



Here's the Story...

Uniform Evidence Retention Policy

The Ramsey County Attorney's Office, in cooperation with the St. Paul City Attorney's Office and St. Paul Police Department, developed an updated Uniform Evidence Retention Policy (RCERP) designed to apply to all Ramsey County Law Enforcement Agencies. Effective immediately, this policy should be used as a guide for determining property dispositions. The full RCERP is available on the SPPD intranet and the below "Culling Evidence At-A-Glance" (also available on the intranet) may be used as a reference.

One additional consideration not included in the RCERP is the need to retain evidence upon notice of pending civil litigation. In such a case, the Assistant Chief (or his/her designee) of the division involved in the civil litigation will notify the property room Sergeant regarding the need for evidence retention. Any directive from the Chief and/or Assistant Chiefs will over-ride any property disposition provided by an investigative unit.

G.O. 439.01, 439.11 and 439.12 explain department policy as it relates to property storage, retention, release and disposal. These articles will be updated in the near future to reflect policy revisions.

Culling Evidence At-A-Glance* CHARGED CASES

Homicide, CSC & Kidnapping: See RCERP.

All other crimes:

General Rule: Evidence may be disposed of 2 years + 180 days after sentencing or, if appeal, 2 years after final disposition of appeal, **whichever is later**. (If a co-defendant is charged, that case must also be final.)

Controlled Substances:

- If not introduced in court and no appeal, may destroy 180 days after sentencing; if appeal, 180 days after appeal is final.
- If introduced as court exhibit, may destroy as per General Rule (above).

Guns Submitted to NIBIN: May be disposed of 3 years after submission to NIBIN, or 2 years + 180 days after sentencing, or if appeal or post-conviction, 2 years after final disposition of appeal, **whichever is later**.

Stolen Property: May be returned upon request of owner before final disposition of case **if** property is photographed **and** prosecutor agrees.

Note: Verify sentence and appeal status in MNCIS using Odyssey Assistant (see RCERP and Advisory for further information).

UNCHARGEDCASES

Homicide, CSC & Kidnapping: See RCERP.

Arson: Evidence may be disposed of **6** years after commission of offense (see Advisory and RCERP for further details).

*For further detail, see Ramsey County Uniform Evidence Retention Policy (RCCERP), as amended 07/15/10 and Ramsey County Attorney's Advisory on Culling Evidence (07/15/10).

All other crimes: Evidence may be disposed of **3** years after commission of the crime (for firearms submitted to NIBIN, 3 years after submission to NIBIN).

*For further detail, see Ramsey County Uniform Evidence Retention Policy (RCCERP), as amended 07/15/10 and Ramsey County Attorney's Advisory on Culling Evidence (07/15/10).

Ramsey County Attorney's Advisory on Culling Evidence from Law Enforcement Property Rooms

These guidelines are approved by the Ramsey County Attorney for application to evidence in felony cases.

Homicide, sexual assault and kidnapping cases have priority in evidence retention, whether the case is charged or uncharged. However, even in these cases, some evidence may be disposed of. For more detailed instructions on evidence in these crimes, see the Ramsey County Uniform Evidence Retention Policy (RCERP).

Arson (first through third degree) has a 5-year statute of limitations. This means prosecution is barred if the case is not charged within 5 years of the commission of the crime. To allow time for third parties to obtain access to evidence in serious arson cases that are not criminally charged, evidence should be retained for **6** years. (Arson resulting in death is handled under homicide rules.)

Most other crimes have a 3-year statute of limitations. Therefore, in **uncharged** cases of crimes other than those above, all evidence **except** firearms submitted to NIBIN may be disposed of 3 years after commission of the crime. Under RCERP, it may also be disposed of earlier *at department discretion* based on charging potential/solvability (or lack thereof). For firearms submitted to NIBIN, the rule is 3 years after submission to NIBIN.

For **charged** criminal cases (other than homicide, sexual assault crimes and kidnapping, which have longer evidence retention schedules—see RCERP):

Evidence may be disposed of 2 years plus 180 days after sentencing or, if there is an appeal or post-conviction proceeding, 2 years after final disposition of the appeal, **whichever is later**. If the charge is dismissed or the defendant is acquitted, evidence may be disposed of upon the occurrence of that event (unless another individual is or may be charged).

Firearms follow the same general rule as other evidence **unless** the weapon has been submitted to NIBIN. In NIBIN cases, the firearm may be disposed of 3 years after submission to NIBIN, or 2 years plus 180 days after sentencing if no appeal or 2 years after final disposition of appeal, **whichever is later**.

Controlled substances, if **not** introduced as evidence in court, may be destroyed 180 days after sentencing or, if an appeal is filed, 180 days after the appeal is final. (If introduced as evidence in court and returned to department for safekeeping, retain for 2 years plus 180 days after sentencing or, if appeal or post-conviction petition, 2 years after final disposition of appeal unless prosecutor approves earlier destruction.)

Stolen property may be returned upon request of the owner before final disposition of the case **if** the property is photographed **and** the prosecutor agrees.

Other personal property may be returned upon request of the owner before final disposition of the case **if** the prosecutor agrees.

How to access court disposition data:

The easiest, most accurate and timeliest way for law enforcement to verify criminal case status for purposes of disposing of evidence is by accessing MNCIS online through Odyssey Assistant (this is not the same as public access through MPA, which only shows convictions). MNCIS through OA will show all court data in chronological order, including sentencing date and appeals, as well as dismissal, acquittal or active warrant. Any co-defendant case will also be identified. MNCIS entries begin with the filing of the complaint or first appearance in court (not necessarily date of offense). By entering the name of your law enforcement agency, MNCIS may be search by CN. The absence of any information in MNCIS under the CN means no city or county case has been charged. (**Warning:** cases charged federally—most often drug or gun cases—are not in MNCIS.)

MNCIS online court data goes back to April 1993. Alternatively, for County Attorney cases, Ramsey County law enforcement agencies may also access case status information in the County Attorney's Information System (CAIS) online via CITRIX. CAIS information goes back to 1990; however, it can take more steps to access data in CAIS than MNCIS, and CAIS is not as complete or up-to-date as MNCIS.