



King County
Prosecuting Attorney's Office

Guidelines for Disposition of Police Evidence

Last Update: December 2023

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Purpose and Scope

These guidelines are not legal advice. When addressing issues relating to disposition of evidence, you must first consult with your police agency's legal advisor.

These guidelines are only intended to provide information about relevant timelines for criminal prosecution.

This document replaces all prior versions. Please always consider whether there are co-defendants or uncharged suspects for whom this evidence MAY be needed. Also consider that in case of a conviction there MAY be appeals or personal restraint petitions pending in the appellate courts. When in doubt, contact the KCPAO.

Special Note Regarding Firearms:

As stated above, please first consult your police agency's legal advisor. Also review RCW 9.41.345 (return of privately owned firearm or concealed pistol license by law enforcement agencies.)

Part 1: Guidelines

DO NOT DISPOSE:

***Felony Priority Cases - Do not dispose or release evidence for the following crimes without the express written authorization from the assigned DPA or the DPA assigned as the unit chair of the unit responsible for prosecuting such crimes:**

Any of the following crimes or attempt, solicitation, or conspiracy to commit any of the following crimes:

- 1) Any homicide (murder, manslaughter, vehicular homicide, homicide by abuse or
- 2) any charge based on death of victim that was caused by another);
- 3) Any case where the offender is serving a life sentence pursuant to the Persistent Offender Accountability Act (Three Strikes law);
- 4) Any sex offense (see attached list)¹
- 5) Assault 1 & 2 (includes Assault of a Child 1 & 2)
- 6) Vehicular Assault
- 7) Burglary 1
- 8) Kidnapping 1 & 2
- 9) Residential Burglary
- 10) Robbery 1
- 11) Felony Stalking

¹ Destruction of evidence in sexual offense cases is never authorized without express written authorization from the Unit Chair assigned to prosecution of those offenses. This is due to the issues surrounding that specific case, the possibility the offender may commit new sexual offenses and that evidence may be required in a subsequent prosecution, or for the State to file a Sexually Violent Predator Petition against the offender where the evidence may be required for that petition.

- 12) Arson 1
- 13) Extortion 1
- 14) Leading Organized Crime
- 15) Promoting Prostitution 1
- 16) Human Trafficking
- 17) Specific Blood Evidence related to Vehicular Assault, Felony DUI and Felony Hit & Run

Law enforcement should always check for bench warrants related to the suspect or co-defendants to ensure that the evidence is not needed in another prosecution.

OK TO DISPOSE/RELEASE:

It is OK to dispose/release evidence without specific authorization on charged cases involving crimes OTHER than what is listed above IF any of the following has occurred:

NOTE: Always ensure that evidence is not needed for a co-defendant.

- 1) Defendant is dead, supported by a death certificate
- 2) Charges were never filed and the statute of limitations has run. The same act may simultaneously violate different statutes with different statutes of limitation. For example, passing a forged check may be both a forgery (three-year statute of limitations) and identity theft (six-year statute of limitations). Similarly, the statutes of limitations may depend on how the crime was committed (e.g. Theft 1 can have either a three- or six-year statute of limitations depending on whether it was committed by “color or aid of deception”). If in doubt as to whether the relevant Statute of Limitations has passed, contact the KCPAO to discuss.
- 3) Charges were dismissed with prejudice or defendant was acquitted
- 4) On felony cases that have resulted in conviction IF:
 - a) Defendant ***plead guilty*** and was ***sentenced***-wait until 1 year has passed since sentencing to ensure all possible appeals have been exhausted.
 - b) Defendant was ***convicted at trial*** and ***sentenced and*** until 1 year has passed since sentencing and no Appellate activity has occurred.
- 5) Misdemeanor Cases: OK to release without specific authorization after:
 - a) Dismissal or acquittal has occurred
 - b) 1 year after ***sentencing*** and no appeal filed
 - c) 2 years without charges being filed/statute of limitations

FINAL NOTES:

EXCEPTION FOR DUI BLOOD DRAWS: DUI blood draws should not be destroyed/released without express authorization from our Felony Traffic Deputy as the case may later become a felony offense based on prior criminal history.

