC
- Public agency: Adopted regulations ..... 2080.6 CC
- Submission to agency ..... 2080.1(a) CC

Restoration to Owner ..... 2080.2 CC
Serialized/Non-Serialized Property: Report to DOJ ..... 11108 PC
Storage Costs: Agency ..... 2080.1(b), 2080.2 CC

Gambling Devices

Antique Slot Machines ..... 330.7 PC
Destruction/Notice of Intent to Destroy ..... 335a PC

Hearings

Controlled Substances:
- Seized property ..... 11488.1, 11488.5 HS
- Third-party interest ..... 11488.5 HS

Explosives ..... 12353 HS
Firearms/Weapons
Mental health ..... 8102, 8103 WI
Pawnbrokers/Second-Hand Dealers ..... 21647 BPC
Stolen Property ..... 1413(c) PC
Vehicles:
- Lien sale ..... 3071 VC
- Low-valued ..... 22851.8 VC
- Post-seizure ..... 10751 VC
- Storage ..... 22852 VC

Identification Numbers

Altered/Removed:
- Property ..... 537e PC
- Vehicles/components ..... 10751 VC

Requirements/Notifications
- DOJ: Firearms
  - Destruction or agency retention ..... 34010 PC
  - Firearm history ..... 11108.3 PC
  - Sheriff: Release for academy training ..... 34005(d) PC

Serialized/Uniquely Marked Property ..... 11108 PC
- Notice to owner of stolen serialized property ..... 11108.5 PC

INVENTORY

Annual County Property ..... 24051 GC

LIENS *(see Vehicles)*

LOTTERY DEVICES *(see Gambling Devices)*

MENTAL HEALTH

Weapons

- Hearing ..... 8102, 8103 WI
- Prohibition
  - Giving weapon to mental patient ..... 8101 WI
  - Patient prohibition (5 years) ..... 8103 WI

MONEY *(see Currency/Valuables))*

NOTICES

Auction: Found, Unclaimed, Perishable, or Saved Property ..... 2080.4–2080.6 CC

Controlled Substances

- Sale of seized property ..... 11488.6 HS
- Third-party interest in seized property ..... 11488.5 HS

Firearms/Weapons

- ATF: Trace of firearm used in crime ..... 11108.3 PC
- Department of Health Services: Firearm Injury Report (Juvenile). ..... 23685 PC
- DOJ
  - Agency recovery of firearms ..... 11108 PC
  - Destruction/retention of firearms ..... 34010 PC
  - Firearm acquired by operations of law ..... 27875, 27870 PC
  - Serial number restoration plan ..... 11108.9 PC
  - Sheriff: Use of weapons for academy/training (AFS) ..... 34005(d)(2) PC
- Owner: Notice prior to destruction of stolen ..... 18005(d) PC

Found Property

- Finder affidavit ..... 2080.1(a) CC
- Value over $250 ..... 2080.3(a) CC

Gambling Devices ..... 335a PC

Serialized/Uniquely Marked Property ..... 11108 PC

- Notice to owner of stolen serialized property ..... 11108.5 PC

Stolen/Embezzled Property

- Owner: Return to identifiable owner ..... 1411 PC
- Ownership claim: Person from whom property was taken ..... 1413 PC
- Pawnbroker ..... 21647 BPC

Vehicles

- DMV
  - Disposal of low-valued vehicle to dismantler ..... 22851.10 VC
  - Lien holder notification (low-valued vehicle) ..... 22851.8 VC
  - Removal of low-valued vehicle ..... 22851.2 VC

- Vehicle seizures/impounds ..... 10751 VC
- Vehicle storage: No owner notification ..... 22852, 22853 VC

- Lien sale
  - Application ..... 3071 CC
  - Value $4000 or less ..... 3072 CC

NUISANCES

Destructive Device ..... 19000 PC

Firearms/Weapons

- Unclaimed/abandoned ..... 18275, 34000 PC
- Used in commission of crime: Upon conviction ..... 29300 PC

Machine Guns ..... 32750 PC

Weapons Classified as Nuisances ..... 18010 PC

OBSCENE MATERIALS

Destruction upon Conviction ..... 312 PC

PAYMENT

Found Property

- Finder: Cost of publication (property over $250 value) ..... 2080.3(a) CC
- Storage costs ..... 2080, 2080.1(b), 2080.2 CC

Pawnbroker: Cost Recovery/Surrender of Stolen Property ..... 21647 BPC

PHOTOGRAPHS

Controlled Substances

- Large quantities/Hazardous ..... 11479(b) HS
- PCP (large quantities) ..... 11479.1(a)(2) HS

Exhibits ..... 1417.7 PC

- Toxic/hazardous introduced in court ..... 1417.3(b) PC

Stolen/Embezzled: Notification upon Release to Owner ..... 1413(b) PC

RECORDS/FORMS/REPORTS

Controlled Substances, Materials, or Property

- Receipt requirement ..... 11488 HS
- Large quantities/hazardous (samples, photographs, court orders) ..... 11479 / 11479.1 HS

Court Clerk

- Money: Unclaimed exhibits ..... 1420 PC
- Photographic record of exhibits ..... 1417.3(a), 1417.7 PC

Firearms/Weapons: Delivery to Military ..... 34005(a) PC

Found Property: Affidavit ..... 2080.1 CC

Reports: Misdemeanors/Felonies: Notice to DOJ ..... 11107 PC

Search Warrant: Receipt ..... 1535 PC

Serialized/Uniquely Marked Property: Notice to DOJ ..... 11108 PC

Stolen/Embezzled Property

- Photographic record ..... 1413(b) PC
- Receipt to person property taken from ..... 1412 PC
- Record of property ..... 1413(a) PC

Vehicle

- Storage: Notice to DOJ ..... 22853 VC
- Lien: DMV prescribed forms 3067.1CC
- Lien satisfaction: Notice to DMV ..... 22851.6 VC

REGULATIONS (ADOPTING)

Found/Saved Property: Public Agency ..... 2080.6 CC

Unclaimed Property

- Local legislative body ..... 2080.4 CC
- Public agency ..... 2080.6 CC

RELEASE *(see Return and Release)*

REPORTS *(see Records/Forms)*

RETENTION FOR OFFICIAL USE

Firearms for Official Duties ..... 34005(b) PC

Unclaimed Property

- Exhibits ..... 1417.5(c)(2) PC
  - Currency ..... 1420 PC
  - Found ..... 2080.4, 2080.6 CC
  - Stolen ..... 1411 PC
- Uncontaminated science equipment for schools ..... 11473(b), 11473.5(b) HS

RETURN AND RELEASE

Controlled Substances

- Lawfully possessed ..... 11473.5(a) HS
- Seized property ..... 11488.5 HS

Explosives ..... 12353, 12354 HS

Firearms/Weapons

- Mental health hold ..... 8102, 8103 WI
- Stolen weapon: Notification to owner prior to destruction ..... 18005(d) PC
- Used in crime without owner's knowledge ..... 18005(d) PC

Found Property ..... 2080.1, 2080.2 CC

Motion to Return Property: Defendant ..... 1538.5 PC

Pawnbroker

- Claim to unclaimed stolen property ..... 1411 PC
  - Stolen property held ..... 21647 BPC

Stolen/Embezzled Property to Owner ..... 1408, 1411 PC

- Declaration of ownership ..... 1413(b) PC

Vehicles

- Impounded on hit and run investigation ..... 22655 VC
- Owner's interest: Vehicle possessed by lienor ..... 3071.5 CC
- Stored ..... 22853 VC

SAFEKEEPING

Receipt/Retrieval Instructions. ..... 2080.10(2) CC
Responsibilities of Public Agency ..... 2080.10 CC
Serialized Property: Notice to DOJ Required ..... 11108 PC

SALE

Auction: Found, Unclaimed, Perishable, or Saved Property ..... 2080.4–2080.6 CC
Controlled Substances Forfeiture Property
- Sale and distribution of proceeds from sale ..... 11489, 11495 HS
- Third-party interest ..... 11488.5, 11488.6 HS

Exhibits: Disposition ..... 1417.5 PC
Firearms/Weapons ..... 18005(a) PC
Found/Saved: Unclaimed ..... 2080.4, 2080.6 CC
- Advertisement
  - Auction ..... 2080.4–2080.6 CC
  - Value over $250 ..... 2080.3(a) CC
- Legislative body: Adopted regulations ..... 2080.4 CC
- Perishables ..... 2080.5(1) CC
- Public agency: Adopted regulations ..... 2080.6 CC
- Public employee: Finder ..... 2080.3 CC

Stolen/Embezzled: Unclaimed ..... 1411 PC
Vehicle
- Identification number altered or removed ..... 10751 VC
- Lien sale
  - Application ..... 3071 CC
  - Cost recovery by lien holder ..... 22851.2 VC
  - Lien sale proceeds ..... 3073 CC
  - Recovery from lien sale ..... 3074 CC
  - Vehicle value $4000 or less ..... 3072 CC

STOLEN/EMBEZZLED PROPERTY

Agency Use of Unclaimed ..... 1411 PC
Disposition ..... 1407 PC
Firearms/Weapons
- Destruction of stolen firearms ..... 34000 PC
- Return to owner ..... 18270, 18005(b), 18005(d) PC

Pawnbroker
- Claim to unclaimed stolen property ..... 1411 PC
- Stolen property held ..... 21647 BP

Return to Owner
- Declaration of ownership/Photographs requirement ..... 1413(b) PC
- Ownership claim: Person from whom property was taken ..... 1413(b) PC
- Photographic record ..... 1413(b) PC
- Property in custody of court ..... 1409 PC

- Property in custody of peace officer ..... 1408 PC
- Return by order of the court ..... 1410 PC

Receipt to Person Property Taken From ..... 1412 PC

Record of Property ..... 1413(a) PC

Sale of Unclaimed ..... 1411 PC

Serialized Property: Notice to Owner ..... 11108.5 PC

STORAGE

Explosives: Return of Seized ..... 12353, 12354 HS

Found Property: Reasonable Costs Paid for Storage ..... 2080/2080.1(b), 2080.2 CC

Stolen/Embezzled: Costs for Storage ..... 1408, 1409, 1411 PC

Vehicles ..... 22850–22854 VC

TIME REQUIREMENT

Controlled Substances

- Affidavit with court: Large quantities/dangerous substances destruction ..... 11479(d) HS
- Affidavit with court: PCP (large quantity) ..... 11479.1(3)(b) HS
- Claimant on forfeiture property seized ..... 11488.5 HS
- Return of seized property/non-forfeiture ..... 11488.2 HS

Currency: Possession of District Attorney or Court Clerk ..... 1420 PC

DOJ Reports ..... 11107, 11108 PC

Exhibits

- Disposition ..... 1417.1, 1417.5, 1417.7 PC
- Instruments used in the commission of crime ..... 1417.6 PC

Explosives: Return to Petitioner ..... 12353, 12354 HS

Firearms/Weapons

- Convicted felon ..... 29800(a)(1) PC
- Convicted of certain misdemeanors ..... 29805 PC
- Destruction: Unclaimed firearm ..... 34000 PC
- Domestic violence
  - Petition for holding by agency ..... 18400 PC
  - Temporary holding by agency ..... 18250 PC
  - Unclaimed ..... 18275 PC
- Nuisances ..... 18010, 18275 PC

Found Property ..... 2080.2–2080.6 CC

- Finder claim ..... 2080.3 CC
- Owner ..... 2080.2 CC

Gambling Devices: Destruction ..... 335a PC

Inventory: County Property ..... 24051 GC

Mental Health

- Hearing for weapon destruction ..... 8102 WI
- Prohibition for committed persons ..... 8103 WI

Motion by Defendant to Return Property ..... 1538.5 PC

Pawnbroker: Property Hold Placed by Agency ..... 21647 BP

Sexual Assault/DNA Evidence (statute of limitations) ..... 803(f)–(h) PC
Stolen or Embezzled Property
- Notice of claim: Person from whom property was taken ..... 1413 PC
- Unclaimed: Notification to owner ..... 1411 PC

Vehicles *(see Vehicles: Controlled Substances)*

TOYS/BICYCLES

Unclaimed: Use in Programs to Prevent Juvenile Delinquency ..... 217 WI

UNCLAIMED PROPERTY

Bicycles/Toys ..... 217 WI
Exhibits ..... 1417.5(c) PC
- Currency ..... 1420 PC

Found ..... 2080.4, 2080.6 CC
Stolen ..... 1411 PC

VEHICLES

Controlled Substances
- Forfeiture hearing on vehicles used to transport ..... 11488.5 HS
- Return of property ..... 11488.2 HS
- Seizure of vehicle used in narcotics crime ..... 11470(e) HS

Identification Number Altered or Removed ..... 10751 VC
Impound: Hit and Run Investigation ..... 22655, 22655.5 VC
Liens
- Application for sale ..... 3071 CC
- Lien holder cost recovery ..... 22851.12 VC
- Lien sale: Proceeds ..... 3073 CC
- Lien satisfaction: Notice to DMV ..... 22851.6 VC
- Lien holder notification (low-valued vehicle) ..... 22851.8 VC
- Loss through trick, fraud, or device ..... 22852.5 VC / 3070 CC
- Notice to DMV ..... 3067.1 CC
- Recovery by lien holder (low-valued vehicle) ..... 22851.2 VC
- Recovery from lien sale ..... 3074 CC
- Service ..... 3068 CC
- Vehicle value $4000 or less ..... 3072 CC
- Vehicle storage ..... 22852 VC
  - No owner notification ..... 22853 VC

Low-Valued Vehicle
- Disposal to dismantler ..... 22851.10 VC
  - Disposition ..... 22851.2, 22851.8 VC
  - Notice to DOJ of removal ..... 22851.2 VC
- Mobile homes: Non-applicable ..... 3067.2 CC
- Owner's interest: Vehicle possessed by lienor ..... 3071.5 CC
- Storage
  - Notice to DOJ ..... 22853 VC
  - Notice to owner ..... 22852 VC

VIDEO/DIGITAL MEDIA

Mobile Video System Tapes ..... 34090.6 GC
Video Digital Media ..... 1550, 1553 EC

LOCAL ORDINANCES

Many jurisdictions have created local ordinances to further direct the proper handling of evidence/ property when the scope of the governing code needs further specificity, such as:

- Medical Waste Management
- Firearms Storage Fees
- Diversion of Unclaimed Property to Programs which Prevent Juvenile Delinquency
- Records Retention (Body-worn Video Cameras, In-car Cameras)

Ensure all local ordinances refer to the appropriate state and federal statutes within the policies.

MEDICAL WASTE MANAGEMENT

The California Health and Safety Code (HS 117605) allows local ordinances to regulate infectious waste, providing the ordinances meet or exceed the state regulations to ensure statewide standards. Each agency should research its respective city and/or county requirements in order to ensure compliance in this area as required.

CONFERRING WITH LEGAL COUNSEL ON POLICY

When the governing legal codes, ordinances, and policies contain gray areas, or areas of conflict or contradiction, an agency must evaluate the laws and adjust its policies and procedures to acquire the necessary compliance.

If the agency leadership is unsure about its authority to make policy, or there is uncertainty regarding the overall compliance with federal, state, and local laws and ordinances, the agency should consider conferring with its legal representatives to verify the legal soundness of policy, or request that a county or municipal regulation be created allowing the agency to handle the evidence/property issue as it believes appropriate. Areas for consideration in this matter might be:

- Perishables and Open Containers
- Retention/Release of Prescription Medication/Medical Marijuana
- Photo and Release Policy
- Found Firearms
- Syringe Disposal

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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 for Property and Evidence (CAPE) website at www.cape-inc.us.

Form #		Page
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2	Evidence/Property Record (with Bar Coding Option)	C-5
3	Property Report/Receipt (with Supplemental Sheet)	C-7
4	Found Property Affidavit	C-11
5	NOTICE: Regarding Firearm or Other Deadly Weapon Confiscation – California Penal Code 18400	C-13
6	NOTICE: Regarding Firearm or Other Deadly Weapon Confiscation – Welfare and Institutions Code 5150 Deadly Weapon Receipt	C-15
7	Letter of Notification (Biological Material) Penal Code Section 1417.9	C-17
8	Property Release Notification	C-19
9	MEMORANDUM: Evidence Correction Notice	C-21
10	MEMORANDUM: Notice to Supervisor	C-23
11	Evidence/Property Tracking Record	C-25
12	MEMORANDUM: Evidence Not Returned from Court	C-27
13A	Chain of Custody (Layout Option 1)	C-29
13B	(Layout Option 2)	C-31
14	Currency Envelope	C-33
15	Narcotics Envelope	C-35
16	Evidence/Property Transfer Form	C-37
17	Property Release Authorization – Authorized Disposition on Side 2	C-39
18	Property Release Receipt	C-41
19	Property Invoice Receipt	C-43
20	Evidence/Property Storage Facility Access Log	C-45

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FORM 1 – Side 1

EVIDENCE/PROPERTY RECORD – FIELD RECEIPT

CASE NO. ☐ LG ☐ MS ☐ SUPP

☐ FELONY
☐ MISDEMEANOR
☐ HEALTH HAZARD

LOCATION STORED/ LOCKER #	REPORT TYPE/CHARGES			RELATED CASES		
	LOCATION OF EVENT (STREET ADDRESS)			REPORTING	DATE	TIME
				EVENT OCCURRED:		☐ am ☐ pm
	CITY	ST	ZIP	REPORTED/ RECEIVED:		☐ am ☐ pm

☐ EVIDENCE ☐ FOUND PROPERTY ☐ DOMESTIC VIOLENCE ☐ SEARCH WARRANT
☐ SAFEKEEPING ☐ CLAIM – *Notify finder if not claimed within 90 days* ☐ EPRO ISSUED ☐ DESTRUCTION PER:
☐ LOST ☐ NO CLAIM – *Finder does not wish to claim* ☐ 5150 / 8102 ○ Owner ○ Officer

Use additional sheet(s) as needed

CITIZEN CODE – *Enter applicable code:* **F** = Finder **V** = Victim **O** = Owner **X** = Other

CODE	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH ☐ JUV	PH-HOME	PH-WORK	
	STREET ADDRESS	CITY		ST	ZIP
CODE	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH ☐ JUV	PH-HOME	PH-WORK	
	STREET ADDRESS	CITY		ST	ZIP

SUSPECTS – *List **ALL** suspects; (provide full name)*

1)	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH ☐ JUV	PH-HOME	PH-WORK	
	STREET ADDRESS	CITY		ST	ZIP
	SOCIAL SECURITY NUMBER		CII	☐ CITED ☐ NON ARREST	
2)	NAME (LAST, FIRST, MIDDLE)	DATE OF BIRTH ☐ JUV	PH-HOME	PH-WORK	
	STREET ADDRESS	CITY		ST	ZIP
	SOCIAL SECURITY NUMBER		CEN	☐ CITED ☐ NON ARREST	

EVIDENCE/PROPERTY – *Describe in detail (provide make, model, color, size, condition, etc.)*

ITEM #	QTY	ITEM DESCRIPTION	EVIDENCE/PROPERTY ROOM USE ONLY
		SERIAL NUMBER	FCN
ITEM #	QTY	ITEM DESCRIPTION	EVIDENCE/PROPERTY ROOM USE ONLY
		SERIAL NUMBER	FCN
ITEM #	QTY	ITEM DESCRIPTION	EVIDENCE/PROPERTY ROOM USE ONLY
		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

Items submitted as evidence will only be released if the assigned investigator authorizes the release **in writing** OR you present a **Superior Court order** ordering the release of the items. Court orders will need to be presented to the evidence/property officer along with photo identification.

