


<p>California Department of Justice DIVISION OF LAW ENFORCEMENT Kevin Gardner, Chief</p> 	<p>INFORMATION BULLETIN</p>	
<p><i>Subject:</i> Retention of Biological Evidence</p>	<p><i>No.</i> DLE-2018-05</p> <p><i>Date:</i> 10/4/2018</p>	<p><i>Contact for information:</i> Kevin Gardner, Chief Division of Law Enforcement (916) 210-6300</p>

TO: CALIFORNIA DISTRICT ATTORNEYS, CHIEFS OF POLICE, SHERIFFS, AND STATE LAW ENFORCEMENT AGENCIES

Effective October 1, 2018, California Department of Justice, Bureau of Forensic Services (BFS) laboratories will no longer retain biological evidence as Nation kits or in long-term storage (LTS) envelopes. Historically, Nation kits and LTS envelopes were created to preserve probative biological evidence from person crimes to ensure that it was stored appropriately for possible future testing. These kits and envelopes were stored, generally frozen, at the respective BFS laboratory for a minimum of five years after which time they were released to the submitting agency.

Unless it is to be retained for additional analysis in a subsequent active request, all biological evidence will now be released to the submitting agency upon completion of the requested analysis. Upon release, it will be the responsibility of the submitting agency to ensure that biological evidence is stored appropriately.

At their discretion, the BFS laboratories may release biological evidence in the following ways:

- Biological evidence may be released in the original packaging. In this instance, the BFS examination report should address which biological evidence items were found to be probative (and should consequently be maintained in appropriate storage conditions after release to the submitting agency). These probative biological evidence items may be listed in the Disposition section of the report, or
- Biological evidence that was determined to be probative may be split out from the original packaging and be placed in a lab-created LTS envelope that will be released, with the original packaging, to the submitting agency upon completion of the analysis. In this instance, the BFS examination report should address which biological evidence items were placed in the LTS envelope.

Nation kits and LTS envelopes that are currently being retained at the BFS laboratories will be released to the submitting agency during the normal course of business.

Guidelines for storing biological evidence may be found in Physical Evidence Bulletin (PEB) 4: Biological Materials for DNA Analysis, available at <http://oag.ca.gov/cci/reference>.

Sincerely,

A handwritten signature in black ink that reads "Kevin Gardner". The signature is written in a cursive style with a horizontal line at the end.

KEVIN GARDNER, Director
Division of Law Enforcement

For XAVIER BECERRA
Attorney General