PENDING CASES: If a case is still pending or if there is a request to return evidence that is not covered here, please contact the KCPAO.

WARRANTS AND CO-DEFENDANTS: On any release/destruction of evidence always check first for warrants and for possible co-defendants. When in doubt – call KCPAO (see contact list in Part 2).

WORKSHEET REQUIRED: If you plan to dispose/release, please complete the Disposition of Evidence Worksheet attached at the end of these guidelines for any cases submitted to the KCPAO.

Appendix A:

Statute of Limitations Cheat Sheet- RCW 9A.04.080²

This cheat sheet covers the statute of limitations only for some of the most common crimes. Contact the KCPAO for questions about a crime not listed below.

- No Statute of Limitations for Prosecution: Murder, Homicide by Abuse, Arson causing death, Vehicular Homicide, Hit & Run causing death,
- 10-year Statute of Limitations:
 - Felonies committed by public officers in connection with their duties or that constitute a breach of their public duty or violate their oath of office.
 - Arson if no death results
- 6-year Statute of Limitations:
 - Leading Organized Crime or Criminal Profiteering
 - Money Laundering
 - Identity Theft and other Identity related crimes
 - Theft 1st or 2nd Degree if committed by color or aid of deception
 - Theft from a Vulnerable Adult
 - Trafficking in Stolen Property 1st or 2nd Degree if the property is a motor vehicle or major component of a motor vehicle
- 5-year Statute of Limitations
 - Offenses related to Medical Care under RCW 74.09
 - Offenses relate to Motor Vehicle or fuel tax under RCW 82.36 or 82.38
- 3-year Statute of Limitations:
 - Most other felonies, including Assault 1-3, Robbery 1-3, Burglary, and Manslaughter and Vehicular Assault
- Crimes where Statute of Limitations run once something is discovered in addition to the crime occurring:
 - Voyeurism (once victim discovers the photos/video that were taken, 3 years)
 - Sex Offenses where charges are filed against unknown DNA sequences, (limitation is 1 year after the DNA is matched to a suspect)

The crimes with a 6-year Statute of Limitations identified above (Statute of Limitations begins to run on the day the crime is committed or discovered, whichever happens later)

- Gross Misdemeanors: 2 years
- Misdemeanors: 1 year

² The Statute of Limitations for sex offenses has an extremely complicated legislative history as it has been modified multiple times within the last 15 years. For any questions regarding statute of limitations for sex offenses, please reach out to either Maggi Qerimi or Christian Brown.

- The statute of limitations can also be extended by other circumstances:
 - The statute of limitations does not run during any time when the person charged is not “usually and publicly resident within this state” (i.e. if the defendant is living outside of Washington).
 - The statute of limitations applies to the filing of charges. So the clock does not run if the case is charged and pending or if the case is charged and a warrant is outstanding
 - If charges are filed and later dismissed (without prejudice), then the statute of limitations is extended by a period equal to the length of time between when charges were filed and later dismissed.

Appendix B:

*Sex Crimes as defined by the Washington State Sentencing Reform Act

Assault 2 with Sexual Motivation
Child Molestation 1
Child Molestation 2
Child Molestation 3
Commercial Sexual Abuse of a Minor
Communication with Minor for Immoral Purpose
Criminal Trespass Against a Child
Custodial Sexual Misconduct 1
Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct
Failure to Register as a Sex Offender
Incest 1
Incest 2
Indecent Liberties (with forcible compulsion)
Indecent Liberties (without forcible compulsion)
Kidnapping 2 with Sexual Motivation
Permitting Commercial Sexual Abuse of a Minor
Possession of Depictions of Minors Engaged in Sexually Explicit Conduct
Promoting Commercial Sexual Abuse of a Minor
Promoting Travel for Commercial Sexual Abuse of a Minor
Rape 1
Rape 2
Rape 3
Rape of a Child 1
Rape of a Child 2
Rape of a Child 3
Sending, Bringing, into State Depictions of Minor Engaged in Sexually Explicit Conduct
Sexual Exploitation of a Minor
Sexual Misconduct with a Minor 1 & 2
Sexually Violating Human Remains Voyeurism
Viewing Depictions of Minor Engaged in Sexually Explicit Conduct
Voyeurism 1
Any Felony conviction with a finding of Sexual Motivation