WEAPONS DUE TO DOMESTIC VIOLENCE

The weapon has been held as required by law. The weapon will be made available **48 hours** after the seizure or as soon thereafter as possible, but no later than **72 hours** after seizure. Every person claiming ownership will be subject to a criminal background check for any firearm ownership restrictions, prior to the release of the weapon. The criminal background check may delay the release of weapons.

Property is released by appointment only
Call (###) ###–#### to arrange for the release of your item(s)
Department Address
Hours: 8:00 am – 4:00 pm, Monday thru Friday

Closed on Holidays and Weekends
Closed for lunch 12 noon – 1:00 pm

FORM 2

EVIDENCE/PROPERTY RECORD

WITH BAR CODING OPTION

RECEIVED BY	ID NUMBER	DATE	TIME ☐ am ☐ pm
CASE NUMBER	INCIDENT TYPE	☐ EVIDENCE ☐ FOUND	
LAB NUMBER	DATE AND TIME SEIZED ☐ am ☐ pm	☐ SEARCH WARRANT ☐ SAFEKEEPING	
OFFICER	ID NUMBER	LOCATION	

SUSPECTS – *List **ALL** suspects; (provide full name)*	DATE OF BIRTH	INDICATE:
1)		☐ ADULT ☐ JUVENILE
2)		☐ ADULT ☐ JUVENILE
3)		☐ ADULT ☐ JUVENILE

CITIZEN CODE – *Enter applicable code below:* **F** = Finder **V** = Victim **O** = Owner **X** = Other

CODE	NAME		DATE OF BIRTH	PHONE
ADDRESS	CITY		ST	ZIP
CODE	NAME		DATE OF BIRTH	PHONE
ADDRESS	CITY		ST	ZIP

REMARKS

FOR EVIDENCE/PROPERTY USE ONLY

ITEM NUMBER	DESCRIIPTION	STORAGE AREA	BAR CODE

PRE-PROCESS	COMP ENTRY	OWNER CLEAR	CLEAR GUN	SEND LETTER	SUPV REVIEW	CLEAR GUN	CLEAR CASH	CLEAR COMP	CLEAR LETTER	DISPO EVID	COURT ORDER	SUPV DATE

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FORM 3 – Side 1

PROPERTY REPORT/RECEIPT

XXX DEPARTMENT/OFFICE	FILE NUMBER	DATE	TIME ☐ am ☐ pm

TYPE OF INCIDENT				LOCATION		
VICTIM				STREET ADDRESS		
	DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP

Use Supplemental Sheet(s) as needed

ARRESTEE/SUSPECT				STREET ADDRESS		
	DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP

ARRESTEE/SUSPECT				STREET ADDRESS		
	DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP

REASON PROPERTY HELD
☐ **Evidence** ☐ **Lost/Found** – Finder to be notified: ☐ **Yes** ☐ **No** ☐ **Safekeeping** ☐ **Destruction** ☐ **Other**

FINDER				STREET ADDRESS	PHONE	
	DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP

OWNER				STREET ADDRESS	PHONE	
	DATE OF BIRTH	SEX	RACE	CITY	ST	ZIP

PROPERTY TAKEN INTO CUSTODY AT:	FROM		DATE	TIME
BY OFFICER(S) – Last Name, First Name	I.D. NUMBER	DOJ RI NUMBER	EVIDENCE/PROPERTY TECHNICIAN	
1)				
2)				

Property Taken into Custody

ITEM NUMBER	OWNER	DESCRIPTION OF ITEMS *Enter one item per line; include serial when available.*	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 sentencing, and then items will be disposed of or destroyed in the manner prescribed by law.
- IF NO ARREST HAS BEEN MADE AND/OR NO SUSPECT IDENTIFIED: Evidence items may be held up to **1 year or longer** depending on the status of the case.

*When evidence items are ready to be released, you will be notified **by mail.** It is your responsibility to notify DMV of address changes. Property will be held for **15 days** from the date the notification is mailed and if unclaimed, the property will be disposed of or destroyed in the manner prescribed by law.*

STOLEN OR EMBEZZLED PROPERTY
If criminal charges are filed you may ask the court that hears the case to review the decision of this department concerning return of property.

SAFEKEEPING – Civil Code 2080.10(a)
Items will be held for **60 days**. If the owner is unable to retrieve the property, the owner must notify us **in writing** to hold the property and name an authorized person. That person will make an appointment with the Evidence/Property Unit to retrieve the property. Items not claimed within 60 days will be disposed of or destroyed in the manner prescribed by law.

SEARCH WARRANT – Penal Code 1536
Penal Code 1536 requires a court order to release property held by a search warrant. A certified copy of the court order shall be submitted to front counter personnel at the Location/Address. The responsible case agent has **15 days** to respond to the court order and may authorize the release of property. Contact the Evidence/Property Unit regarding returning of property seized by calling (###) ###–####.

FOUND PROPERTY – Civil Code 2080
Found property will be held for **90 days**. If at the end of the 90 days the property is not claimed or returned to the rightful owner, the finder may claim the found property by calling (###) ###–####.

FIREARMS – Penal Code 18250, 18400
NOTE: *Firearm seizures require separate receipts for each owner.*

FIREARMS: In those cases where Xxx Department has confiscated a firearm(s) or other deadly weapon(s) into custody pursuant to Penal Code 18400, a petition may be initiated in the Superior Court within **60 days** of seizure. (An *ex parte* petition may be filed to extend the time if necessary.) In those instances where a petition is filed pursuant to Penal Code 18400, the Superior Court will determine whether the firearm(s) or other deadly weapon(s) should be returned. When a petition is not filed, the Property Unit shall obtain a Department of Justice firearms clearance and an authorization for release of the weapon(s) from the assigned case agent. **Under no circumstances will a weapon be released before 5 business days have passed.** Upon receipt of the clearance and authorization for release, the Property Unit will notify the owner by mail to call for an appointment. Inquiries regarding the status of the potential release of weapon(s) may be directed to the Xxx Department Property Unit by calling (###) ###–####. Welfare and Institutions Code 8102 mandates law enforcement personnel confiscate weapons from persons detained under the provisions of Welfare and Institutions Code 5150. Pursuant to Welfare and Institutions Code 8102, the health care facility must notify the detained individual of the procedure for return of the weapons.

RECEIPT RECEIVED BY _____ DATE ISSUED _____

ISSUED BY _____ ID#_____

Property is released by appointment only
Hours: 8:00 am – 4:00 pm, Monday thru Friday

FORM 3 – Supplemental Sheet

PROPERTY REPORT/RECEIPT – Supplement Sheet

XXX DEPARTMENT

FILE NUMBER	DATE	TIME ☐ am ☐ pm

DESCRIPTION OF PROPERTY TAKEN INTO CUSTODY (*continued*)

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

PROPERTY RELEASED (*continued*)

ITEM NUMBER	RELEASED BY	RECEIVED BY	ADDRESS *(City, State)*	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

Page ____ of ____

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FORM 4

FOUND PROPERTY AFFIDAVIT

XXX DEPARTMENT

CASE # _____

ITEM # _____

In accordance with Sections 2080.1, 2080.2, and 2080.3, of the California Civil Code, the following information is furnished about property I found with a value of one hundred dollars ($100) or more:

(*Please print*)

Name of Finder _____

Address _____

City _____ St _____ Zip _____

Contact Number (_____) _____

Where and how was the property found or saved, and describe condition:

_____

_____

Date / Time Property Was Found _____ / _____ ☐ am ☐ pm

Name of Owner (if known) _____

Address _____

City _____ St _____ Zip _____

Contact Number (_____) _____

I certify that I have not secreted, withheld, or disposed of any part of the property. I also understand that if the owner does not appear within **90 days**, I may claim the above property under the following condition:

Check applicable box:

☐ If the property is valued at one hundred dollars ($100) but not more than two hundred and fifty dollars ($250), and no owner appears and proves ownership within **90 days**, I request to be notified so that I may claim the property.

☐ If the property is valued at two hundred and fifty dollars ($250) or more and no owner appears and proves ownership within **90 days**, the finder shall cause a notice of the property to be published in a newspaper of general circulation. If, after **7 days**, no owner appears and proves ownership to the above property, the finder may claim the property with proof of publication.

☐ I do not wish to claim ownership to this property.

NOTE: The California Penal Code restricts Law Enforcement from releasing found firearms to the finder.

Signature _____ Date _____

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FORM 5

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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FORM 6

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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FORM 7

LETTER OF NOTIFICATION

Penal Code Section 1417.9
(Biological Material)

[Date]

[Addressee]
[Address]
[City, State, Zip]

RE: NAME OF CASE: Xxx CASE NUMBER: #########
NAME OF COURT: Xxx
LAW ENFORCEMENT AGENCY NAME: Xxx

PLEASE TAKE NOTICE that, in accordance with Penal Code Section 1417.9, subdivisions (a) and (b), any biological material secured in connection with the above-entitled case will be disposed of within **30 days** of _____, the date this notification was sent, unless this notifying agency received any of the following:

I. A motion filed pursuant to Penal Code Section 1405. However, upon filing of that application, the Xxx Department will retain the material only until the time that the court's denial of the motion is final.

II. A request under penalty of perjury that the material not be destroyed or disposed of because the declarant will file within **180 days** a motion for DNA testing pursuant to Penal Code Section 1405 that is followed within **180 days** by a motion for DNA testing pursuant to Penal Code Section 1405, unless a request for an extension is requested by the convicted person and agreed to by the Xxx Department.

III. A declaration of innocent under penalty of perjury that has been filed with the court within **180 days** of the judgment of conviction or July 1, 2002, whichever is later. However, the court shall permit the destruction of the evidence upon a showing that the declaration is false or there is no issue of identity that would be affected by additional testing. The convicted person may be cross-examined on the declaration at any hearing conducted under Penal Code Section 1417.9 or on an application by or on behalf of the convicted person filed pursuant to Penal Code Section 1405.

All other non-biological property taken as evidence under the above case will be disposed of _____ unless claimed by the named suspects or their designated party

[Name]
[Title]
XXX LAW ENFORCEMENT AGENCY

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FORM 8

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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FORM 9

EVIDENCE/PROPERTY UNIT

MEMORANDUM

EVIDENCE CORRECTION NOTICE

DATE _____

TO _____

FROM _____

CR# _____

Evidence/property submitted requires the following correction(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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FORM 10

EVIDENCE/PROPERTY UNIT

MEMORANDUM

NOTICE TO SUPERVISOR

DATE _____

TO _____

FROM _____

SUBJECT **NOTICE TO CORRECT EVIDENCE/PROPERTY SUBMITTED TO EVIDENCE/PROPERTY UNIT**

On _____, 20___ Officer(s) _____ _____ incorrectly submitted evidence/property on CR#_____. The officer was advised of the problem and has not responded to correct the problem. Please advise the Officer(s) to immediately return to the Evidence/Property Unit **with this form** and correct the following error(s)

- ☐ Property report does not match with evidence/property submitted.
- ☐ No property tag.
- ☐ Classification unclear.
- ☐ Lack of information on Evidence/Property Report.
- ☐ Evidence/Property Report not received.
- ☐ Other: _____

Comments:

_____

_____

_____

_____

_____

_____

_____

_____

— Corrections must be made within 3 days from the date of this Notice. —

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FORM 11

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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FORM 12

EVIDENCE/PROPERTY UNIT

MEMORANDUM

EVIDENCE NOT RETURNED FROM COURT

DATE _____

TO _____

FROM _____

SUBJECT **Notice to Correct Evidence/Property Submitted to Evidence/Property Unit**

Our records indicate that you checked out evidence on:

_____ _____

Date Case Number

Attached is a copy of the evidence form that indicates which items were obtained. This evidence was checked against the current property/evidence room inventory.

As of _____, 20___ the evidence that you checked out has not been returned.

Please provide an explanation below regarding the whereabouts of this evidence.

Your response is required by _____, 20___. If you are still in possession of the evidence and the Evidence/Property Unit is closed, place the evidence in a temporary locker along with this form. If you do not have the evidence, please explain and return this form to the Evidence/Property Unit.

_____

_____

_____

_____

_____

Your signature: _____

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FORM 13A – Layout Option 1

CHAIN OF CUSTODY

EVIDENCE/PROPERTY RECORD # _____ REPORT # _____

ITEM NUMBER		**RECEIVED BY** (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
	CODE	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		RETURNED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		COMMENTS			

ITEM NUMBER		**RECEIVED BY** (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
	CODE	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		RETURNED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		COMMENTS			

ITEM NUMBER		**RECEIVED BY** (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
	CODE	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		RETURNED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		COMMENTS			

ITEM NUMBER		**RECEIVED BY** (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
	CODE	EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		RETURNED BY (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		EVIDENCE/PROPERTY EMPLOYEE (SIGNATURE)	I.D. NUMBER	DATE	TIME ☐ am ☐ pm
		COMMENTS			

CODES:

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

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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	**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 ☐ A ☐ P				TIME ☐ A ☐ P	
	COMMENTS						
ITEM NUMBER	**RECEIVED BY** (I.D. NUMBER AND SIGNATURE)	DATE RECEIVED	ENTER CODE	**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 ☐ A ☐ P				TIME ☐ A ☐ P	
	COMMENTS						
ITEM NUMBER	**RECEIVED BY** (I.D. NUMBER AND SIGNATURE)	DATE RECEIVED	ENTER CODE	**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 ☐ A ☐ P				TIME ☐ A ☐ P	
	COMMENTS						
ITEM NUMBER	**RECEIVED BY** (I.D. NUMBER AND SIGNATURE)	DATE RECEIVED	ENTER CODE	**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 ☐ A ☐ P				TIME ☐ A ☐ P	
	COMMENTS						

CODES:

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

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FORM 14

CURRENCY ENVELOPE

XXX DEPARTMENT

DR #	PLACE BAR CODE LABEL HERE
EMPLOYEE #	
CHARGE	
DATE	

CASE AGENT	CASE #
TYPE OF CRIME	OPT #
LOCATION FOUND	PROPERTY/EVIDENCE #
NAME	☐ Suspect ☐ Owner ☐ Victim ☐ Other

Type of Booking: ☐ Search Warrant ☐ Evidence ☐ Found Property ☐ Safekeeping ☐ Do Not Deposit

U.S. Currency	U.S. Coins
_____ x $100 bill = $ _____	_____ x $1 coin = $ _____
_____ x $50 bill = $ _____	_____ x 50¢ coin = $ _____
_____ x $20 bill = $ _____	_____ x 25¢ coin = $ _____
_____ x $10 bill = $ _____	_____ x 10¢ coin = $ _____
_____ x $5 bill = $ _____	_____ x 5¢ coin = $ _____
_____ x $1 bill = $ _____	_____ x 1¢ coin = $ _____
_____ x ____ bill = $ _____	_____ x ___ coin = $ _____
SUBTOTAL = $ _____	SUBTOTAL = $ _____
GRAND TOTAL:	**$**

COUNTED AND SEALED BY	EMPLOYEE #	DATE	TIME ☐ am ☐ pm
EMPLOYEE VERIFYING COUNT	EMPLOYEE #	COMMENTS	

IDENTIFICATION DIVISION USE ONLY

RECEIVED BY	EMPLOYEE #	DATE	TIME ☐ am ☐ pm

CHAIN OF CUSTODY

FROM	TO	DATE	TIME ☐ am ☐ pm
FROM	TO	DATE	TIME ☐ am ☐ pm
FROM	TO	DATE	TIME ☐ am ☐ pm

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FORM 15

NARCOTICS ENVELOPE

XXX DEPARTMENT

☐ EVIDENCE ☐ FOUND PROPERTY ☐ FOR DESTRUCTION

CASE #	CONTROL #	ITEM #
LAST NAME (PLEASE PRINT)	FIRST NAME, MI	☐ Suspect ☐ Finder
CRIME STATUTE		
RECOVERED/FOUND Date: Time: ☐ am ☐ pm	LOCATION WHERE NARCOTICS WERE RECOVERED/FOUND	
TOTAL PACKAGE WEIGHT		
RECOVERED/FOUND BY		EMPLOYEE #
CONTENTS		

ANALYZE FOR: ☐ COCAINE ☐ AMPHETAMINE ☐ PCP
☐ MARIJUANA ☐ HEROIN ☐ OTHER: _____

ENTERED AND SEALED BY	EMPLOYEE #
WITNESSED BY	EMPLOYEE #
DATE	TIME ☐ am ☐ pm

CHAIN OF CUSTODY		
FROM	TO	DATE
FROM	TO	DATE
FROM	TO	DATE
FROM	TO	DATE

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FORM 16

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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FORM 17 – Side 1

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	☐ am ☐ pm	REPORTING OFFICER	I.D. NUMBER
		APPROVED BY	I.D. NUMBER

FORM 17 – Side 2

SIDE 2

AUTHORIZED DISPOSITION

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

ITEM NUMBER	PROPERTY DESCRIPTION	CODE

OWNER INFORMATION			
1) NAME	STREET ADDRESS	PHONE	
	CITY	ST	ZIP
2) NAME	STREET ADDRESS	PHONE	
	CITY	ST	ZIP
3) NAME	STREET ADDRESS	PHONE	
	CITY	ST	ZIP
4) NAME	STREET ADDRESS	ST	
	CITY	ST	ZIP
5) NAME	STREET ADDRESS	PHONE	
	CITY	ST	ZIP
6) NAME	STREET ADDRESS	PHONE	
	CITY	ST	ZIP

FORM 18

PROPERTY RELEASE RECEIPT

XXX DEPARTMENT

PROPERTY TAG AND/OR CASE NUMBER

NAME OF RECIPIENT OF EVIDENCE/PROPERTY				
STREET ADDRESS				PHONE
CITY	ST	ZIP	DRIVER'S LICENSE NUMBER	STATE OF ISSUE

The following property has been received from the Xxx Department:

_____

_____

_____

_____

_____

_____

_____

WARNING! SOME OR ALL OF THE ITEMS RELEASED TO YOU MAY HAVE BEEN TREATED WITH CHEMICALS OR OTHER AGENTS THAT MAY BE POISONOUS OR CONTAIN KNOWN CARCINOGENS.

