



King County
Prosecuting Attorney's Office

Guidelines for Disposition of Police Evidence

Last Update: September 2025

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Purpose and Scope

These guidelines are designed to assist law enforcement agencies in decision making around whether to retain or dispose of evidence. These guidelines are not legal advice. They are only intended to provide information about relevant timelines for criminal prosecution. When addressing issues relating to disposition of evidence, you must first consult with your police agency's legal advisor. Part I, the guidelines, is divided into two lists. The first, under "DO NOT DISPOSE," is a list of cases for which the PAO would always like to weigh in. The second, under "OK TO DISPOSE," is a list of circumstances under which a law enforcement agency can use its own discretion.

There were similar versions of these guidelines some years ago. This document replaces all prior versions.

If you have any questions at all, please contact the unit chairs listed in Part 2. Part 3 is a worksheet designed to notify the KCPAO that evidence has been destroyed and that the guidelines were followed.

Here are a few special notes that apply to all cases:

Codefendants: Please always consider whether there are co-defendants or uncharged suspects for whom this evidence MAY be needed.

Appeals: 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.

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.)

Especially Large Items: If an exception to these guidelines is needed for large items (i.e. vehicle), please contact the assigned unit chair.

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 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 any charge based on death of victim that was caused by another);
- 2) Any case where the offender is serving a life sentence pursuant to the Persistent Offender Accountability Act (Three Strikes law);

- 3) Any sex offense (see attached list)¹
- 4) Assault 1 & 2 (includes Assault of a Child 1 & 2)
- 5) Vehicular Assault
- 6) Burglary 1
- 7) Kidnapping 1 & 2
- 8) Residential Burglary
- 9) Robbery 1
- 10) Felony Stalking
- 11) Arson 1
- 12) Extortion 1
- 13) Leading Organized Crime
- 14) Promoting Prostitution 1
- 15) Human Trafficking
- 16) Specific Blood Evidence related to Vehicular Assault, Felony DUI and Felony Hit & Run
- 17) Incidents involving firearms

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.

¹ Destruction of evidence in sexual offense investigations 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.

- 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 1-2, 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 the Special Assault leadership team listed in Part 2.

- 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:	Amy Meckling (206) 477-9542 amy.meckling@kingcounty.gov Andrea Vitalich (206) 477-9576 andrea.vitalich@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 Kent: Casey Parks (206) 477-1995 Casey.Parks@kingcounty.gov
Special Assault:	Seattle: Pat Lavin (206) 477-1915 patrick.lavin@kingcounty.gov Kent: Rhyan Anderson (206) 477-6543 rhyan.anderson@kingcounty.gov
Economic Crimes:	Susan Harrison (206) 477-1966 susan.harrison@kingcounty.gov Roxanne Reese (206) 477-9180 roreese@kingcounty.gov
Collaborative Justice Cases:	Heidi Rettinghouse, (206) 263-2083 hrettinghouse@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
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

Kent: Brandy Gevers (206) 477-1947
brandy.gevers@kingcounty.gov

For catchall questions:

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.
- 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"/>	<p>Attached are copies of the required authorizations outlined above, if any.</p>

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:			