Part 2: Important KCPAO Contact Information

Appellate:	Jim Whisman (206) 477-9577 Jim.Whisman@kingcounty.gov
District Court:	James Daniels (206) 477-1978 James.Daniels@kingcounty.gov
Domestic Violence:	Seattle: David Martin (206) 477-1930 David.Martin@kingcounty.gov Seattle: Pat Lavin (206) 477-1915 patrick.lavin@kingcounty.gov Kent: Angela Kaake (206) 477-6204 Angela.Kaake@kingcounty.gov
Economic Crimes:	Susan Harrison (206) 477-1966 susan.harrison@kingcounty.gov Roxanne Reese (206) 477-9180 roreese@kingcounty.gov
Collaborative Justice Cases:	Leandra Craft, (206) 477-6172 lcraft@kingcounty.gov
MDOP/Homicide:	Mary Barbosa (206) 477-1962 Mary.Barbosa@kingcounty.gov John Castleton (206) 477-1942 John.Castleton@kingcounty.gov
Felony Traffic:	Amy Freedheim (206) 477-1921 amy.freedheim@kingcounty.gov
Special Assault:	Seattle/Adult Cases: Maggi Qerimi (206) 477-1983 maggi.qerimi@kingcounty.gov Kent/Child Cases: Christian Brown (206) 477-2063 christian.brown@kingcounty.gov
Violent Crimes:	Seattle: Caroline Djamalov (206) 477-4225 cdjamalov@kingcounty.gov Seattle: Jeff Dernbach (206) 477-1873, jeffrey.dernbach@kingcounty.gov Seattle: TinaMarie Masters (206) 477-1975 tinamarie.masters@kingcounty.gov Kent: Dana Cashman (206) 477-1172 Dana.Cashman@kingcounty.gov

For catchall questions:

Kent: Dan Soukup (206) 477-1211
dan.soukup@kingcounty.gov

Christina Miyamasu (206) 477-6186
Christina.Miyamasu@kingcounty.gov

Part 3: Documentation to Submit to the KCPAO

- Please upload the following Disposition of Evidence Worksheet to PbK ingress using the steps below.
- Be sure to upload digital pictures of the evidence being disposed (whether released or destroyed).
- A separate version of the worksheet can be found on the **Search Warrant Portal** under the Contact Information and Resources tab or on the **PAO website** under Partner Agency Resources at <https://kingcounty.gov/en/dept/pao/about-king-county/about-pao/partner-agency-resources>

Disposition of Evidence Worksheet

Law Enforcement Agency: _____

Police Incident Number: _____

Defendant or Suspect (if known): _____

Cause Number (if it exists): _____

Type of Crime(s) Investigated: _____

Criminal Charges (if any): _____

The following is a description of the evidence related to the above-named case/incident:

Description:
Police Evidence Number(s):

The evidence is being released or destroyed because all of the following statements are TRUE:

<input type="checkbox"/>	The evidence is not related to the investigation of a Felony Priority Crime listed in the KCPAO Guidelines for Disposition of Police Evidence. -or- It is on the list of Felony Priority Crimes and authorization for disposal has been obtained from the lead detective <i>and</i> the KCPAO.
<input type="checkbox"/>	There is NOT an active warrant for a defendant/suspect in this case/investigation.
<input type="checkbox"/>	There are NO co-defendants who have been charged or <i>could be charged</i> in the future on this case/investigation.
<input type="checkbox"/>	The case is a Felony that has not been filed, has been charged but then dismissed, or the defendant was found not guilty, and a period of time has gone by that is greater than the Statue of Limitations listed in Appendix A. -or- The case is a Felony that has been charged and resulted in conviction, and more than one year has passed since the defendant was sentenced. -or- The case is a misdemeanor that has not been filed and more than two years have passed since