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

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

SIGNATURE OF RECIPIENT OF PROPERTY: _____

RELEASE AUTHORIZED BY: _____

ISSUED BY: _____ DATE _____ TIME _____ ☐ am ☐ pm

WITNESSED BY:: _____

INTENTIONALLY BLANK

FORM 19

PROPERTY INVOICE RETURN

XXX DEPARTMENT

CASE NUMBER	RELEASE DATE

PROPERTY OWNER		STREET ADDRESS	CONTACT NUMBER ( )	
	BIRTH DATE	CITY	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	OWNER/AUTHORIZED RECIPIENT VERIFICATION I.D. (TYPE/NUMBER)
STREET ADDRESS *(AUTHORIZED RECIPIENT'S OR ADDRESS CHANGE)*	ITEM NUMBER(S) RELEASED
CITY / STATE / ZIP	RELEASE BY (PRINT NAME)
CONTACT NUMBER ( )	**This is to certify that I have received from the XXX Department the above property. Pursuant to California Penal Code 1413(b), I certify under penalty of perjury that I am the legal owner of, or authorized to receive, the above-described property.** **REQUIRED SIGNATURE** ▶

Notes / Narrative:

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FORM 20

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
	☐ am ☐ pm				☐ am ☐ pm		
	☐ am ☐ pm				☐ am ☐ pm		
	☐ am ☐ pm				☐ am ☐ pm		
	☐ am ☐ pm				☐ am ☐ pm		
	☐ am ☐ pm				☐ am ☐ pm		
	☐ am ☐ pm				☐ am ☐ pm		
	☐ am ☐ pm				☐ am ☐ pm		
	☐ am ☐ pm				☐ am ☐ pm		

Log reviewed by _____ Date _____

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Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
32 PC	Accessories to Crimes	3 Yrs	801 PC	1 Yr	Accessory to felony
37 PC	Treason	Indefinite	799 PC	Death or life without parole	--
38 PC	Misprision of Treason	3 Yrs	801 PC	1 Yr	--
67 PC	Bribing Executive Officer	3 Yrs	801 PC	2-4 Yrs	--
67.5(a) PC	Bribing Ministerial Officer	1 Yr	802 PC	--	Petty theft section – Misdemeanor
67.5(b) PC	Bribing Ministerial Officer	3 Yrs	801 PC	--	Grand theft section – Felony
68 PC	Officer Asking or Receiving Bribes	3 Yrs	801 PC	2-4 Yrs	--
69 PC	Resisting or Deterring Officer	3 Yrs	801 PC	1 Yr	--
70 PC	Asking/Accepting Gratuity for Official Act	1 Yr	802 PC	--	Misdemeanor
71 PC	Threat of Injury Made to Officer in Performance of Duties	3 Yrs	801 PC	1 Yr	--
72 PC	Presenting False Claim to Public Board or Officer	3 Yrs	801 PC	1 Yr	--
72.5 PC	Presenting Claim for Reimbursement of Costs Incurred for Political Functions/Public Funds	3 Yrs	801 PC	1 Yr	--
73 PC	Offering Gratuity for Appointment to Office	1 Yr	802 PC	--	Misdemeanor
74 PC	Receiving Gratuity for Appointment to Office	1 Yr	802 PC	--	Fine only
76 PC	Threatening Life of or Serious Bodily Harm to Public Official, Staff, or Member of Immediate Family	3 Yrs	801 PC	1 Yr	--
85 PC	Bribing Legislators	3 Yrs	801 PC	2-4 Yrs	--
86 PC	Accepting Bribes	3 Yrs	801 PC	2-4 Yrs	Legislature
92 PC	Bribing Judicial Officer	3 Yrs	801 PC	2-4 Yrs	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
93 PC	Accepting Bribes	3 Yrs	801 PC	2-4 Yrs	Judicial officer, juror, referee, arbitrator, or umpire
94 PC	Gratuity or Reward to Judicial Officer	1 Yr	802 PC	--	Misdemeanor
94.5 PC	Fees/Gratuities for Performing Marriage	1 Yr	802 PC	--	Misdemeanor
95 PC	Influencing Jurors, Referees, or Umpires	3 Yrs	801 PC	1 Yr	--
95.1 PC	Threatening Jurors Following Verdict in Criminal Proceeding	3 Yr	801 PC	1 Yr	--
95.2 PC	Providing Sealed Juror Identification Information to Defendant	1 Yr	802 PC	--	Misdemeanor
95.3 PC	Private Investigator Providing Criminal Defendant with Information on Jurors	1 Yr	802 PC	--	Misdemeanor
96 PC	Juror – Promise of Decision for or Against Party	3 Yrs	802 PC	--	Misdemeanor
99 PC	State Printer Not to Be Interested in Public Contracts	3 Yrs	801 PC	1 Yr	--
100 PC	Forfeiture of Office	3 Yrs	801 PC	1 Yr	--
102 PC	Retaking of Property from Officer	1 Yr	802 PC	--	Misdemeanor
107 PC	Escape from Hospital or Reformatory	3 Yrs	801 PC	1 Yr	--
109 PC	Assisting Escape from Reformatory	3 Yrs	801 PC	1 Yr	--
110 PC	Supplying Anything to Aid Escape from Reformatory	3 Yrs	801 PC	1 Yr	--
113 PC	Manufacturing, Distributing, or Selling Documents to Conceal True Citizenship – Felony	3 Yrs	801 PC	1 Yr	--
114 PC	Using False Documents to Conceal True Citizenship – Felony	3 Yrs	801 PC	5 Yrs	--
115 PC	Attempt to Record False or Forged Instrument	3 Yrs	801 PC	1 Yr	--
115.1 PC	Use of Unauthorized Signature in Campaign Advertisement	3 Yrs	801 PC	1 Yr	--
115.2 PC	Publication of Campaign Advertisement Containing False Depictions or Representation of Official Public Documents	1 Yr	802 PC	--	Misdemeanor
115.25 PC	Production or Distribution of Document Containing Inaccurate Emergency Service Phone Numbers – Punishment	1 Yr	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
115.3 PC	Alteration of Official Record	1 Yr	802 PC	--	Misdemeanor
115.5 PC	Forgery of Real Property Documents	3 Yrs	801 PC	1 Yr	--
116 PC	Tampering with Jury Lists or Jury Box	3 Yrs	801 PC	1 Yr	--
116.5 PC	Jury Tampering by Payment for Information	1 Yr	802 PC	--	--
117 PC	Certifying False Jury List	3 Yrs	801 PC	1 Yr	--
118 PC	Perjury	3 Yrs	801 PC	2-4 Yrs	--
118.1 PC	False Report Filed by Peace Officer	3 Yrs	801 PC	2-4 Yrs	--
127 PC	Subornation of Perjury	3 Yrs	801 PC	2-4 Yrs	--
128 PC	Perjury Resulting in Capital Punishment	Indefinite	799 PC	Death or life without parole	--
132 PC	Offering Forged or Altered Document as Genuine	3 Yrs	801 PC	1 Yr	--
132.5 PC	Witness Accepting Payment for Information	1 Yr	802 PC	--	County jail only
133 PC	For Impeachment or Corroboration	1 Yr	802 PC	--	Misdemeanor
134 PC	Falsifying Documents to Be Used in Evidence	3 Yrs	801 PC	1 Yr	--
135 PC	Destroying or Concealing Documentary Evidence	1 Yr	802 PC	--	Misdemeanor
136.1 PC	Preventing or Dissuading from Attending or Giving Testimony	3 Yrs	801 PC	1 Yr	--
136.1(a) PC	Preventing or Dissuading from Attending or Giving Testimony	1 Yr	802 PC	Up to 1 Yr	Involved party or witness in offense
136.1(b) PC	Preventing or Dissuading from Making a Report to Law Enforcement	1 Yr	802 PC	Up to 1 Yr	Victim of offense
136.5 PC	Carrying Deadly Weapon to Prevent Witness from Testifying	3 Yrs	801 PC	1 Yr	--
136.7 PC	Persons Imprisoned for Sexual Offense	3 Yrs	801 PC	1 Yr	Disclosure of witness' or victim's name and address to another prisoner to initiate unauthorized correspondence
137(a) PC	Inducing False Testimony / Bribery of Witness	3 Yrs	801 PC	1 Yr	Giving witness material information pertaining to crime to law enforcement official

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
137(b) PC	Inducing False Testimony / Bribery of Witness	3 Yrs	801 PC	1 Yr	Force or threat of force to induce false testimony
137(c) PC	Inducing False Testimony / Bribery of Witness	1 Yr	802 PC	--	Misdemeanor
138 PC	Witness-Bribing or Receiving Bribe Not to Attend Trial	3 Yrs	801 PC	1 Yr	--
139 PC	Threatening Witnesses	3 Yrs	801 PC	2-4 Yrs	--
140 PC	Threat of Force or Violence Because of Assistance in Prosecution	3 Yrs	801 PC	2-4 Yrs	--
142 PC	Officer Refusing to Receive or Arrest Criminal	3 Yrs	801 PC	1 Yr	Sheriff's determination of facility purpose and class of prisoners
145 PC	Delay of Arresting Officer to Take Arrested Person Before Magistrate	1 Yr	802 PC	--	Misdemeanor
146 PC	Officer Acting without Regular Process	1 Yr	802 PC	--	Misdemeanor
146(a) PC	Officer Acting without Regular Process	1 Yr	802 PC	--	Arrests any person or detains that person against his/her will – Misdemeanor
146(b)	Officer Acting without Regular Process	1 Yr	802 PC	--	Seizes or levies upon any property – Misdemeanor
146a PC	Arrest or Search by Person Impersonating an Officer	1 Yr	802 PC	Up to 1 Yr	Misdemeanor
146b PC	Simulating Official Inquires	1 Yr	802 PC	--	Misdemeanor
146c PC	Designation of Nongovernmental Organization Composed of Law Enforcement Personnel	1 Yr	802 PC	--	Misdemeanor
146d PC	Devices Promising Immunity from Law Enforcement	1 Yr	802 PC	--	Misdemeanor
146e(a)PC	Disclosure of Residence Address or Telephone Number of Peace Officer or Agency Personnel	1 Yr	802 PC	--	Misdemeanor
146e(b) PC	Telephone Number of Peace Officer or Agency Personnel	3 Yrs	801 PC	--	Felony
147 PC	Inhumane Treatment or Oppression of Prisoner	1 Yr	802 PC	--	Fine and removal from office
148(a) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	1 Yr	802 PC	Up to 1 Yr	Misdemeanor
148(b) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	3 Yrs	801 PC	--	Taking of firearm from public officer – Imprisonment in county jail
148(c) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	3 Yrs	801 PC	--	Taking of firearm from public officer – Imprisonment in state prison