	<p>the incident occurred.</p> <p>-or-</p> <p>The case is a misdemeanor that was charged and resulted in a conviction and more than one year has passed since the defendant was sentenced.</p>
<input type="checkbox"/>	<p>The case does NOT involve a blood draw for purposes of determining a person's blood alcohol level while driving.</p> <p>-or-</p> <p>A blood draw was taken and authorization for disposal has been granted from the KCPAO Felony Traffic Unit.</p>
<input type="checkbox"/>	Attached are copies of the required authorizations outlined above, if any.
<input type="checkbox"/>	Attached are digital photographs of the evidence marked for disposition.

I am familiar with the KCPAO Guidelines for the Disposition of Police Evidence and have verified that foregoing statements are true.

Prepared by:		Date:	
Title/Rank:			

Ingress – PAO Case Info Application (External Agency Portal) Instructions -- Uploading disposition worksheet and digital pictures of the evidence

Logging into Ingress

1. Please login to <https://ingress.kingcounty.gov> using either Google Chrome or Microsoft Edge. If you are using VPN, disconnect from it.
2. Enter your email address and password.
**For password resets, contact your Agency Registrar(s).

King County
Always at your service

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Ingress Distributed Security Gateway

Account Log In

User ID: PAOPbkOfficerUpdates@kingcounty.gov

Password: ●●●●●●●●

[Forgot your password](#)

Legal Notice
All information contained within King County that was submitted by law enforcement to be shared only by other law enforcement agencies, which agencies are both permitted and restricted by law to handle Criminal History information and Juvenile information and other confidential information within the context of state and federal law, is to be considered "sensitive law enforcement" information. In order to maintain the integrity of

[Log In](#)

3. Click on **Log in.**
4. Click on **PAO Case Info.**

Personal Information

Services

Services for which you currently have access.

Service	Description
PAO CASE INFO	PROSECUTORbyKarpel External Law Enforcement Case Information
PORTAL	King County's Criminal Justice Portal
SEARCH-WARRANT-RESOURCE-CENTER	The Search Warrant Resource Center provides law enforcement access to search warrant templates, electronic surveillance order templates, contact information for judges and prosecutors, search warrant numbers and other warrant-related resources.

Searching for Case Information

- After clicking on PAO Case Info, you will be taken to the Case Information Search screen. The most common search is a **Name Search**. Other search options are by: *Court Case # (using hyphens)*, *UCN (a new number replacing the CCN)*, *Report #*, etc. Click on the “Search” button on the right side of the screen after entering the search criteria.

Search - Case Information Search Saeatum,

Name Information		<input type="text" value="Last Name"/>	<input type="text" value="First Name"/>	<input type="text" value="Middle Name"/>	<input type="text" value="Date of Birth"/>
Offense Date From		From <input type="text"/>	To <input type="text"/>	<input type="text" value="Court Case #"/>	<input type="text" value="Report #"/>
<input type="text" value="L. E. Agency"/>	Agency <input type="text"/>	<input type="text" value="UCN"/>		<input type="button" value="Court"/>	
<input type="text" value="TCN"/>	<input type="text" value="FPPC"/>				
<input type="button" value="Create New Referral"/>		<input type="button" value="Referral History"/>		<input type="button" value="Clear"/>	<input type="button" value="Search"/>

- If a defendant record cannot be located, the following screen will appear after you click on **Search**.

Search - Party Search Results jamie saeatum | Logout

Name	CCN	Address	Status	DL Number	Race	Sex	DOB
No results were returned for the search criteria. Please adjust criteria and try search again.							

Jurisdiction	File #	Court #	Report #	Charge	Type	Issued	Status	Stage	Disp Date
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7. If there is a record for the search, the below will appear. Click on the File # that you would like to upload the Disposition of Evidence Worksheet and digital pictures of evidence being disposed. If you are unable to find the file in the search results, reach out to paopbkofficerupdates@kingcounty.gov for assistance.