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
148(d) PC	Resisting or Obstructing Public Officer, Police Officer, or Medical Technician	3 Yrs	801 PC	--	Taking of firearm from public officer – Imprisonment in county jail
148.1 PC	Falsely Reporting Planting of Bomb	3 Yrs	801 PC	Up to 1 Yr	--
148.2 PC	Interfering with Discharge of Duty by Firefighter or Emergency Personnel	1 Yr	802 PC	--	Misdemeanor
148.3 PC	Falsely Reporting Emergency	3 Yrs	801 PC	--	--
148.4 PC	Tampering with Fire Alarm / Giving False Alarm	3 Yrs	801 PC	--	--
148.5 PC	Falsely Reporting Crime	1 Yr	802 PC	--	Misdemeanor
148.6 PC	Falsely Alleging Police Misconduct, Civil Claims, or Property Liens Against an Officer	1 Yr	802 PC	--	Misdemeanor
148.7PC	Serving Sentence of Another	1 Yr	802 PC	--	Misdemeanor
148.9 PC	Giving False Identification	1 Yr	802 PC	--	Misdemeanor
148.10 PC	Willful Resistance to Peace Officer – Cause of Death or Serious Bodily Injury	3 Yrs	801 PC	2-4 Yrs	--
149 PC	Assault and Battery by Officer – Third Degree	3 Yrs	801 PC	1 Yr	--
150 PC	Refusal to Aid Posse or Assist in Making Arrest	1 Yr	802 PC	--	Fine only
151 PC	Advocating Injury or Death of Peace Officer	3 Yrs	801 PC	--	• No injury – Misdemeanor • Injury – Felony
153 PC	Compounding or Concealing Crime	3 Yrs	801 PC	--	• If crime is punishable by death or imprisonment in state prison – Felony • If crime is not punishable by death or imprisonment in state prison – Misdemeanor
154(a) PC	Defrauding Creditors by Selling or Concealing Property	1 Yr	802 PC	6 Mo	Misdemeanor
154(b) PC	Defrauding Creditors by Selling or Concealing Property	3 Yrs	801 PC	--	Value exceeding $100
155(a) PC	Defendant or Judgment Debtor	1 Yr	802 PC	--	Concealing or selling of property to be used as evidence in a court case
155(b) PC	Defendant or Judgment Debtor	3 Yr	801 PC	--	Value exceeding $100
155.5(a) PC	Disposition of Property by Criminal Defendant to Avoid Making Restitution	1 Yr	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
155.5(b) PC	Disposition of Property by Criminal Defendant to Avoid Making Restitution	3 Yrs	801 PC	--	Felony
156 PC	Producing Spurious Heir	3 Yrs	801 PC	2-4 Yrs	Fraudulently produce an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit any real estate
157 PC	Substitution of Child	3 Yrs	801 PC	2-4 Yrs	--
158 PC	Common Barratry	1 Yr	802 PC	6 Mo	Exciting groundless judicial proceedings
165 PC	Giving or Offering Bribe to Councilman or Supervisor	3 Yrs	801 PC	2-4 Yrs	--
166(a) PC	Contempt of Court	1 Yr	802 PC	--	To exhibit disorderly conduct, resistance, or to give false report in court
166(b) PC	Contempt of Court	1 Yr	802 PC	Up to 1 Yr	Willfully contacting a victim by phone
166(c) PC	Contempt of Court	1 Yr	802 PC	Up to 1 Yr	Willful violation of protective or stay-away order
166(c)(1) PC	Contempt of Court	3 Yrs	801 PC	--	Second conviction
167PC	Recording Jury Proceedings	1 Yr	802 PC	--	Misdemeanor
168 PC	Disclosing Warrant Prior to Execution – Exceptions	3 Yrs	801 PC	--	--
169 PC	Picketing Near Court to Obstruct Administration of Justice	1 Yr	802 PC	--	Misdemeanor
170 PC	Maliciously Procuring Warrant to Search or Arrest	1 Yr	802 PC	--	Misdemeanor
171 PC	Communication with Inmate of Reformatory	1 Yr	802 PC	--	Misdemeanor
171b PC	Bringing Weapons or Deadly Weapons into State or Local Public Building	3 Yrs	801 PC	Up to 1 Yr	--
171c PC	Bringing Loaded Firearm into State Office, State Capitol Grounds, or Public School Grounds	3 Yrs	801 PC	Up to 1 Yr	--
171d PC	Bringing Loaded Firearm into Residence of Governor or Constitutional Officer	3 Yrs	801 PC	Up to 1 Yr	--
172(b) PC	Selling Liquor in Prohibited Area Near College and State Institutions	1 Yr	802 PC	--	Prohibiting the sale within 1,900 ft of youth institution
172(d) PC	Selling Liquor in Prohibited Area Near College and/or State Institutions	1 Yr	802 PC	--	Provision of distance to not be measured by airline but by shortest highway as defined in Section 360 CVC
173PC	Importation of Foreign Convict	1 Yr	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
181 PC	Involuntary Servitude and Sale of Slaves	3 Yrs	801 PC	2-4 Yrs	--
182(a) PC	Conspiracy	3-6 Yrs	800 PC	5-9 Yrs	If two or more persons conspire
185PC	Wearing Mask or Disguise	1 Yr	802 PC	--	Misdemeanor
186.10 PC	Acts Constituting Money Laundering	3 Yrs	801 PC	1-4 Yrs	--
186.22 PC	Criminal Street Gang Activity	3 Yrs	801 PC	16 Mo-3 Yrs	--
186.26 PC	Coercion of Minor to Participate in Street Gang – Felony or Misdemeanor	3 Yrs	801 PC	1-3 Yrs	--
186.28 PC	Supplying or Selling Firearm Used in Criminal Street Gang Activity	3 Yrs	801 PC	--	--
187 PC	Murder – First Degree	Indefinite	799 PC	25 Yrs to Life	--
187 PC	Murder – Second Degree	Indefinite	799 PC	15 Yrs to Life	--
191.5 PC	Vehicular Manslaughter while Intoxicated; Multiple Convictions for Offenses Related to Driving while Under the Influence of Alcohol or Drugs	6 Yrs	800 PC	4-10 Yrs	--
192(a) PC	Voluntary Manslaughter	6 Yrs	800 PC	3-11 Yrs	Voluntary
192(b) PC	Manslaughter	3 Yrs	801 PC	2-4 Yrs	Involuntary
192(c) PC	Manslaughter	3 Yrs	801 PC	16 Mo-6 Yrs	Vehicular
193.5 PC	Manslaughter Committed during Operation of Vessel	3 Yrs	801 PC	2-6 Yrs	--
193.8PC	Adult Relinquishing Possession of Motor Vehicle to Minor Under Specified Conditions	1 Yr	802 PC	1/2 Yr	Conditions: 1) Intoxicated, 2) Violation of Section 23103, 3) No lawful right to possession of vehicle
203 PC	Mayhem / Dismemberment	6 Yrs	800 PC	2-8 Yrs	--
205 PC	Aggravated Mayhem	Indefinite	799 PC	Life w/o	--
206 PC	Torture (Proof of Pain Not Required)	Indefinite	799 PC	Life	--
207 PC	Kidnapping	6 Yrs	800 PC	3-8 Yrs	--
209 PC	Kidnapping for Ransom or Extortion, or to Commit Robbery or Sex Crime	Indefinite	799 PC	Life without parole	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
210 PC	Posing as Kidnapper, Etc. – when Felony	3 Yrs	801 PC	2-4 Yrs	--
210.5 PC	Taking Hostages	6 Yrs	800 PC	3-8 Yrs	--
211 PC	Robbery	6 Yrs	--	--	--
212.5 PC	Robbery – First Degree	6 Yrs	800 PC	3-9 Yrs	--
212.5 PC	Robbery – Second Degree	3 Yrs	801 PC	2-5 Yrs	--
214 PC	Train Robbery	3 Yrs	801 PC	--	--
215 PC	Carjacking	6 Yrs	800 PC	3-9 Yrs	--
218 PC	Derailing or Wrecking Train	Indefinite	799 PC	Life without parole	--
219 PC	Wrecking Train or Firing Bridge	Indefinite	799 PC	Life without parole	--
219.1 PC	Throwing Missile at Vehicle of Common Carrier	3 Yrs	801 PC	2-6 Yrs	--
219.2 PC	Throwing Missile or Shooting at Trains, Streetcars, or Vessels	3 Yrs	801 PC	--	--
219.3PC	Throwing Missile from Toll Bridge	1 Yr	802 PC	--	Throwing object from toll bridge
220 PC	Assault with Intent to Commit Mayhem or Sex Crimes	3 Yrs	801 PC	2-6 Yrs	--
222 PC	Administering Controlled Substance or Anesthetic to Aid Felony	3 Yrs	801 PC	--	--
237PC	False Imprisonment	1-3 Yrs	801 PC	--	Involving violence – Felony
241PC	Assault Against Peace Officer or Other Specified Persons	1 Yr	802 PC	1/2 Yr	--
241.1 PC	Assault on Custodial Officer	3 Yrs	801 PC	--	--
241.2PC	Assault on Any Person on School or Park Property	1 Yr	802 PC	Up to 1 Yr	County jail only
241.3PC	Assault on Public Transportation Provider's Property or Vehicle	1 Yr	802 PC	Up to 1 Yr	County jail only
241.4PC	Assault on School Police Department Member	1-3 Yrs	801 PC	--	If a reasonable person would have known it was an officer – Felony
241.6PC	Assault on School Employee	1 Yr	802 PC	Up to 1 Yr	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
242 PC	Battery – Definition	1-3 Yrs	801 PC	Up to 3 Yrs	*See various 243 sections for statute*
243(a)PC	Battery	1 Yr	802 PC	1/2 Yr	Battery against a person with minimal injuries – Misdemeanor
243(b)PC	Battery	1 Yr	802 PC	Up to 1 Yr	Battery against public duty officer
243(c)PC	Battery	3 Yrs	801 PC	16 Mo-3 Yrs	Battery against custodial officer
243(d) PC	Battery	3 Yrs	801 PC	2-4 Yrs	Battery against a person with major injuries – Felony
243(e)PC	Battery	1 Yr	802 PC	Up to 1 Yr	Battery against a spouse or whom they are cohabitating with
243.1 PC	Battery Against Custodial Officer	3 Yrs	801 PC	--	--
243.2PC	Battery Committed on Any Person on School, Park, or Hospital Property	1 Yr	802 PC	Up to 1 Yr	--
243.3PC	Battery Committed Against Public Transit Employee or Passenger	3 Yrs	801 PC	16 Mo-3 Yrs	--
243.4 PC	Sexual Battery	3 Yrs	801 PC	2-4 Yrs	--
243.6PC	Battery Committed Against School Employee	1-3 Yrs	801 PC	16 Mo-3 Yrs	Injury – Felony
243.7 PC	Battery Committed Against Juror	3 Yrs	801 PC	16 Mo-3 Yrs	--
243.8PC	Battery Committed Against Sports Official	1 Yr	802 PC	Up to 1 Yr	--
244 PC	Throwing Acid or Flammable Substance with Intent to Disfigure or Burn – "Flammable Substance" Defined	3 Yrs	801 PC	2-4 Yrs	--
244.5 PC	Assault with Stun Gun or Taser	3 Yrs	801 PC	2-4 Yrs	--
245(a)(1) PC	Assault with a Deadly Weapon	3 Yrs	801 PC	2-4 Yrs	--
245(a)(2) PC	Assault with a Deadly Weapon – Firearm	3 Yrs	801 PC	2-4 Yrs	--
245(a)(3) PC	Assault with a Deadly Weapon – Machine Gun	6 Yrs	800 PC	4-12 Yrs	--
245(b) PC	Assault with a Deadly Weapon – Semiautomatic Firearm	6 Yrs	800 PC	3-9 Yrs	--
245(c) PC	Assault with a Deadly Weapon – Other than Firearm	3 Yrs	801 PC	3-5 Yrs	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
245(d) PC	Assault with a Deadly Weapon – Firearm	6 Yrs	800 PC	2-8 Yrs	Against peace officer or firefighter
245.2 PC	Assault with a Deadly Weapon Committed Against Public Transit Employee	3 Yrs	801 PC	3-5 Yrs	--
245.3 PC	Assault with a Deadly Weapon on Custodial Officer	3 Yrs	801 PC	3-5 Yrs	--
245.5 PC	Assault with a Deadly Weapon on School Employee	3 Yrs	801 PC	3-5 Yrs	--
246 PC	Firearms, Discharge of, at Inhabited Dwelling, Vehicle, or Aircraft	3 Yrs	801 PC	3-7 Yrs	--
246.3 PC	Discharge of Firearm in Grossly Negligent Manner that Could Result in Injury or Death of Person	3 Yrs	801 PC	--	--
247 PC	Discharging Firearm at Unoccupied Aircraft, Motor Vehicle, or Uninhabited Building or Dwelling House	3 Yrs	801 PC	--	--
247.5 PC	Discharging Laser at Aircraft	3 Yrs	801 PC	16 Mo-3 Yrs	--
248PC	Shining Light at Aircraft with Intent to Impair Operation	1 Yr	--	Up to 1 Yr	--
261 PC	Rape	10 Yrs	803 PC	--	Retain 10 Years
261.5(b)PC	Unlawful Sexual Intercourse with a Minor	1 Yr	--	--	Age difference is within 3 years
261.5(c) PC	Unlawful Sexual Intercourse with a Minor	3 Yrs	801 PC	1 Yr	Age difference 3 years younger
261.5(d) PC	Unlawful Sexual Intercourse with a Minor	3 Yrs	801 PC	2-4 Yrs	Suspect 21 or older and victim under 16 years
262 PC	Rape of Person Who Is Spouse of Perpetrator	10 Yrs	800 PC	5-9 Yrs	--
264.1 PC	Defendant Acted in Concert with Another Person to Commit Rape	10 Yrs	800 PC	5-9 Yrs	--
265 PC	Abduction to Force Marriage or Defilement	3 Yrs	801 PC	--	--
266 PC	Enticing, procuring, or luring minor into house of prostitution	3 Yrs	801 PC	--	--
266a PC	Procuring Person by Force or False Inducement	3 Yrs	801 PC	--	--
266b PC	Compelling Illicit Relation by Menace	3 Yrs	801 PC	--	--
266c PC	Inducing Commission of Sexual Act through False Representation Creating Fear	3 Yrs	801 PC	2-4 Yrs	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
266d PC	Paid Procuring of Person – Pandering	3 Yrs	801 PC	--	--
266e PC	Hiring Panderer	3 Yrs	801 PC	--	--
266f PC	Selling Person for Illicit Use	3 Yrs	801 PC	--	--
266g PC	Prostituting Wife	3 Yrs	801 PC	2-4 Yrs	--
266h(a) PC	Pimping – Punishment/Enhancement	3-10 Yrs	800 PC	3-8 Yrs	Felony if victim is under 16 years of age
266i PC	Pandering	10 Yrs	800 PC	3-8 Yrs	--
266j PC	Providing or Transporting Child Under 16 for Purpose of Lewd or Lascivious Act	10 Yrs	800 PC	3-8 Yrs	--
267 PC	Abduction for Prostitution	3 Yrs	801 PC	--	--
269 PC	Aggravated Sexual Assault of Child	Indefinite	799 PC	15 Yrs to Life	--
270 PC	Child Neglect	3 Yrs	801 PC	Up to 1 Yr	--
270c PC	Neglect of Indigent Parent	1 Yr	802 PC	--	Misdemeanor
270.5PC	Refusing to Accept Minor Child into Home	1 Yr	802 PC	--	Misdemeanor
271 PC	Child Under 14 Years of Age – Abandonment	3 Yrs	801 PC	--	--
271a PC	Failure to Provide For	3 Yrs	801 PC	--	Child is under 14 years of age
272 PC	Contributing to Delinquency of Minor	1 Yr	802 PC	Up to 1 Yr	--
273 PC	Paying Parent for Adoption of Child	1 Yr	802 PC	--	Beyond Adoption Services
273a PC	Abusing or Endangering Health of Child	3 Yrs	801 PC	2-6 Yrs	--
273ab PC	Assault on Child with Force Likely to Produce Great Bodily Injury Resulting in Death	Indefinite	799 PC	25 Yrs to Life	--
273d PC	Felony to Inflict Corporal Injury Upon Child	3 Yrs	801 PC	2-6 Yrs	Enhancement for prior conviction / Conditions of probation
273e PC	Sending or Permitting Minor to Enter House of Prostitution or Variety Theater	1 Yr	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
273f PC	Sending Minor to Saloon, Gambling House, or House of Prostitution	1 Yr	802 PC	--	Misdemeanor
273g PC	Lewdness or Drunkenness in Presence of Child	1 Yr	802 PC	--	Misdemeanor
273.5 PC	Domestic Violence	3 Yrs	801 PC	2-4 yrs	Retain 10 years – 1109 Evidence Code
273.55 PC	Corporal Injury on Spouse or Cohabitant	3 Yrs	801 PC	2-5 Yrs	Punishment for repeat offender
273.6 PC	Protective Order Violations Pursuant to Family Code and Code of Civil Procedure	1 Yr	802 PC	Up to 1 Yr	If injury, additional jail term
273.7 PC	Disclosing Location of Domestic Violence Shelter	1 Yr	802 PC	--	Misdemeanor
274 PC	Abortion – Exception	3 Yrs	801 PC	--	Abortions
275 PC	Woman Soliciting and Submitting to – Exception	3 Yrs	801 PC	--	Abortions
276 PC	Solicitation of Woman to Submit to or Procure – Exception	3 Yrs	801 PC	Up to 1 Yr	Abortions
277 PC	Child Abduction	3 Yrs	801 PC	2-4 Yrs	Child abductions
278 PC	Taking, Enticing Away, Keeping, Withholding, or Concealing Child by Person without Right of Custody – Punishment	3 Yrs	801 PC	2-4 Yrs	--
278.5 PC	Taking, Enticing Away, Keeping, Withholding, or Concealing Child in Order to Deprive Lawful Custodian of Custody or Visitation Rights – Punishments	3 Yrs	801 PC	16 Mo-3 Yrs	--
280 PC	Punishment, Removal, or Concealment of Child Involved in Adoption Proceedings	1-3 Yrs	801 PC	Up to 1 Yr	Within or removed from county of abduction
281 PC	Bigamy – Proof	3 Yrs	801 PC	--	--
284 PC	Punishment for Marrying Spouse of Another	3 Yrs	801 PC	--	--
285 PC	Incest	3 Yrs	801 PC	--	--
286 PC	Sodomy	3-10 Yrs	800 PC	Up to 8 Yrs	Age of victim and force used
286.5 PC	Assault – Animals	1 Yr	802 PC	--	Including sexual assault
288 PC	Sexual Offense Against a Child	10 Yrs	800 PC	3-8 Yrs	Victim under the age of 14
288(a) PC	Lewd Act on Child	3-10 Yrs	800 PC	3-8 Yrs	Child under 14 years of age

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
288 (b)(1) PC	Unlawful Oral Copulation	3 Yrs	800 PC	3-8 Yrs	By force, violence, duress, menace, or fear
288(b)(2) PC	Unlawful Oral Copulation	3 Yrs	800 PC	3-8 Yrs	Against a dependent adult
288(c)(1) PC	Unlawful Oral Copulation	3 Yrs	800 PC	3-8 Yrs	Suspect more than 10 years older / Victim under 14
288 (c)(2) PC	Unlawful Oral Copulation	3 Yrs	800 PC	3-8 Yrs	Against victim's will.
288.2 PC	Distribution or Exhibition of Lewd Material to Minor	3 Yrs	801 PC	--	--
288.5 PC	Engaging in Three (3) or More Acts of Substantial Sexual Conduct with Child Under Age 14	10 Yrs	801.1 PC	6-16 Yrs	--
289 PC	Unlawful Sexual Penetration	6-10 Yrs	800 PC	3-8 Yrs	Against victim's will – Retain 10 years
289.6 PC	Employee, Officer, or Agent of Detention Facility Prohibited from Engaging in Sexual Activity with Confined Consenting Adult	3 Yrs	800 PC	--	--
302 PC	Disorderly Conduct at Church Service	1 Yr	802 PC	Up to 1 Yr	--
303 PC	Encouraging Sale of Alcoholic Beverage	1Yr	802 PC	--	Misdemeanor
303a PC	Soliciting Purchase of Alcoholic Beverage	1Yr	802 PC	--	Misdemeanor
307 PC	Furnishing Foods Containing Alcohol to Persons Under 21	1 Yr	802 PC	--	Misdemeanor
308 PC	Selling Cigarettes or Tobacco to Minor	1 Yr	802 PC	--	--
308b PC	Unsolicited Delivery of Tobacco	1 Yr	802 PC	--	Misdemeanor
308.2 PC	Sale of Cigarettes Not in Sealed and Properly Labeled Package	1 Yr	802 PC	--	Infraction
308.5 PC	Sale , Lease, or Offer of Video Games, Alcohol, or Tobacco Advertising to Minors	1 Yr	802 PC	--	Misdemeanor
309 PC	Admitting or Keeping Minor in House of Prostitution	1 Yr	802 PC	--	Misdemeanor
310 PC	Attendance of Minor at Prizefight or Cockfight	1 Yr	802 PC	--	Misdemeanor
310.2 PC	Furnishing Diet Pills, Diuretic, or Laxatives to Minors/Athletic Team Members for Nonmedical Purposes	1 Yr	802 PC	--	Misdemeanor
310.5 PC	Entering Into Contract to Pay Minor Victim of Unlawful Sex Act	1 Yr	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
311.1 PC	Bringing Into State Matter Depicting Child in Sexual Conduct	3 Yrs	801 PC	--	--
311.2 PC	Bringing Obscene Matter into or Distributing within State	3 Yrs	801 PC	2-6 Yrs	--
311.3 PC	Developing, Duplicating, Printing, or Exchanging Obscene Matter Depicting Sexual Conduct of Person Under Age 18	3 Yrs	801 PC	--	--
311.4 PC	Using Minor to Assist in Distribution of Obscene Matter / Posing or Modeling Involving Sexual Conduct	6 Yrs	800 PC	3-8 Yrs	--
311.5 PC	Advertising Obscene Matter	1 Yr	802 PC	--	Misdemeanor
311.6 PC	Engaging in Obscene Live Conduct	1 Yr	802 PC	--	Misdemeanor
311.7 PC	Requiring Acceptance of Obscene Matter as Condition for Receiving Other Merchandise	1 Yr	802 PC	--	Misdemeanor
311.10 PC	Punishment for Distributors of Obscene Matter Depicting Person Under Age 18	3 Yrs	801 PC	2-4 Yrs	--
311.11 PC	Possession or Control of Matter, Representation of Information, Data, or Image, Depicting Sexual Conduct of Person Under Age 18	3 Yrs	801 PC	2-6 Yrs	--
313.1 PC	Distribution to Minors / Restricting Display, Sale, Rental, Video Recordings, or Transmissions of Telephone Messages	1 Yr	802 PC	Up to 1 Yr	Infraction
314 PC	Indecent Sample #	3 Yrs	801 PC	Up to 1 Yr	Prior conviction of 288 PC of prior 314
315 PC	Keeping or Living in House of Prostitution	1 Yr	802 PC	--	--
316 PC	Keeping Disorderly or Assignation House	1 Yr	802 PC	--	Misdemeanor
318 PC	Pimping, Capping, or Soliciting Patrons	1 Yr	802 PC	6 Mo	County jail only
320 PC	Contriving, Proposing, or Drawing	1 Yr	802 PC	--	Contrives, prepares, sets up lottery
321 PC	Selling Chances, Shares, or Tickets	1 Yr	802 PC	--	Misdemeanor
322 PC	Assisting by Printing or Advertising	1 Yr	802 PC	--	Misdemeanor
323 PC	Opening or Keeping Agency for Sale or Registration of Tickets	1 Yr	802 PC	--	Misdemeanor
324 PC	Insuring For or Against Drawing	1 Yr	802 PC	--	Misdemeanor
326 PC	Renting Premises for Lottery Purposes	1 Yr	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
327 PC	Endless-Chain Schemes	3 Yrs	801 PC	16 Mo-3 Yrs	--
330 PC	Prohibited Gaming	1 Yr	802 PC	6 Mo	Games played for representative value or betting – County jail only
330.1 PC	Slot Machines Forbidden	1 Yr	802 PC	6 Mo	County jail only
330.4 PC	Mere Possession Prohibited	1 Yr	802 PC	6 Mo	County jail only
330.8 PC	Permissible Sale/Transportation/Storage/Manufacture of Gambling Devices	1 Yr	802 PC	--	Misdemeanor
331 PC	Liability of Owner or Lessor of Gaming House	1 Yr	802 PC	6 Mo	Knowingly permits – County jail only
332 PC	Card-Monte, Trick, and Sure-Thing Games	1 Yr	802 PC	--	Wobbler – Based on dollar amount
333 PC	Witnesses in Prosecution	1 Yr	802 PC	--	Misdemeanor
334 PC	Sale/Manufacture/Use of Hidden Mechanical Device or Obstruction – Razzle-Dazzle Concession	1 Yr	802 PC	--	Misdemeanor
335 PC	Officers Charged with Detection and Prosecution	1 Yr	802 PC	--	Misdemeanor
336 PC	Permitting Minors to Play Games Where Liquor Is Sold	1 Yr	802 PC	--	Misdemeanor
337 PC	Receiving "Protection-Money" or Granting Privileges	3 Yrs	801 PC	--	--
337a PC	Pool Selling, Bookmaking, or Wagering	3 Yrs	801 PC	--	--
337b PC	Bribing Player or Participant to "Throw" Sporting Event	3 Yrs	801 PC	--	--
337c PC	Accepting Bribe to "Throw" Sporting Event	3 Yrs	801 PC	--	--
337d PC	Bribing Judge of Sporting Event	3 Yrs	801 PC	--	--
337e PC	Accepting Bribe	3 Yrs	801 PC	--	--
337f PC	“Doping" Race Horse / Entry of Horse Under Unregistered Name	3 Yrs	801 PC	--	--
337h PC	Administering Drugs to Any Animal Entered in Race or Other Competition	1 Yr	802 PC	--	Misdemeanor
337i PC	Transmitting Race Information for Gambling Purposes	3 Yrs	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
337.1 PC	False Persuasion in Betting – A Tout	1 Yr	802 PC	6 Mo	County jail only
337.3 PC	Felony to Misrepresent Source of Information	3 Yrs	801 PC	--	--
337.5 PC	Refusing to Leave a Race Track – Touting	1 Yr	802 PC	--	Misdemeanor
337.7 PC	Misrepresenting Self by Wrongful Use of Credential or License	3 Yrs	801 PC	--	--
343 PC	Withholding Register of Gold Bars from Officer	1 Yr	802 PC	--	Misdemeanor
346 PC	Tickets to Entertainment Events	1 Yr	802 PC	--	Misdemeanor
347 PC	Mingling Harmful Substance with Food or Drink	3 Yrs	801 PC	2-5 Yrs	--
347b PC	Poisoned Alcohol	1 Yr	802 PC	1 Yr	County jail only
350 PC	Manufacture or Sale of Counterfeit Mark	1 Yr	801 PC	1-3 Yrs	Wobbler – Based on dollar amount
351a PC	Misrepresenting Name of Maker of Goods Sold	1 Yr	802 PC	--	Misdemeanor
355 PC	Removing Identifying Marks on Wreckage	1 Yr	802 PC	--	Misdemeanor
356 PC	Cutting or Altering Brands on Logs or Lumber	1 Yr	802 PC	--	Misdemeanor
359 PC	Solemnizing Illegal Marriage	1 Yr	802 PC	3 Mo-1 Yr	County jail only
360 PC	In Absence of License – Marriage	1 Yr	802 PC	--	Misdemeanor
362 PC	Disobedience of Habeas Corpus Writ	1 Yr	802 PC	--	Misdemeanor
363 PC	Recommitting or Restraining Person Discharged on Return of Habeas Corpus	1 Yr	802 PC	--	Misdemeanor
364 PC	Evading Service of Writ of Habeas Corpus	1 Yr	802 PC	--	Misdemeanor
365 PC	Refusal to Accommodate Hotel Guest or Receive Passenger for Hire	1 Yr	802 PC	--	Misdemeanor
365.5 PC	Equal Access for Disabled Persons with Specially Trained Dogs	1 Yr	802 PC	--	Misdemeanor
365.6 PC	Interfering with Use of Guide Dog – Misdemeanor	1 Yr	802 PC	6 Mo	County jail only
365.7 PC	Guide Dog – Fraudulent Representation as Misdemeanor	1 Yr	802 PC	6 Mo	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
367f PC	Sale of Human Organs for Purposes of Transplantation and Valuable Consideration	3 Yrs	801 PC	3-5 Yrs	--
368 PC	Person Causing Pain, Suffering, or Injury to Elder or Dependent Adult / Theft or Embezzlement by Caretaker	3 Yrs	801 PC	2-4 Yrs	--
369b PC	Penalties for Rail Transit-Related Traffic Violations	1 Yr	802 PC	--	Only applies to counties with a population greater than 500,000
369d PC	Leaving Right-of-Way Gates Open	1 Yr	802 PC	--	Misdemeanor
369g PC	Trespass on Railroad or Rail-Line Track	1 Yr	802 PC	--	Misdemeanor
369h PC	Placing Light in Line of Vision Along Railroad Track – Exceptions	1 Yr	802 PC	--	--
369i PC	Trespass on Railroad- or Rail Transit-Related Property	1 Yr	802 PC	--	Misdemeanor
374d PC	Leaving Carcass of Dead Animal on Highway	1 Yr	802 PC	--	Misdemeanor
374.3 PC	Dumping Refuse on Public or Private Roads or Property – Commercial Quantities	1 Yr	802 PC	--	--
374.4 PC	Littering on Public or Private Property	1 Yr	802 PC	--	Infraction
374.7 PC	Dumping Rubbish in Water	1 Yr	802 PC	--	Misdemeanor
374.8 PC	Depositing Hazardous Substance	3 Yrs	801 PC	16 Mo-3 Yrs	--
375 PC	Gassing Theater, Restaurant, or Store – Making Gas	3 Yrs	801 PC	--	Amount of injury
377 PC	False Representation to Procure Drug	1 Yr	802 PC	--	Misdemeanor
380 PC	Sale or Distribution of Toluene to Persons Under 18 Years	1 Yr	802 PC	--	--
381 PC	Possessing Toluene or Similar Substance with Intent to Inhale and Become Intoxicated	1 Yr	802 PC	--	Misdemeanor
381a PC	Misrepresenting Quality of Dairy Products	1 Yr	802 PC	6 Mo	County jail only
381b PC	Nitrous Oxide – Penalties for Use	1 Yr	802 PC	--	Misdemeanor
382 PC	Adulteration – Drugs, Liquor, and Food	1 Yr	802 PC	--	--
382.4 PC	Only Veterinarian to Administer Succinycholine	1 Yr	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
382.5 PC	Dinitrophenol Sale a Felony	3 Yrs	801 PC	--	Punishment – Exceptions
382.6 PC	Sale or Prescribing of Preparations Containing Diphenylamine, Paraphenylenediamine, or Paratoluylenediamine – Felony	3 Yrs	801 PC	--	--
382.7 PC	Silicone Injection	1 Yr	802 PC	--	Misdemeanor
383 PC	Disposal of Adulterated Food, Drink, and Drugs	1 Yr	802 PC	--	--
383a PC	Process or Renovated Butter	1 Yr	802 PC	--	Misdemeanor
383b PC	Kosher Meat Preparations – Sale	1 Yr	802 PC	--	Misdemeanor
384 PC	Emergency Use of Party Telephone Lines	1 Yr	802 PC	--	Misdemeanor
384a PC	Cutting or Destroying Shrubs	1 Yr	802 PC	6 Mo	County jail only
384f PC	Violation of 384b through 384f	1 Yr	802 PC	6 Mo	County jail only
384h PC	Killing or Injuring Domestic Animal	1 Yr	802 PC	--	Misdemeanor
384.5 PC	Removing Minor Forest Products without Permit or Bill of Sale	1 Yr	802 PC	6 Mo	County jail only
385 PC	Place or Operate Certain Implements Near High Voltage Overhead Conductor	1 Yr	802 PC	--	Misdemeanor
386 PC	Willful Construction or Maintenance of Inoperable or Unsafe Fire Protection System	3 Yrs	801 PC	2-4 Yrs	--
387 PC	Criminal Liability for Concealing Dangerous Business Practices	3 Yrs	801 Yrs	16 Mo-3 Yrs	Penalties/Definitions
395 PC	False Rumor to Affect Price of Goods	1 Yr	802 PC	--	Misdemeanor
396 PC	Increasing Prices for Consumer Goods or Services or Repairs or Reconstruction Services During an Emergency	1 Yr	802 PC	Up to 1 Yr	County jail only
396.5 PC	Federal Food Stamp Act – Violations by Retail Food Store or Wholesale Food Concern	1 Yr	802 PC	90 Days	County jail only
397 PC	Selling Intoxicants to Common Drunkards or Incompetents	1 Yr	802 PC	--	Misdemeanor
399 PC	Allowing Vicious Animals at Large	3 Yrs	801 PC	--	--
399.5 PC	Owner's Failure to Exercise Ordinary Care with Dog that Bites Human Being	1 Yr	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
401 PC	Advising or Encouraging Suicide	3 Yrs	801 PC	--	--
402 PC	Sightseeing at Scene of Emergency	1 Yr	802 PC	--	Misdemeanor
402a PC	Adulterating Candy with Clay or Deleterious Mixtures or Selling Same	1 Yr	802 PC	--	Misdemeanor
402b PC	Abandoning Refrigerator or Other Appliances	1 Yr	802 PC	--	Misdemeanor
402c PC	Integral Lock Necessary for Refrigerator, Icebox, or Deep-Freeze Locker	1 Yr	802 PC	--	Misdemeanor
403 PC	Disturbing Assembly	1 Yr	802 PC	--	Misdemeanor
404.6 PC	Incitement to Riot	1 Yr	802 PC	Up to 1 Yr	County jail only
405 PC	Participating in Riot	1 Yr	802 PC	Up to 1 Yr	County jail only
405b PC	Lynching	3 Yrs	801 PC	2-4 Yrs	Punishment
408 PC	Participating in Rout or Unlawful Assembly	1 Yr	802 PC	--	Misdemeanor
409 PC	Refusal to Disperse when Ordered	1 Yr	802 PC	--	Misdemeanor
409.5 PC	Closing Areas in Emergencies	1 Yr	802 PC	--	Misdemeanor
409.6 PC	Closing Areas in Disasters – Avalanche	1 Yr	802 PC	--	Misdemeanor
410 PC	Duty to Suppress Riot or Rout	1 Yr	802 PC	--	Misdemeanor
412 PC	Prize Fighting Regulated	1 Yr	--	--	--
413 PC	Guilt of Spectator	1 Yr	802 PC	--	Misdemeanor
414 PC	Leaving State to Evade	1 Yr	--	--	--
415 PC	Fighting, Causing Loud Noise, or Using Offensive Words in Public Place	1 Yr	802 PC	90 Days	County jail only
415.5 PC	Unlawful Acts Committed in Buildings or Grounds of College or University	1 Yr	802 PC	90 Days	County jail only
416 PC	Duty of Crowds to Disperse when Ordered / Restitution for Property Damage	1 Yr	802 PC	--	Community service or restitution only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
417 PC	Threatening with Weapon	3 Yrs	801 PC	--	• If done to public – Misdemeanor • If done to peace officer – Felony
417.25 PC	Drawing or Exhibiting Laser Scope in Threatening Manner	1 Yr	802 PC	--	Misdemeanor
417.3 PC	Drawing or Exhibiting Firearm to Person in Motor Vehicle	3 Yrs	801 PC	16 Mo-3 Yrs	--
417.4 PC	Drawing or Exhibiting Imitation Firearm in Threatening Manner	1 Yr	802 PC	--	County jail only
417.6 PC	Intentional Infliction of Great Bodily Injury with Weapon	3 Yrs	801 PC	--	--
417.8 PC	Exhibiting Weapon at Peace Officer	3 Yrs	801 PC	2-4 Yrs	--
418 PC	Forcible Entry or Detainer of Land	1 Yr	802 PC	--	Misdemeanor
419 PC	Reentry on Land After Legal Ouster	1 Yr	802 PC	--	Misdemeanor
420 PC	Obstructing Entry on Government Lands	1 Yr	802 PC	--	Misdemeanor
422 PC	Criminal Threats	3 Yrs	801 PC	1 Yr	--
422.6 PC	Use of Force, Threats, or Destruction of Property to Interfere with Another's Exercise of Civil Rights	1 Yr	802 PC	--	Community service only
422.7 PC	Commission of Crime for Purpose of Interfering with Another's Exercise of Civil Rights	3 Yrs	801 PC	--	--
422.75 PC	Commission of Hate Crime – Additional Term	3 Yrs	801 PC	1-3 Yrs	--
422.9 PC	Violation of Civil Order Protecting Exercise of Civil Rights	1 Yr	802 PC	--	County jail only
424 PC	Misappropriation of Public Funds	Indefinite	799 PC	2-4 Yrs	--
426 PC	Misappropriation of Moneys Belonging to the State, or Any City, County, Town, District, or Public Agency	Indefinite	799 PC	--	--
428 PC	Hindering Collection of Revenue	1 Yr	802 PC	--	Misdemeanor
429 PC	Failure to Collect State Imposed Telecommunications Fees	1 Yr	802 PC	--	Misdemeanor
431 PC	Misuse of Tax or License Receipt	1 Yr	802 PC	--	Misdemeanor
432 PC	Sale of License or Tax Receipt	3 Yrs	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
436 PC	Auctioneer	1 Yr	802 PC	--	Misdemeanor
439 PC	Procuring Insurance from Unlicensed Company	1 Yr	802 PC	--	Misdemeanor
440 PC	Refusal to Permit Inspection of Official Books	1 Yr	802 PC	--	Misdemeanor
451 PC	Arson	6 Yrs	800 PC	5-9 Yrs	Great bodily injury
451 PC	Arson	6 Yrs	800 PC	3-8 Yrs	Property/Dwellings
451 PC	Arson	3 Yrs	801 PC	2-4 Yrs	Land
451.5 PC	Aggravated Arson	Indefinite	--	--	$5,000,000 loss or damage
452 PC	Unlawfully Causing a Fire	3 Yrs	801 PC	2-6 Yrs	--
453 PC	Possession or Manufacture of Combustible Material or Incendiary Device for Malicious Use	3 Yrs	801 PC	--	--
454 PC	Punishment for Unlawful Burning within Area of Insurrection or Emergency Proclaimed Because of Riot	3 Yrs	801 PC	3-7 Yrs	Probation restricted
455 PC	Attempts	3 Yrs	801 PC	16 Mo-3 Yrs	Set fire
457.1 PC	Person Required to Register with Chief of Police, Sheriff, or Campus Police Chief after Arson Conviction	1 Yr	--	--	Registration requirements only
459 PC	Burglary – First Degree	3 Yrs	801 PC	2-6 Yrs	--
459 PC	Burglary – Second Degree	3 Yrs	801 PC	1 yr	--
463 PC	Violations Committed During State of Emergency or Local Emergency – "Looting"	3 Yrs	801 PC	--	--
464 PC	Use of Acetylene Torch or Explosive / Safe-Blowing	3 Yrs	801 PC	3-5 Yrs	--
466 PC	Burglar Tools	1 Yr	802 PC	--	Misdemeanor
466.1 PC	Sale of Burglar Tools	1 Yr	802 PC	--	Misdemeanor
466.3 PC	Vending Machine Theft	1 Yr	802 PC	--	County jail only
466.5 PC	Motor Vehicle Master Key / Motor Vehicle Wheel Lock Master Key	1 Yr	802 PC	--	Misdemeanor

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
466.6 PC	Motor Vehicle Ignition Key Made Other than by Duplication of Existing Key	1 Yr	802 PC	--	Misdemeanor
466.7 PC	Unlawful Possession of Key Made Other than by Duplication	1 Yr	802 PC	--	Misdemeanor
466.8 PC	Duplication of Key Involving Onsite Inspection	1 Yr	802 PC	--	Misdemeanor
466.9 PC	Possession of Code Grabbing Device with Intent to Use in Unlawful Act	1 Yr	802 PC	--	Misdemeanor
468 PC	Sniperscope	1 Yr	802 PC	Up to 1 Yr	County jail only
469 PC	Duplication of Keys to State Buildings	1 Yr	802 PC	--	Misdemeanor
470 PC	Forgery	4 Yrs	801.5 PC	1 Yr	From time of discovery or crime
470a PC	Forging Driver's License	3 Yrs	801 PC	--	--
470b PC	Possessing Forged Driver's License/Identification Card	3 Yrs	801 PC	--	--
471 PC	Altering Entries in Books and Records	4 Yrs	801.5 PC	--	Forgery
471.5 PC	Altering Medical Records	1 Yr	802 PC	--	Misdemeanor
472 PC	State, Corporate, and Official Seals	4 Yrs	801.5 PC	--	Forgery
474 PC	Sending False Message by Phone or Telegraph	3 Yrs	801 PC	--	--
475 PC	Possessing , Receiving, or Uttering Forged Paper	4 Yrs	801.5 PC	--	Forgery
475a PC	Possessing , Receiving, or Uttering Forged Paper	4 Yrs	801.5 PC	--	Reference Section 470(d)
476 PC	Making, Passing, or Possessing Fictitious Bill, Note, or Check	4 Yrs	801.5 PC	--	Forgery
476a PC	Making, Drafting, or Passing Worthless Check, Draft, or Order	4 Yrs	801.5 PC	--	Investigation, collection, and processing fee
477 PC	Counterfeiting – Elements of Offense	3 Yrs	801 PC	2-4 Yrs	--
479 PC	Having or Uttering Counterfeit	3 Yrs	801 PC	2-4 Yrs	--
480 PC	Making or Having Counterfeit Die or Apparatus	3 Yrs	801 PC	2-4 Yrs	--
481 PC	Counterfeiting or Altering Passenger Ticket	3 Yrs	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
481.1 PC	Counterfeiting or Altering Public Transportation Fare Media	3 Yrs	801 PC	--	--
482 PC	Removing "Cancel" Mark From Passenger Ticket	1 Yr	802 PC	Up to 6 Mo	County jail only
483 PC	Ticket Scalping	1 Yr	802 PC	--	Misdemeanor
483.5 PC	Deceptive Identification Document	3 Yrs	801 PC	--	Possession or transportation within state / Disclaimer requirements / Definition / Penalty
484 PC	Acts Constituting Theft	1 Yr	--	--	--
484b PC	Diversion of Construction Funds	3 Yrs	801 PC	--	• Under $1,000 – Misdemeanor • Over $1,000 – Felony
484c PC	Obtaining Construction Funds by False Voucher as Embezzlement	3 Yrs	--	--	Amount of funds
484e PC	Acquiring Access Card without Cardholder's or Issuer's Consent	3 Yrs	--	--	--
484f PC	Forging Access Card or Cardholder's Signature	3 Yrs	801 PC	--	--
484g PC	Using Access Card or Card Account Information to Obtain Items of Value without Consent of Cardholder or Issuer	3 Yrs	801 PC	--	• Under $400 – Misdemeanor • Over $400 – Felony
484h PC	Offenses by Merchant / Knowingly Honoring Illegally Obtained Access Card / Receiving Payment for Items Not Furnished	3 Yrs	801 PC	--	• Under $400 – Misdemeanor • Over $400 – Felony
484i PC	Access Cards – Counterfeiting	3 Yrs	801 PC	--	--
484j PC	Publishing Access Card Number/Code to Avoid Payment or Defraud	1 Yr	802 PC	--	Misdemeanor
484.1 PC	Providing False Identity Information to Pawnbroker or Secondhand Dealer to Obtain Money or Valuables	1 Yr	802 PC	--	Theft
485 PC	Lost Property – Effort to Locate Owner	1 Yr	802 PC	--	Theft
487	Grand Theft	4 Yrs	801.5 PC	1 Yr	--
487	Grand Theft	4 Yrs	801.5 PC	1.5-3 Yrs	Gun stolen
487a PC	Anima – Theft Feloniously/Grand Theft	3 Yrs	801 PC	16 Mo-3 Yrs	--
487b PC	Conversion by Severance from Real Property	3 Yrs	801 PC	16 Mo-3 Yrs	$100 or more
487c PC	Conversion by Severance from Real Property – Less than $100	1 Yr	802 PC	1 Yr	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
487d PC	Gold Dust, Amalgam, or Quicksilver	3 Yrs	801 PC	16 Mo-3 Yrs	Grand theft
487e PC	Theft of Dogs – Value of $400 or More	3 Yrs	801 PC	16 Mo-3 Yrs	Grand theft
487f PC	Theft of Dogs – Value of $400 or Less	1 Yr	802 PC	--	Petty theft section – Misdemeanor
487g PC	Theft of Animals – For Sale, Research, Commercial Use, or Slaughter	3 Yrs	801 PC	--	--
490.5 PC	Petty Theft of Merchandise from Merchant or Library Facility or Operating Video Recording Device in Theater without Authority	1 Yr	802 PC	6 Mo	County jail only
496 PC	Stolen Property, Buying – Presumption	3 Yrs	801 PC	--	• Under $400 – Misdemeanor • Over $400 – Felony
496a PC	Railroad, Telegraph, Gas, or Power Company Material – Junk Dealer	3 Yrs	801 PC	--	--
496b PC	Books Bearing Mark of Library	1 Yr	802 PC	1 Mo	County jail only
498 PC	Unauthorized Diversion, Tampering with, Connection, Reconnection, or Use of Utility Services	3 Yrs	801 PC	--	• Under $400 – Misdemeanor • Over $400 – Felony
499 PC	Enhancements for Repeat Offenses Involving Vehicles and Vessels	3 Yrs	801 PC	16 Mo-3 Yrs	--
499b PC	Taking Bicycle or Vessel Temporarily	1 Yr	802 PC	3 Mo	County jail only
499c PC	Trade Secrets	3 Yrs	801 PC	--	--
499d PC	Aircraft – Stealing, Taking, or Operating without Consent of Owner	3 Yrs	801 PC	--	--
500 PC	Receiving Money for Transmittal to Foreign Countries	3 Yrs	801 PC	16 Mo-3Yrs	• Under $400 – Misdemeanor • Over $400 – Felony
502 PC	Computer-related Crimes	3 Yrs	801 PC	16 Mo-3 Yrs	• Under $400 – Misdemeanor • Over $400 – Felony
502.7 PC	Telephone and Telegraph Service	3 Yrs	801 PC	--	If prior conviction of same section – Felony
502.8 PC	Cellular Radiotelephone Service	3 Yrs	801 PC	--	If prior conviction of same section – Felony
503 PC	Embezzlement	3 Yrs	801 PC	--	Embezzlement of public funds – No statute of limitations
504 PC	Persons Liable – Officers, Clerks, and Servants	3 Yrs	801 PC	--	--
504a PC	Lessee or Bailee	3 Yrs	801 PC	--	Embezzlement