Search - Party Search Results Sacteam, Jamie | Logout

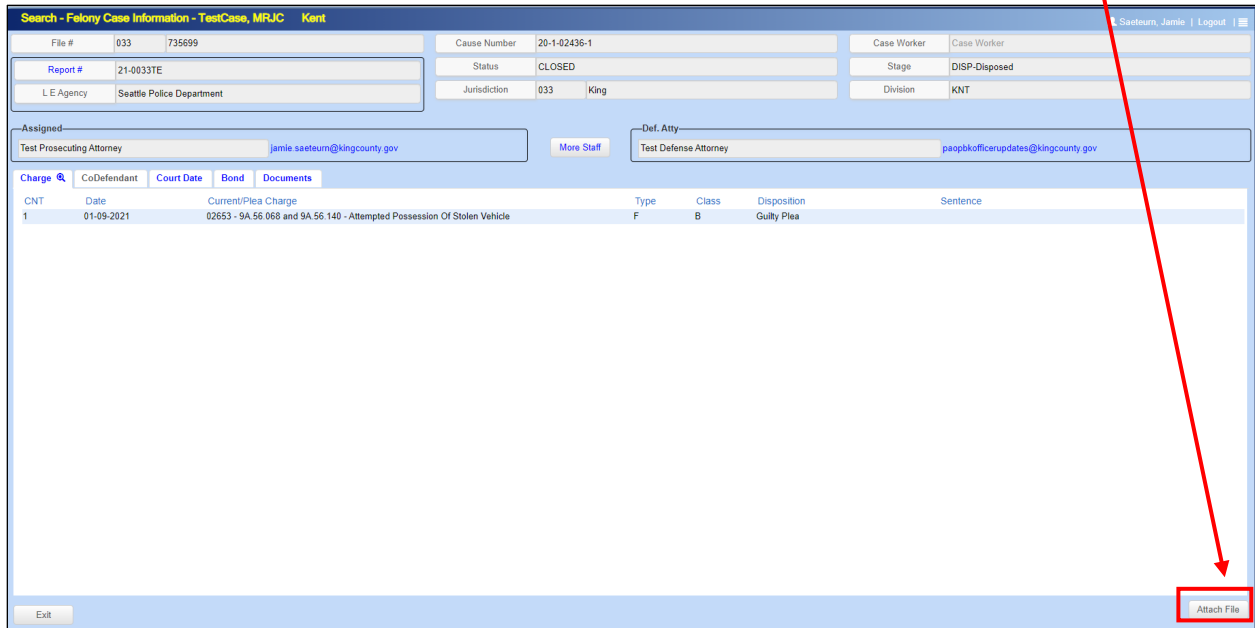
Name	UCN	Address	Status	DL Number	Race	Sex	DOB
*TestCase, MRJC	12345678	401 4th AVE N		TESTMRJC337D7	W	M	12-01-1980

Jurisdiction	File #	Court#	Report #	Charge	Type	Issued	Status	Stage	Disp Date
King	033-773657		PAO LETEST	02318 - 9A 52.060 - Possession Of Burglary Tools	M		REVIEW		
King	033-773656		PAO LETEST	02318 - 9A 52.060 - Possession Of Burglary Tools	M		REVIEW		
King-DCW	033-772077		PAO WSP-2022	07644E - 46 61.502 and 46 61.506 - Driving White U.	M		REVIEW	REVIEW	
King-KNT	033-773660		PAO VICTEST	02655 - 9A 56.063 - Making Or Having Vehicle Theft	M		REVIEW		
King-KNT	033-735699	20-1-02436-1	DAJD 21-0033A	02653 - 9A 56.068 and 9A 56.140 - Attempted Poss.	F	07-26-2021	CLOSED	COMP	09-22-2022
King-KNT	033-781255			02906 - 9A 56.200(1)(a)(ii) and 9A 56.190 - Robbery...	F		OPEN		
King-SEA	033-771621		PAO TEST	00546 - 9.41.140 - Alteration of Identifying Marks of ...	M	12-01-2022	OPEN	FILING	

Exit

Uploading Instructions

8. After clicking on the File #, you will see the case summary page. Verify the Status and Stage of the case, then on the far-right bottom corner, click on **Attach File** to upload the Disposition of Evidence Worksheet and digital pictures of the evidence being **disposed** to the case.
 - a. Files of any size or type can be uploaded directly into existing cases.
 - i. Zip files for photos or any files that need to remain together can be submitted using a zip file.