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
504b PC	Debtor Selling Property Covered by Security Agreement	3 Yrs	801 PC	--	Embezzlement
505 PC	Carrier	3 Yrs	801 PC	--	Embezzlement
506 PC	Fiduciaries of Trust	3 Yrs	801 PC	--	Embezzlement
506a PC	Collector	3 Yrs	801 PC	--	Embezzlement
506b PC	Violator of Civil Code '2985.3 or '2985.4	3 Yrs	801 PC	--	Embezzlement
507 PC	Bailee, Tenant, or Lodger	3 Yrs	801 PC	--	Embezzlement
508 PC	Clerk, Agent, or Servant	3 Yrs	801 PC	--	Embezzlement
509 PC	Taking Unnecessary	3 Yrs	801 PC	--	Embezzlement
518 PC	Extortion – Defined	3 Yrs	801 PC	2-4 Yrs	Extortion
521 PC	Extortion – When Under Color of Office	1 Yr	802 PC	--	Misdemeanor
524 PC	Attempt or Threat to Extort	3 Yrs	801 PC	--	--
527 PC	Printing, Publishing, or Selling	1 Yr	802 PC	--	Misdemeanor
528 PC	Marriage by False Personation	3 Yrs	801 PC	16 Mo-3 Yrs	--
529 PC	Acts in Assumed Character	3 Yrs	801 PC	16 Mo-3Yrs	--
529a PC	Manufacture, Sale, or Possession of False Birth Certificate or Baptismal Certificate	1 Yr	802 PC	1 Yr	County jail only
529.5 PC	Manufacture, Sale, or Transfer of Document Purporting to Be Government-issued Identification Card or Driver's License	1 Yr	802 PC	1 Yr	County jail only
530 PC	Receiving Property in Assumed Character	3 Yrs	801 PC	--	Punishable similar to larceny
531 PC	Conveyance to Defraud Creditors and Others	1 Yr	802 PC	--	Misdemeanor
531a PC	Making or Recording Deed without Title	1 Yr	802 PC	1 Yr	--
532 PC	False Pretenses – Obtaining Property, Labor, or Services	3 Yrs	801 PC	--	Proof at trial – Punishable similar to larceny
532a PC	Financial Statement	3 Yrs	801 PC	16 Mo-3Yrs	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
532b PC	False Representation of Military Service, Veteran, or Ex-Serviceman	1 Yr	802 PC	6 Mo	County jail only
532c PC	Land Lotteries	1 Yr	802 PC	6 Mo	County jail only
532d PC	Soliciting Charitable Contributions	1 Yr	802 PC	1 Yr	County jail only
532e PC	Rebates from Construction Funds	1 Yr	802 PC	6 Mo	County jail only
532f PC	Making False Statement Regarding Financial Condition when Applying for Real Property Loan	1 Yr	802 PC	1 Yr	County jail only
533 PC	Selling Same Land Twice	3 Yrs	801 PC	16 Mo-3 Yrs	--
534 PC	Concealing Necessity that Spouse Join in Deed	3 Yrs	801 PC	16 Mo-3 Yrs	--
535 PC	Pretended or Mock Auction	3 Yrs	801 PC	16 Mo-3 Yrs	--
536 PC	Factor or Broker – Holding Out on Principal	1 Yr	802 PC	6 Mo	County jail only
536a PC	False Accounting	1 Yr	802 PC	6 Mo	County jail only
537 PC	Nonpayment of Hotel, Lodging, Apartment, Bungalow Court, or Marina Accommodations	3 Yrs	801 PC	16 Mo-3 Yrs	• Under $400 – Misdemeanor • Over $400 – Felony
537b PC	Defrauding Liveryman or Abusing Hired Horses	1 Yr	802 PC	6 Mo	County jail only
537c PC	Liveryman Using or Loaning Animal or Vehicle of Guest	1 Yr	802 PC	6 Mo	County jail only
537e PC	Transfer of Possession of Articles from Which Serial Number Is Altered	3 Yrs	801 PC	16 Mo-3 Yrs	• Under $400 – Misdemeanor • Over $400 – Felony
537f PC	Batteries – "Rebuilt"	1 Yr	802 PC	6 Mo	County jail only
537g PC	Alteration or Destruction of Owner Identification Number	1 Yr	802 PC	1 Yr	County jail only
538a PC	False Signature on Letter to Newspaper	1 Yr	802 PC	6 Mo	County jail only
538b PC	Using or Wearing Insignia	1 Yr	802 PC	6 Mo	County jail only
538d PC	Misrepresenting Oneself as Peace Officer	1 Yr	802 PC	6 Mo	County jail only
538e PC	Fraudulent Personation of Firefighter	1 Yr	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
538f PC	Employee of Public Utility or District, Fraudulent Personation of	1 Yr	802 PC	6 Mo	County jail only
538.5 PC	Fraudulent Use of Wire, Radio, or Television Transmissions	3 Yrs	801 PC	16 Mo-3 Yrs	--
539 PC	Fraudulent Certification of Completion of Community Service	1 Yr	802 PC	--	--
548 PC	Defrauding Insurer	3 Yrs	801 PC	2-5 Yrs	--
549 PC	Solicitation or Referral for Purposes of Insurance Fraud	3 Yrs	801 PC	16 Mo-3 Yrs	--
550 PC	Making False or Fraudulent Claims	3 Yrs	801 PC	2-5 Yrs	• Under $400 – Misdemeanor • Over $400 – Felony
551 PC	Unlawful Referrals to Auto Repair Dealers	3 Yrs	801 PC	16 Mo-3 Yrs	• Under $400 – Misdemeanor • Over $400 – Felony
555 PC	Entry without Permission	1 Yr	802 PC	6 Mo	County jail only
555.1 PC	Destruction of Signs	1 Yr	802 PC	6 Mo	County jail only
556 PC	Unlawful to Place Advertising Sign on Public Property without Permission	1 Yr	802 PC	6 Mo	County jail only
556.1 PC	Unlawful to Place Advertising Sign on Private Property without Permission	1 Yr	802 PC	6 Mo	County jail only
558 PC	Trespass at Scripps Institution of Oceanography	1 Yr	802 PC	30 Days	County jail only
560 PC	Issuance of False Documents of Title	3 Yrs	801 PC	--	--
560.1 PC	Issuance of False Receipt for Goods	1 Yr	802 PC	1 Yr	County jail only
560.2 PC	Delivering Goods without Receiving Negotiable Instrument of Title	1 Yr	802 PC	1 Yr	County jail only
560.3 PC	Fraudulent Negotiation of Document of Title	1 Yr	802 PC	1 Yr	County jail only
560.4 PC	Issuance of Fraudulent Duplicate Document of Title	3 Yrs	801 PC	--	--
560.5 PC	Failure to Show Warehouseman's Ownership on Document of Title	1 Yr	802 PC	1 Yr	County jail only
560.6 PC	Negotiation of Fraudulent Warehouse Receipt	1 Yr	802 PC	6 Mo	County jail only
565 PC	Misdemeanor Dairy Equipment Offenses	1 Yr	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
566 PC	Felony Dairy Equipment Offenses	3 Yrs	801 PC	--	--
570 PC	Penalty for Unlawfully Subleasing	3 Yrs	801 PC	--	--
577 PC	Bill of Lading, Receipt, or Voucher	3 Yrs	801 PC	--	--
578 PC	Warehouse or Wharf Receipt	3 Yrs	801 PC	--	--
580 PC	Failure to Show that Receipt Is "Duplicate"	3 Yrs	801 PC	--	--
581 PC	Sale or Pledge of Chattel without Written Consent of Person Holding Receipt	3 Yrs	801 PC	--	--
587 PC	Injuring or Obstructing Railroad Tracks, Rights-of-Way, or Structures	3 Yrs	801 PC	--	--
587a PC	Injuring Brakes of Appliances on Railroad Cars or Engines	1 Yr	802 PC	6 Mo	County jail only
587b PC	Riding Engine or Train without Authority	1 Yr	802 PC	30 Days	County jail only
587c PC	Evading Payment of Fare	1 Yr	802 PC	6 Mo	County jail only
587.1 PC	Unauthorized Moving of Locomotives	3 Yrs	801 PC	--	Likelihood of injury makes this a felony
588 PC	Injuring Public Road or Bridge	1 Yr	802 PC	6 Mo	County jail only
588a PC	Depositing Glass, Tacks, or Other Substances	3 Yrs	801 PC	--	Likelihood of injury makes this a felony
588b PC	Removing Barriers, Notices, or Danger Signals on Closed Road	1 Yr	802 PC	6 Mo	County jail only
590 PC	Injuring Road Signs or Guide Posts	1 Yr	802 PC	6 Mo	County jail only
591 PC	Injuring or Tapping Telegraph, Telephone, Cable Television, or Any Electrical Line	3 Yrs	801 PC	--	--
592 PC	Taking or Polluting Water by Injuring Ditch or Canal	3 Yrs	801 PC	--	• Under $400 – Misdemeanor • Over $400 – Felony
593 PC	Injuring Electric Power Line	3 Yrs	801 PC	--	--
593a PC	Driving Iron or Other Hard Substance into Trees, Saw-Logs, or Other Wood	3 Yrs	801 PC	--	Additional punishment for causing bodily injury
593b PC	Tower or Pole Climbing	1 Yr	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
593c PC	Interference or Obstruction of Flow of Gas or Other Hazardous Liquids	3 Yrs	801 PC	--	--
593d PC	Unauthorized Connection with Multichannel Video or Information Services Provider	3 Yrs	801 PC	--	--
593e PC	Manufacture, Distribution, or Sale of Device for Intercepting or Decoding Subscription Television Transmissions	1 Yr	802 PC	1 Yr	Repeat offense carries 2-year sentence
593f PC	Multi-Point Distribution Service or Instructional Television Fixed Service	1 Yr	802 PC	90 Days	County jail only
593g PC	Possession of Substance Hard Enough to Injure Saws or Wood Manufacturing Equipment	1 Yr	802 PC	1 Yr	County jail only
594 PC	Vandalism	3 Yrs	801 PC	--	Amount of damage in dollars
594.1 PC	Giving or Selling Aerosol Containers of Paint to Minor	1 Yr	802 PC	90-240 Days	Community service only
594.2 PC	Possession of Tools or Marking Substance with Intent to Commit Vandalism	1 Yr	802 PC	--	--
594.3 PC	Vandalism – Place of Worship	3 Yrs	801 PC	--	--
594.4 PC	Vandalism of Structure with Butyric Acid or Similar Caustic Substance	3 Yrs	801 PC	--	--
594.7 PC	Subsequent Conviction for Vandalism	3 Yrs	801 PC	--	--
596 PC	Poisoning Animals	1 Yr	802 PC	6 Mo	County jail only
596.5 PC	Abuse of Elephants	1 Yr	802 PC	6 Mo	County jail only
597 PC	Killing, Maiming, or Abusing Animals	3 Yrs	801 PC	--	Counseling for offenders
597a PC	Cruelty in Transporting Animals	1 Yr	802 PC	6 Mo	County jail only
597b PC	Animal Fights / Worrying Animals	1 Yr	802 PC	6 Mo	County jail only
597c PC	Training Animals to Fight / Attending Training Quarters or Fight	1 Yr	802 PC	6 Mo	County jail only
597e PC	Impounding Animal with Insufficient Food and Water	1 Yr	802 PC	6 Mo	County jail only
597f PC	Animal Neglect / Killing Neglected, Sick, or Useless Animal	1 Yr	802 PC	6 Mo	County jail only
597g PC	Poling or Tripping of Horses	1 Yr	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
597h PC	Animals Attached to Motor Vehicles	1 Yr	802 PC	6 Mo	County jail only
597i PC	Manufacture, Sale, or Possession of Gaffs, Slashers, or Sharp Implements	1 Yr	802 PC	6 Mo	County jail only
597j PC	Owning, Possessing, or Keeping Any Cock with Intention to Engage in Fighting	1 Yr	802 PC	6 Mo	County jail only
597k PC	Use of Bristle or Tack Bur on Animals	1 Yr	802 PC	10-175 Days	County jail only
597l PC	Pet Shops	1 Yr	802 PC	90 Days	County jail only
597m PC	Conducting Bullfighting Exhibitions	1 Yr	802 PC	6 Mo	County jail only
597n PC	Docking Horses	1 Yr	802 PC	6 Mo	County jail only
597o PC	Requirement for Transporting Equine to Slaughter	1 Yr	802 PC	6 Mo	County jail only
597r PC	Purebred Imported Horses	1 Yr	802 PC	6 Mo	--
597s PC	Abandoning Domestic Dog or Cat	1 Yr	802 PC	6 Mo	County jail only
597t PC	Mistreatment of Confined Animals	1 Yr	802 PC	6 Mo	County jail only
597x PC	Sale or Transport of Disabled Animal for Slaughter Out of State	1 Yr	802 PC	6 Mo	County jail only
597y PC	Violations	1 Yr	802 PC	6 Mo	County jail only
597.1 PC	Keeping Animal without Proper Care	1 Yr	802 PC	6 Mo	County jail only
597.5 PC	Dog Fights – Training, Conducting, Attending	3 Yrs	801 PC	16 Mo-3 Yrs	--
598 PC	Killing birds or Robbing Nests in Cemeteries	1 Yr	802 PC	6 Mo	County jail only
598a PC	Killing or Possessing Dog or Cat with Intent of Selling or Giving Away Pelt	1 Yr	802 PC	6 Mo	County jail only
598b PC	Possession, Importation, Exportation, Buying, or Selling of Pet for Food	1 Yr	802 PC	6 Mo	County jail only
599 PC	Mistreatment of Poultry or Rabbits	1 Yr	802 PC	6 Mo	County jail only
599e PC	Added Authority for Killing Animal Outliving Usefulness	1 Yr	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
599f PC	Non-ambulatory Animals	1 Yr	802 PC	6 Mo	County jail only
600 PC	Punishment – Harming, Interfering with or Obstructing a Peace Officer's Horse or Dog	3 Yrs	801 PC	16 Mo-3 Yrs	--
600.5 PC	Intentional Injury to or Death of Guide Dog	1 Yr	802 PC	1 Yr	Restitution and imprisonment
601 PC	Trespass – Threat to Cause Serious Bodily Injury	3 Yrs	801 PC	--	--
602 PC	Trespass to Land	1 Yr	802 PC	6 Mo	County jail only
602.1 PC	Interference with Business by Obstructing or Intimidating Persons Attempting to Carry on Business or Their Customers	1 Yr	802 PC	90 Days	County jail only
602.4 PC	Unauthorized Sales at Airports	1 Yr	802 PC	6 Mo	County jail only
602.5 PC	Unauthorized Entry of Dwelling	1 Yr	802 PC	6 Mo	County jail only
602.6 PC	Unauthorized Entry of Fairgrounds	1 Yr	802 PC	6 Mo	County jail only
602.7 PC	Unauthorized Peddling on Rapid Transit District Property or Vehicles	1 Yr	802 PC	--	Infraction
602.8 PC	Trespass – Entering Cultivated, Fenced, or Posted Land	1 Yr	802 PC	6 Mo	County jail only
602.10 PC	Physical Obstruction of Student or Teacher from Attending or Instructing at the University of California, California State University, or Community Colleges	1 Yr	802 PC	1 Yr	County jail only
602.11 PC	Obstructing Individual from Entering or Exiting Health Care Facility, Place of Worship, or School	1 Yr	802 PC	5-30 Days	County jail only
603 PC	Injury to Dwelling House	1 Yr	802 PC	6 Mo	County jail only
604 PC	Injuring Crops of Grain, Fruit, or Vegetables	1 Yr	802 PC	6 Mo	County jail only
605 PC	Injuring Survey Marks or Monuments	1 Yr	802 PC	6 Mo	County jail only
607 PC	Injuring Hydro-Power Equipment	1-3 Yrs	801 PC	--	Dollar amount of damage
610 PC	Endangering Navigation by Masked or False Light	3 Yrs	801 PC	--	--
615 PC	Tampering with Coast or Geodetic Survey Monument	1 Yr	802 PC	6 Mo	County jail only
616 PC	Tampering with Posted Legal Notice	1 Yr	802 PC	1 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
617 PC	Mutilating Writings	3 Yrs	801 PC	--	--
618 PC	Opening or Disclosing Contents of Sealed Letter	1 Yr	802 PC	6 Mo	County jail only
620 PC	Altering Telegram or Phone Message	3 Yrs	801 PC	--	--
621 PC	Vandalism to Law Enforcement or Firefighter's Memorial	3 Yrs	801 PC	--	--
622 PC	Destroying Monuments or Civic Improvements	1 Yr	802 PC	6 Mo	County jail only
622.5 PC	Willful Injury of Any Archeological or Historical Object	1 Yr	802 PC	6 Mo	County jail only
623 PC	Destruction of Caves and Contents	1 Yr	802 PC	1 Yr	County jail only
624 PC	Injuring Water Pipes	1 Yr	802 PC	6 Mo	County jail only
625 PC	Using Water after Shut-Off	1 Yr	802 PC	6 Mo	County jail only
625b PC	Aircraft – Tampering with or Removing Parts from	1-3 Yrs	801 PC	--	If aircraft is rendered unsafe – Felony
625c PC	Willful Tampering with Passenger Transit Vehicle or System	3 Yrs	801 PC	--	--
626.2 PC	Suspended or Dismissed Student or Employee Willfully Entering Campus	1 Yr	802 PC	6 Mo	County jail only
626.4 PC	Authority of Chief Administrative Officer to Revoke Authority of Person to Remain on Campus	1 Yr	802 PC	6 Mo	County jail only
626.6 PC	Person Not a Student, Officer or Employee – Interference with Peaceful Conduct on Campus / Failure to Leave or Reentering Campus	1 Yr	802 PC	6 Mo	County jail only
626.7 PC	Interference with Peaceful Conduct of Campus Activities	1 Yr	802 PC	6 Mo	County jail only
626.8 PC	Person Upon or Near School Ground without Lawful Business – Interference with Peaceful Conduct	1 Yr	802 PC	6 Mo	County jail only
626.85 PC	Specified Drug Offender Upon or Near School Ground – Failure to Leave or Reentering Campus	1 Yr	802 PC	6 Mo	County jail only
626.9 PC	Gun-free School Zone Act of 1995 – Bringing or Possessing Firearm on Grounds of Public or Private School, College, or University	1-3 Yrs	801 PC	2-5 Yrs	--
626.10 PC	Stabbing Instruments, Razors, Tasers, Stun, or Pellet Guns on School Grounds	3 Yrs	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
627.7 PC	Failure or Refusal to Leave School Grounds Promptly	1 Yr	802 PC	6 Mo	County jail only
627.8 PC	Subsequent Offenses	1 Yr	802 PC	6 Mo	County jail only
631 PC	Wiretapping	3 Yrs	801 PC	--	--
632 PC	Eavesdropping on or Recording Confidential Communications	3 Yrs	801 PC	--	--
632.5 PC	Intercepting or Receiving Cellular Radio Telephone Communication	3 Yrs	801 PC	--	--
632.6 PC	Intercepting or Receiving Cordless Telephone Communication	3 Yrs	801 PC	--	--
632.7 PC	Recording Communications via Cellular Radio, Cordless, or Landline Telephone without Consent of All Parties	3 Yrs	801 PC	--	--
634 PC	Trespassing for Purpose of Committing Invasion of Privacy	3 Yrs	801 PC	--	--
635 PC	Manufacturing or Selling Devices Intended for Eavesdropping or Interception of Telephone Communications	3 Yrs	801 PC	--	--
636 PC	Eavesdropping on or Recording Conversation between Person in Custody and His Attorney	3 Yrs	801 PC	--	--
636.5 PC	Wrongful Interception and Divulgence of Police Radio Communication	1 Yr	802 PC	--	--
637 PC	Wrongful Disclosure of Telegraphic or Telephonic Communication	3 Yrs	801 PC	--	--
637.1 PC	Wrongful Obtaining of Telegraphic or Telephonic Communication	3 Yrs	801 PC	--	--
637.4 PC	Use of Polygraph Examination as Prerequisite to Accusatory Pleading Prohibited	1 Yr	802 PC	--	Fine only
637.5 PC	Cable Television – Invasion of Privacy	1 Yr	802 PC	--	--
637.6 PC	Disclosure of Personal Information Obtained in Establishment or Implementation of Carpool or Rideshare Programs Prohibited	1 Yr	802 PC	1 Yr	County jail only
639 PC	Bribing Financial Institution Employee to Obtain Credit	3 Yrs	801 PC	--	--
639a PC	Financial Institution Employee Accepting Bribe	3 Yrs	801 PC	--	--
640 PC	Infractions Committed on or in Facilities or Vehicles or Public Transportation System	1 Yr	802 PC	48 Hrs	Community service only
640a PC	Beating Vending or Slot Machine	1 Yr	802 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
640b PC	Beating Pay Phone	1 Yr	802 PC	--	--
640.5 PC	Graffiti or Other Inscribed Material – Government Facilities and Vehicles of Public Transportation Systems	1 Yr	802 PC	1 Yr	County jail only
640.6 PC	Graffiti or Other Inscribed Material – Real or Personal Property of Another	1 Yr	802 PC	1 Yr	County jail only
640.7 PC	Graffiti and Vandalism – Highways	1 Yr	802 PC	1 Yr	County jail only
641 PC	Inducing Disclosure of Phone Message or Telegram by Bribery	3 Yrs	801 PC	--	--
641.3 PC	Commercial Bribery	1-3 Yrs	801 PC	16 Mo-3 Yrs	• Under $1,000 – Misdemeanor • Over $1,000 – Felony
641.5 PC	Clothes Cleaning Establishment Using Volatile, Commercially Moisture-free Solvent	1 Yr	802 PC	--	--
641.6 PC	Use of Carbon Tetrachloride or Trichlorethylene by Onsite Dry Cleaner	1 Yr	802 PC	--	--
642 PC)	Removing and Keeping Articles from Corpse	1-3 Yrs	801 PC	--	• Under $400 – Misdemeanor • Over $400 – Felony
643 PC	Disposal of Fetal Remains	1 Yr	802 PC	--	--
646 PC	Solicitation of Personal Injury Claims with Intent to Sue Out of State	1 Yr	802 PC	6 Mo	County jail only
646.5 PC	Employment Solicitation to Obtain Authorization as Investigator	1 Yr	802 PC	--	--
646.6 PC	Solicitation for Sale of Accident Photographs	1 Yr	802 PC	--	--
646.9 PC	Stalking	3 Yrs	801 PC	2-4 Yrs	--
647 PC	Disorderly Conduct Defined	1 Yr	802 PC	--	--
647(h) PC	Prowling or Loitering	1 Yr.	802 PC	--	--
647(i) PC	Peeping	1 Yr.	802 PC	--	--
647b PC	Loitering Around Adult Schools	1 Yr	802 PC	6 Mo	--
647c PC	Obstructing Movement on Street or Public Place	1 Yr	802 PC	--	--
647e PC	Counties May Prohibit Open Containers in Certain Locations	1 Yr	802 PC	--	Infraction only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
647f PC	Prostitution Following Prior Conviction/Positive AIDS Test	3 Yrs	801 PC	--	--
647.6 PC	Child Molesters – Punishment	3 Yrs	801 PC	--	Forced entry or second violation – Felony
647.7 PC	Disorderly Conduct Involving Peeping	1 Yr.	802 PC	Up to 1 Yr	County jail only
647.9 PC	Child Molesters – Punishment	1 Yr	802 PC	--	Minor – 2-year statute of limitations
648 PC	Uttering and Passing Counterfeit Paper	1-3 Yrs	801 PC	--	• First offense – Misdemeanor • Additional offenses – Felonies
648a PC	Tokens or Slugs Imitating Coins	1 Yr	802 PC	--	--
649 PC	Unlawful to Misdirect Prospective Hotel Guests	1 Yr	802 PC	--	--
649a PC	Fraud in Procuring Hotel Guests	1 Yr	802 PC	--	--
651 PC	Food Stamps – Selling of	1 Yr	802 PC	--	--
652 PC	Body Piercing of Unemancipated Minor	1 Yr	802 PC	--	Infraction only
653 PC	Tattooing Minor	1 Yr	802 PC	--	--
653d PC	Failure to Keep Records on Sale of Mining Machinery	1 Yr	802 PC	--	--
653f PC	Solicitation to Commit Felony	1-6 Yrs	801 PC	Up to 9 Yrs	Dependent on type of crime solicited
653h PC	Sound Recordings	3 Yrs	801 PC	2-5 Yrs	--
653i PC	Leaving Scene of Skiing Accident	1 Yr	802 PC	--	Infraction only
653j PC	Solicitation of Minor to Commit Felony	3 Yrs	801 PC	3-7 Yrs	--
653k PC	Switchblade Knives	1 Yr	802 PC	--	--
653m PC	Harassing by Telephone	1 Yr	802 PC	1 Yr	County jail only
653n PC	Installation or Maintenance of Two-way Mirror Permitting Observation of Certain Areas	1 Yr	802 PC	--	--
653o PC	Unlawful Import of Dead Animals for Commercial Purposes	1 Yr	802 PC	--	--
653q PC	Importation/Possession of Dead Seals for Commerce	1 Yr	802 PC	6 Mo	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
653r PC	Possession with Intent to Sell Endangered Dead Animals or Products Made from Same	1 Yr	802 PC	--	--
653s PC	Sale/Transportation of Live Performance Recorded without Consent	3 Yrs	801 PC	2-5 Yrs	--
653t PC	Interfering with Amateur or Citizen's Band Radio Frequency or with Emergency Communication Over Police Radio Frequency	1-3 Yrs	801 PC	--	If offense results in serious bodily injury or property loss in excess of $10,000 occurs – Felony
653u PC	Recording of Article with Intent to Sell without Owner's Consent	3 Yrs	801 PC	--	--
653x PC	Telephoning 911 Emergency Line with Intent to Annoy or Harass	1 Yr	802 PC	6 Mo	County jail only
653w PC	Failure to Disclose Origin of Recording or Audiovisual Work	3 Yrs	801 PC	2-5 Yrs	--
653.1 PC	Balloons Made of Electrically Conductive Material – Restrictions	1 Yr	802 PC	--	--
653.22 PC	Loitering with Intent to Commit Prostitution Unlawful	1 Yr	802 PC	--	--
653.55 PC	False or Misleading Statement or Assertion of Fact	1 Yr	802 PC	6 Mo	--
654.1 PC	Transportation – Providing without Permit Unlawful	1 Yr	802 PC	--	--
659 PC	Counseling or Aiding Misdemeanor	1 Yr	802 PC	--	--
666 PC	Conviction to Petty Theft after Serving Term for Other Theft	3 Yrs	801 PC	16 Mo-3 Yrs	--
666.5 PC	Repeat Offenders – Enhancement for Felony Vehicle Theft or Felony Grand Theft Involving Motor Vehicle, Trailer, or Special Construction Equipment	3 Yrs	801 PC	2-4 Yrs	--
666.7 PC	Sentence Enhancement Schedules	3 Yrs	--	--	--
1203.2(a) PC	Violation of Probation	--	--	--	May result in person losing ability to be on probation
18710 PC	Possession of Destructive Device Prohibited	3 Yrs	801 PC	--	Formerly 12303 PC
18715 PC	Possession of Destructive Device in Public Places	3 Yrs	801 PC	2-6 Yrs	Formerly 12303.2 PC
18720 PC	Intention to Make Destructive Device without Valid Permit	3 Yrs	801 PC	2-4 Yrs	Formerly 12312 PC
18725 PC	Carrying or Placing Explosive on Transportation Vehicles	3 Yrs	801 PC	2-6 Yrs	Formerly 12303.1 PC
18730 PC	Sale or Transportation of Destructive Device Prohibited	3 Yrs	801 PC	2-4 Yrs	Formerly 12303.6 PC