The screenshot shows a web interface for a case summary. At the top, there is a search bar and navigation links. Below that, a header reads "Search - Felony Case Information - TestCase, MRJC Kent". The main content area contains several fields for case details:

File #	033	735699	Cause Number	20-1-02436-1	Case Worker	Case Worker
Report #	21-0033TE		Status	CLOSED	Stage	DISP-Disposed
LE Agency	Seattle Police Department		Jurisdiction	033 King	Division	KNT

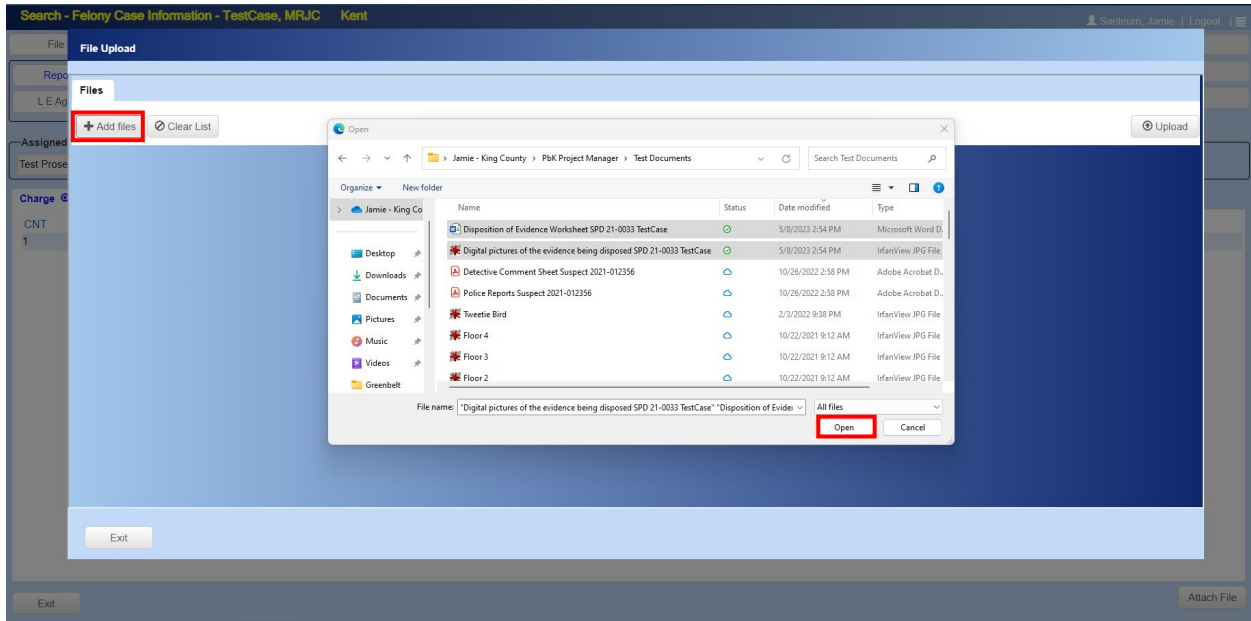
Below the case details, there are sections for "Assigned" and "Def. Atty". The "Assigned" section lists "Test Prosecuting Attorney" as "jamie.saeteurn@kingcounty.gov". The "Def. Atty" section lists "Test Defense Attorney" as "paopbklcicrupdates@kingcounty.gov".

At the bottom of the page, there is a table with columns: CNT, Date, Current/Plea Charge, Type, Class, Disposition, and Sentence. The table contains one row:

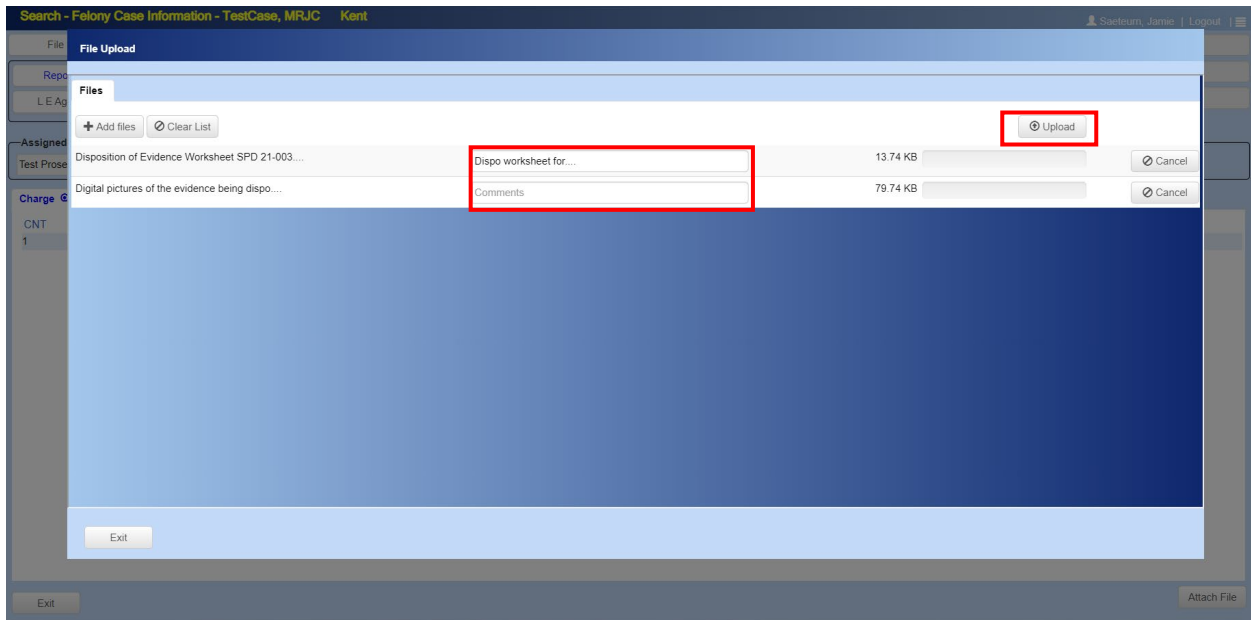
CNT	Date	Current/Plea Charge	Type	Class	Disposition	Sentence
1	01-09-2021	02653 - 9A.56.068 and 9A.56.140 - Attempted Possession Of Stolen Vehicle	F	B	Guilty Plea	

In the bottom right corner of the page, there is a button labeled "Attach File", which is highlighted by a red arrow pointing from the text "click on **Attach File**" in the instructions above.

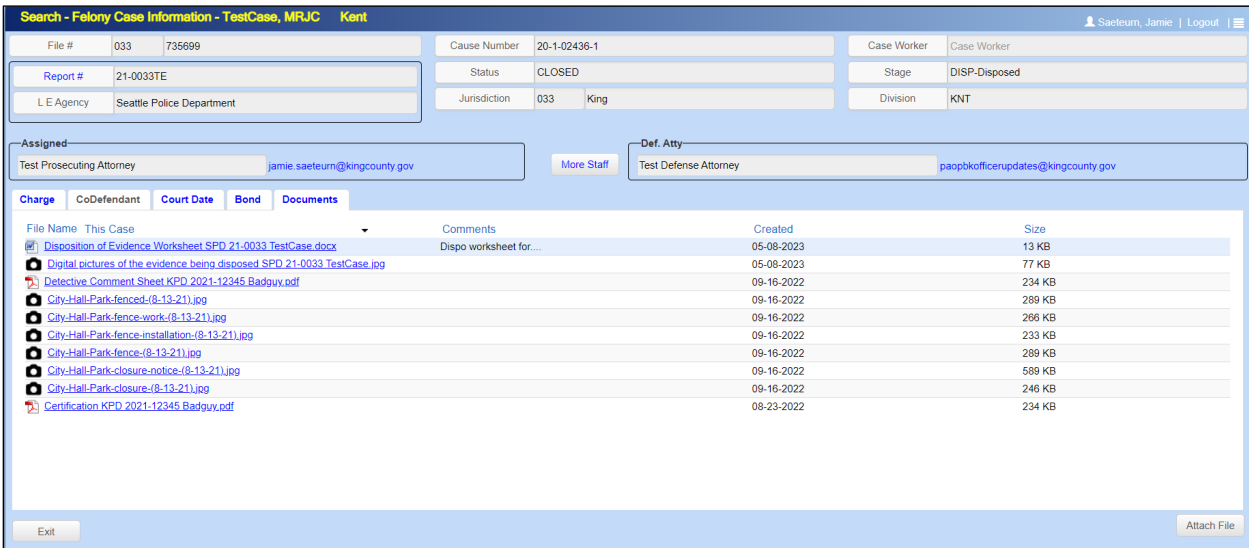
- On the File Upload Screen, click on **Add files** to upload files to the case. Then select the files you want to upload to the case and click on **Open**. (To select multiple files, click on Ctrl and select the files and then click Open). When the upload is complete the Upload screen disappears.