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
18735 PC	Punishment for Possession or Transportation of Ammunition Greater than .60 Caliber	1-3 Yrs	801 PC	--	Prior conviction makes this a felony – Formerly 12304 PC
18740 PC	Explosion of Destructive Device	3 Yrs	801 PC	3-7 Yrs	Formerly 12303.3 PC
18745 PC	Explosion of Destructive Device with Intent to Commit Murder	Indefinite	799 PC	Life with possibility of parole	Formerly 12308 PC
18750 PC	Explosion of Destructive Device which Causes Bodily Injury	6 Yrs	800 PC	5-9 Yrs	Formerly 12309 PC
18755 PC	Explosion of Destructive Device which Causes Death, Mayhem, or Great Bodily Injury	Indefinite	799 PC	Life without parole	• If offense results in death – Life without parole • If offense results in serious injury – Life with possibility of parole (formerly 12310 PC)
19100 PC	Carrying Concealed Explosive Substance	3 Yrs	801 PC	--	Formerly 12020(a)(3) PC
19200 PC	Possession of Hand Grenade (Military/Replica)	3 Yrs	801 PC	1 Yr	Formerly 12020(a)(1) PC
19405 PC	Sale of Less Lethal Weapon to Minor	1 Yr	802 PC	--	Formerly 12655 PC
19910 PC	Sale of BB Device to Minor	1 Yr	802 PC	--	Formerly 12551 PC
19915 PC	Furnishing BB Device to Minor without Permission of Parent or Legal Guardian	1 Yr	802 PC	--	Formerly 12552 PC
20010 PC	Sale/Possession/Manufacture of Blow Gun	1 Yr	802 PC	--	Formerly 12582 PC
20110 PC	Booby Traps	3 Yrs	801 PC	2-5 Yrs	Formerly 12355 PC
20150(a)	Altering Appearance of Imitation Firearm	1 Yr	802 PC	--	Formerly 12553(b)
20310 PC	Sale/Possession/Manufacture of Air Gauge Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20410 PC	Sale/Possession/Manufacture of Belt Buckle Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20510 PC	Sale/Possession/Manufacture of Cane Sword	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20610 PC	Sale/Possession/Manufacture of Lipstick Case Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20710 PC	Sale/Possession/Manufacture of Shobi-Zue	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
20910 PC	Sale/Possession/Manufacture of Writing Pen Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
21110 PC	Sale/Possession/Manufacture of Ballistic Knife	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
21310 PC	Carrying Concealed Dirk or Dagger	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
21510 PC	Sale/Possession of Switchblade Knife	1 Yr	802 PC	--	Formerly 12020(a)(1) PC
21710 PC	Possession of Composite or Wooden Knuckles	1 Yr	802 PC	--	Formerly 12020.1 PC
21810 PC	Possession of Metal Knuckles	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
22010 PC	Sale/Possession/Manufacture of Nunchaku	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
22210 PC	Sale/Possession/Manufacture of Sap or Similar Weapon	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
22410 PC	Sale/Possession/Manufacture of Shurken	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
22610 PC	Purchase/Possession/Use of Stun Gun	1 Yr	802 PC	--	Formerly 12651 PC
22810 PC	Possession by Others – Qualifications for Tear Gas/Weapon	3 Yrs	801 PC	16 Mo-3 Yrs	Formerly 12403.7 PC
22900 PC	Sale/Possession/Transportation of Tear Gas or Tear Gas Weapon Prohibited	1 Yr	802 PC	1 Yr	Formerly 12420 PC
22910 PC	Alteration of Identification on Tear Gas Weapon	3 Yrs	801 PC	--	Formerly 12422 PC
23900 PC	Altering or Effacing Identifying Marks on Firearms	3 Yrs	801 PC	--	Formerly 12090 PC
24310 PC	Possession/Manufacture of Camouflaged Firearm Container	1 Yr	802 PC	--	Formerly 12020(a)(1) PC
24410 PC	Sale/Possession/Manufacture of Cane Gun	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
24510 PC	Sale /Possession/Manufacture of Firearm Not Immediately Recognizable as Firearm	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
24610 PC	Sale /Possession/Manufacture of Undetectable Firearm	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
24710 PC	Sale /Possession/Manufacture of Wallet Gun	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
25100 PC	Criminal Storage of Firearm	3 Yrs	801 PC	16 Mo-3 Yrs	Formerly 12035 PC
25300 PC	Carrying Firearm in Public Place while Masked to Hide Identity Prohibited	3 Yrs	801 PC	--	Formerly 12040 PC
25400 PC	Carrying Concealed Firearm	3 Yrs	801 PC	1 Yr	Formerly 12025 PC
25850 PC	Carrying a Loaded Firearm In Public	3 Yrs	801 PC	1 Yr	Formerly 12031 PC

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
26100 PC	Prohibition of Firearms in Vehicles / Discharging Firearm from Vehicle	1-3 Yrs	801 PC	16 Mo-3 Yrs	• Person discharging firearm from vehicle – Felony • Person driving vehicle, not discharging firearm – Misdemeanor (formerly 2034 PC)
26350 PC	Open Carry Unloaded Firearm	1 Yr	802 PC	--	--
26400 PC	Carrying Unloaded Firearm Not Handgun	1 Yr	802 PC	--	--
29610 PC	Possession of Pistol, Revolver, or Concealable Firearm by Minor	1-3 Yrs	801 PC	--	Prior conviction makes this a felony Formerly 12101(a)(1) PC
29650 PC	Possession of Live Ammunition	1-3 Yrs	801 PC	--	Prior conviction makes this a felony Formerly 12101(b)(2) PC
29800 PC	Unlawful Person in Possession	3 Yrs	801 PC	--	Formerly 12021 PC
29825 PC	Person Restricted from Firearm Possession Due to Restraining Order, Probation, or Protective Order	3 Yrs	801 PC	--	Formerly 12021(g)(2) PC
29900 PC	Person Previously Convicted of Violent Offense Prohibited from Possessing Firearms	3 Yrs	801 PC	--	Formerly 12021.1 PC
30210 PC	Sale/ Possession/Manufacture of Flechette Dart/Bullet Containing Explosive Agent	3 Yrs	801 PC	1 Yr	Formerly 12020(a)(1) PC
30300 PC	Sale/Supply of Ammunition to Under Aged Person	3 Yrs	801 PC	--	Formerly 12316 PC
30300 PC	Sale of Ammunition to Minor	1-3 Yrs	801 PC	--	Formerly 12316a and b PC
30305 PC	Possession of Ammunition by Prohibited Person	3 Yrs	801 PC	--	Formerly 12316 PC
30305 PC	Possession of Ammunition by Prohibited Person	1-3 Yrs	801 PC	--	Formerly 12316b and d PC
30306 PC	Sale of Ammunition to Prohibited Person	3 Yrs	801 PC	--	Formerly 12317 PC
30306 PC	Sale of Ammunition to Prohibited Person	1-3 Yrs	801 PC	--	Formerly 12316b and d PC
30310 PC	Ammunition on School Grounds	1-3 Yrs	801 PC	--	Formerly 12316c PC
30315 PC	Possession of Metal or Armor Penetrating Ammunition	3 Yrs	801 PC	--	Formerly 12320 PC
30315 PC	Possession of Metal or Armor Penetrating Ammunition	3 Yrs	801 PC	--	Formerly 12320 PC
30320 PC	Sale/Manufacture/Transportation of Metal or Armor Penetrating Ammunition	3 Yrs	801 Pc	16 Mo-3 Yrs	Formerly 12320 PC
30320 PC	Sale/Manufacture/Possession/Use of Metal or Armor Penetrating Ammunition	3 Yrs	801 PC	--	Formerly 12321 PC

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
30600 PC	Sale/Possession/Manufacture/Transportation of Assault Weapon/ .50 BMG Rifle	6 Yrs	800 PC	4-8 Yrs	Formerly 12280(a) PC
30605 PC	Sale/Possession/Manufacture/Transportation of Assault Weapon	3 Yrs	801 PC	--	Firearm was registered as legal weapon Formerly 12289(b) PC
30610 PC	Possession of .50 BMG Rifle	3 Yrs	801 PC	--	--
31500 PC	Sale/Manufacture/Possession of Unconventional Pistol	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
32625(a) PC	Possession/Transportation of Illegal/Conversion of Firearms	3 Yrs	801 PC	--	Formerly 12220(a) PC
32625)b) PC	Possession/Transportation of Machine Guns	6 Yrs	800 PC	4-8 Yrs	Formerly 12220(b) PC
32900 PC	Sale/Manufacture/Possession of Multi-Burst Trigger Activator	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
33215 PC	Sale/Manufacture/Possession of Short Barreled Shotgun or Rifle	3 Yrs	801 PC	--	Formerly 12020(a)(1) PC
33410 PC	Possession of Silencer	3 Yrs	801 PC	--	Formerly 12520 PC
33410 PC	Possession of Firearm Silencers	3 Yrs	801 PC	--	Formerly 12520 PC
33600 PC	Sale/Manufacture/Possession of Zip Guns	1 Yr	802 PC	--	Formerly 12020(a)(1) PC
2800.1 VC	Intention to Evade Peace Officer in Motor Vehicle or on Bicycle – Misdemeanor	1 Yr	802 PC	--	--
2800.2 VC	Attempting to Evade Peace Officer while Driving Recklessly – Punishment	3 Yrs	801 PC	--	Disregard for safety
2800.3 VC	Evasion of Peace Officer	3 Yrs	801 PC	3-5 Yrs	Causing serious injury or death
4461 VC	Unlawful Use of Forms of Registration, Plates, Permits, Placards, or Validation Tabs	1 Yr	802 PC	--	--
4462 VC	Unlawful Use or Possession of Vehicle Identification Documents	1 Yr	802 PC	--	--
4463 VC	Falsifying Evidence of Registration, Ownership, or Identification / Falsifying or Loaning Disabled Person Placard	1-3 Yrs	801 PC	16 Mo-3 Yrs	Placard only – Misdemeanor
5500 VC	Delivery of Evidence of Registration before Disassembly	1 Yr	802 PC	6 Mo	County jail only
10501 VC	False Theft of Vehicle Reports	1-3 Yrs	801 PC	16 Mo-3 Yrs	Prior conviction makes this a felony
10752 VC	Illegal Possession or Sale of Identification Number	3 Yrs	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
10801 VC	Owning or Operating Chop Shop	3 Yrs	801 PC	2-4 Yrs	--
10802 VC	Tampering with Vehicle Identification Number	3 Yrs	801 PC	16 Mo-3 Yrs	--
10803 VC	Buying or Possessing Vehicles with Altered Vehicle Identification Numbers	3 Yrs	801 PC	2-6 Yrs	--
10851 VC	Vehicle Theft	3 Yrs	801 PC	2-4 Yrs	--
10854 VC	Uncontested Action by Vehicle Bailee – Punishment	1 Yr	802 PC	1 Yr	County jail only
12500 VC	Unlicensed Operation Unlawful	1 Yr	802 PC	--	--
13200 VC	Speeding and Reckless Driving	1 Yr	802 PC	--	Revocation of license only
13200.5 VC	Driving in Excess of 100 Miles Per Hour	1 Yr	802 PC	--	Suspension of license only
14601.5 VC	Driving while Privileges Suspended for Failure to Take Chemical Test or for Driving with Specified Blood Alcohol Level	1 Yr	802 PC	6 Mo	County jail only
14610.5 VC	Sale/Distribution of Crib Sheets / Impersonation of License Applicant	1 Yr	802 PC	--	--
20001 VC	Hit and Run	3 Yrs	801 PC	2-4 Yrs	• If great bodily Injury • If not great bodily injury – 1 year
20002 VC	Property Damage Reports and Notices – Punishment	1 Yr	802 PC	6 Mo	County jail only
23152 VC	Driving while Under the Influence of Alcohol or Drugs	1 Yr	802 PC	96 hrs.	County jail only
23153 VC	Driving Under the Influence	3 Yrs	801 PC	--	Causing bodily injury
23222 VC	Open Alcoholic Beverage Container or Marijuana in Vehicle	1 Yr	802 PC	--	Fine only
23223 VC	Open Alcoholic Beverage Containers-Possession	1 Yr	802 PC	--	--
38318 VC	Throwing Substances at Off-Highway Motor Vehicles	1 Yr	802 PC	6 Mo	County jail only
38318.5 VC	Malicious Acts	1 Yr	802 PC	6 Mo	County jail only
42001.7 VC	Littering	1 Yr	802 PC	--	Fine only
8101 H&S	Vandalism to Cemeteries	3 Yrs	801 PC	--	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11162.5 H&S	Prescription Blanks – Counterfeit	3 Yrs	801 PC	--	--
11350 H&S	Unlawful Possession of Drugs	3 Yrs	801 PC	--	Narcotics
11351 H&S	Unlawful Possession of Drugs for Sale	3 Yrs	801 PC	2-4 Yrs	Narcotics
11351.5 H&S	Possession/Purchase of Cocaine for Sale	3 Yrs	801 PC	3-5 Yrs	--
11352 H&S	Unlawful Possession of Drugs for Transportation	3-6 Yrs	801 PC	3-5 Yrs	Narcotics
11353 H&S	Adult's Employment of Minor for Unlawful Transactions	6 Yrs	800 PC	3-9 Yrs	--
11353.5 H&S	Selling or Giving Controlled Substance to Minor	6 Yrs	800 PC	5-9 Yrs	--
11353.7 H&S	Preparation for Sale or Sale of Controlled Substance to Minor in Public Park	6 Yrs	800 PC	3-9 Yrs	--
11354 H&S	Minor's Employment of Fellow Minor for Unlawful Transactions	3 Yrs	801 PC	--	--
11355 H&S	Delivery of Falsely Represented Items	3 Yrs	801 PC	--	--
11357(a) H&S	Possession of Marijuana – Concentrated Cannabis	3 Yrs	801 PC	--	Concentrated cannabis
11357(b) H&S	Possession of Marijuana	1 Yr	802 PC	--	Less than 28.5 grams – Fine only
11357(c) H&S	Possession of Marijuana	1 Yr	802 PC	6 Mo	More than 28.5 grams – County jail only
11357(d) H&S	Possession on School Grounds – Punishment	1 Yr	802 PC	10 Days	Less than 28.5 grams – Over 18 years old
11357(e) H&S	Possession on School Grounds – Punishment	1 Yr	802 PC	--	Less than 28.5 grams – Under 18 years old
11359 H&S	Possession of Marijuana for Sale	3 Yrs	801 PC	--	Marijuana – 28. 5 grams or more
11360 H&S	Possession of Marijuana for Transportation	3 Yrs	801 PC	2-4 Yrs	Marijuana – 28.5 grams or more
11361 H&S	Employment of Minors for Unlawful Transactions	3 Yrs	801 PC	3-7 Yrs	--
11363 H&S	Planting and Harvesting Peyote	3 Yrs	801 PC	--	--
11364 H&S	Possession of Paraphernalia for Unlawful Use	1 Yr	802 PC	--	--
11364.7 H&S	Furnishing/Manufacturing Drug Paraphernalia/Furnishing to Minors – Forfeiture of Business License	1-3 Yrs	801 PC	--	Wobbler – Based on controlled substance type

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11366 H&S	Maintenance of Location for Unlawful Activities	3 Yrs	801 PC	--	--
11366.5 H&S	Management of Location Used for Unlawful Manufacture or Storage of Controlled Substance	3 Yrs	801 PC	--	--
11366.6 H&S	Use of Location to Suppress Law Enforcement Entry in Order to Sell Controlled Substances	3 Yrs	801 PC	3-5 Yrs	--
11366.8 H&S	Possession of False Compartment Designed for Storing Controlled Substances	3 Yrs	801 PC	16 Mo-3 Yrs	--
11370.1 H&S	Unlawful Possession of Controlled Substances while Armed with Loaded Firearm	3 Yrs	801 PC	2-4 Yrs	--
11370.6 H&S	Possession of Funds in Excess of $100,000 for Unlawful Purchase of Controlled Substances	3 Yrs	801 PC	2-4 Yrs	--
11371 H&S	Offenses Carrying Mandatory State Prison Sentence	3 Yrs	801 PC	--	--
11371.1 H&S	Prescription Fraud for Violation or for Inducing Violation by Minor	3 Yrs	801 PC	--	--
11374.5 H&S	Manufacturer of Controlled Substances – Disposal of Hazardous Substances	3 Yrs	801 PC	2-4 Yrs	--
11375 H&S	Possession for Sale of Designated Substances	3 Yrs	801 PC	--	--
11377 H&S	Unlawful Possession of Drugs – Controlled Substances	3 Yrs	801 PC	--	Wobbler – Based on controlled substance type
11378 H&S	Unlawful Possession of Drugs For Sale	3 Yrs	801 PC	--	--
11378.5 H&S	Possession for Sale of Phencyclidine (PCP)	3 Yrs	801 PC	3-5 Yrs	--
11379 H&S	Unlawful Possession of Drugs for Transportation	3-6 Yrs	801 PC	2-4 Yrs	--
11379.2 H&S	Possession for Sale of Controlled Substance Containing Ketamine	3 Yrs	801 PC	--	--
11379.5 H&S	Sale/Importation/Distribution of Phencyclidine (PCP)	6 Yrs	800 PC	3-9 Yrs	--
11379.6 H&S	Manufacture of Controlled Substances	3 Yrs	801 PC	3-7 Yrs	--
11380 H&S	Employment of Minors for Unlawful Transactions – Restricted Drugs	6 Yrs	800 PC	3-9 Yrs	--
11382 H&S	Substitution of Fraudulently Represented Items	3 Yrs	801 PC	--	--
11383 H&S	Possession for Manufacturing of Methamphetamine and Phencyclidine	3 Yrs	801 PC	2-6 Yrs	--

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
11390 H&S	Cultivation of Spores or Mycelium Capable of Producing a Controlled Substance – Mushrooms	3 Yrs	801 PC	--	--
11391 H&S	Sale/Importation/Transportation/Furnishing of Spores or Mycelium Capable of Producing a Controlled Substance	3 Yrs	801 PC	--	--
11550 H&S	Use Prohibited / Offense / Punishment – Controlled Substance	1 Yr	802 PC	90-180 Days	County jail only
109575 H&S	Penalties – Imitation Controlled Substance	1 Yr	802 PC	6 Mo	County jail only
109580 H&S	Penalties for Distribution to Minors – Imitation Controlled Substance	1 Yr	802 PC	1 Yr	County jail only
119 B&P	Unlawful Use of Licenses, Certificates, Etc.	1 Yr	802 PC	6 Mo	County jail only
580 B&P	Sale of Degrees, Certificates, or Transcripts of Medical Records	3 Yrs	801 PC	--	--
581 B&P	Fraudulent Procurement or Alteration of Diplomas of Medical Records	3 Yrs	801 PC	--	--
582 B&P	Use of Fraudulent Diplomas, Certificates, Etc. of Medical Records	3 Yrs	801 PC	--	--
583 B&P	False Statement in Writing, or Document Required, or Applicant of Medical Records	3 Yrs	801 PC	--	--
584 B&P	Impersonation During Examination of Medical Records	3 Yrs	801 PC	--	--
729 B&P	Sexual Exploitation by Physician, Surgeon, Psychotherapist, or Alcohol and Drug Abuse Counselor	1-3 Yrs	801 PC	16 Mo-3 Yrs	• One victim – Misdemeanor • More than one victim – Felony.
1700 B&P	Misdemeanor Offense and Punishment	1 Yr	802 PC	10 Days	County jail only
1701 B&P	Offenses Constituting Felony on Second Conviction	1-3 Yrs	801 PC	--	Prior conviction makes this a felony
1764 B&P	False Representation of License Status	1 Yr	802 PC	6 Mo	County jail only
2052 B&P	Unauthorized Practice of Medicine	1 Yr	802 PC	6 Mo	County jail only
2053 B&P	Unauthorized Practice Creating Risk to Patient	3 Yrs	801 PC	--	--
2054 B&P	False Indications of License	1 Yr	802 PC	6 Mo	County jail only
2474 B&P	Unauthorized Practice of Podiatric Medicine	1 Yr	802 PC	6 Mo	County jail only
2795 B&P	Unauthorized Practice of Nursing	1 Yr	802 PC	1 Yr	County jail only

Violation Code	Violation Description	Statute of Limitations	Statute Code Section	Possible Sentences	Other Considerations/Former Code Numbers
2796 B&P	Unlawful Representation of Nursing	1 Yr	802 PC	1 Yr	County jail only
2885 B&P	False Representation of License Status	1 Yr	802 PC	1 Yr	County jail only
2886 B&P	Impersonation of Applicants	1 Yr	802 PC	1 Yr	County jail only
3123 B&P	Alteration of Certificates	1 Yr	802 PC	1 Yr	County jail only
3124 B&P	Use of Fraudulent Certificates	1 Yr	802 PC	1 Yr	County jail only
3127 B&P	Unauthorized Practice	1 Yr	802 PC	1 Yr	County jail only
4149 B&P	Sale or Distribution by Nonresident Distributors	1 Yr	802 PC	6 Mo	County jail only
4324 B&P	Unlawful Use of Prescriptions	3 Yrs	801 PC	--	--
25658 B&P	Sale to and Consumption by Minors / Minor Decoys Used by Peace Officers to Apprehend Licenses, Employees, or Agents Violating Section	1 Yr	802 PC	6 Mo	County jail only
25661 B&P	Possession or Presentation of False Identification	1 Yr	802 PC	32 hrs	Community service only
25662 B&P	Alcoholic Beverages in Possession of or Furnished to Minor – Seizure by Peace Officer	1 Yr	802 PC	6 Mo	County jail only

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The Biological Evidence Preservation Handbook

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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:

Example #		Page
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EXAMPLE 1:
Biohazardous Materials Waste Container

EXAMPLE 2A:
Blood Drying/Wet Evidence Drying Equipment

EXAMPLE 2B:
Blood Drying/Wet Evidence Drying Equipment

EXAMPLE 2C:
Blood Drying/Wet Evidence Drying Equipment

EXAMPLE 2D:
Blood Drying/Wet Evidence Drying Equipment

EXAMPLE 3A:
Bulk Storage Locker/Cage

EXAMPLE 3B:
Bulk Storage Locker/Cage

EXAMPLE 3C:
Bulk Storage Locker/Cage

EXAMPLE 4A:
Commercial Grade Industrial Refrigerator and Freezer

EXAMPLE 4B:
Commercial Grade Industrial Refrigerator and Freezer

EXAMPLE 5A:
Hazardous Materials Storage Container/Cabinet

EXAMPLE 5B:
Hazardous Materials Storage Container/Cabinet

EXAMPLE 5C:
Hazardous Materials Storage Container/Cabinet

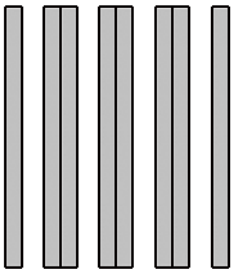
EXAMPLE 5D:
Hazardous Materials Storage Container/Cabinet

EXAMPLE 5E:
Hazardous Materials Storage Container/Cabinet

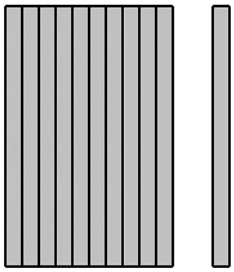
EXAMPLE 5F:
Hazardous Materials Storage Container/Cabinet

EXAMPLE 6A:
High Density Mobile Shelving
(Schematic)

EXAMPLE 6B:
High Density Mobile Shelving
(Conventional Shelving layout)



Since shelving is mobile, it can be stacked as shown below to nearly double the storage space.



EXAMPLE 6C:
High Density Mobile Shelving

EXAMPLE 6D:
High Density Mobile Shelving

EXAMPLE 7A:
Industrial Safe

EXAMPLE 7B:
Industrial Safe

EXAMPLE 8:
Media Storage

EXAMPLE 9A:
Modular/Uniform Shelving

EXAMPLE 9B:
Modular/Uniform Shelving

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

EXAMPLE 10B:
Pass-through Temporary Refrigerator
(Open front view)

EXAMPLE 10C:
Pass-through Temporary Refrigerator
(Open rear view)

EXAMPLE 10D:
Pass-through Temporary Refrigerator
(Contained in bank of pass-through storage lockers)

EXAMPLE 11A:
Pass-through Temporary Storage Lockers
(Front view)

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

EXAMPLE 11C:
Pass-through Temporary Storage Lockers
(Front view)

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

EXAMPLE 11E:
Pass-through Temporary Storage Lockers
(Front view)

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

EXAMPLE 12A:
Sharps Container
(Wall mounted unit)

EXAMPLE 12B:
Sharps Container
(Various container models)

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