- On the File Upload screen, the files selected will appear. Use the Comments field to provide additional notes on the files (i.e., Disposition) then click on **Upload**. The files will be uploaded to the **Documents tab** and a reminder email will be sent to the DPA assigned to the case.



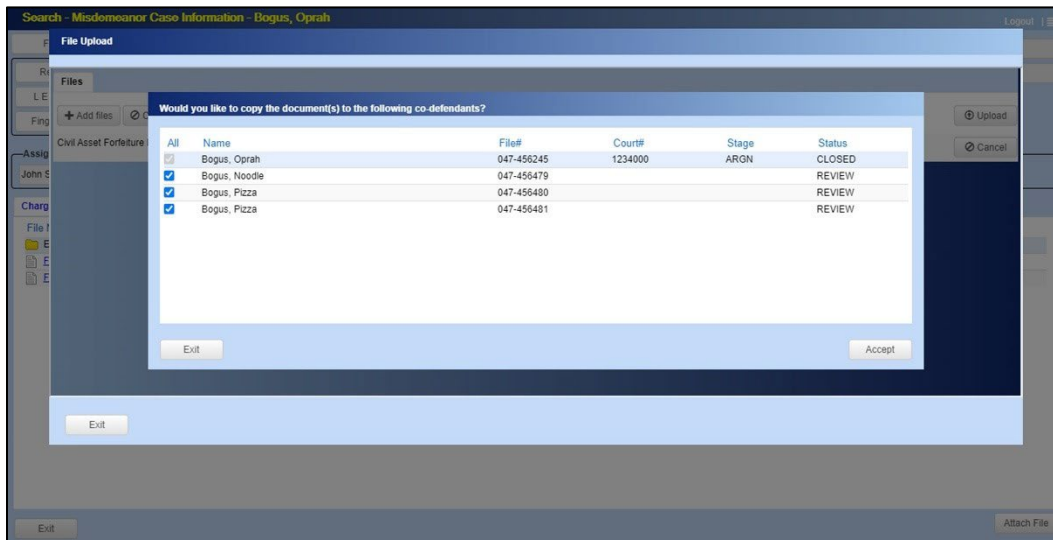
11. To verify the files were uploaded successfully, go to the Documents tab of the case summary page and it will appear on the top.



Uploading files into existing case with Co-Defendant(s)

- When you upload a document with a Co-Defendant(s), you will be prompted to copy that document to all other co-defendant cases

When you upload documents to a case that has Co-Defendant(s) you will receive the **“Would you like to copy the document(s) to the following co-defendants?”** prompt with All Names selected by default.



Note: If you have any issues with the portal and are using VPN, try disconnecting from VPN and see if it will resolve your issues within the portal. In addition, try clearing your browser cache then log out and back into the portal. If you need further assistance, reach out to paopbkofficerupdates@kingcounty.gov.