

BIOLOGICAL EVIDENCE RETENTION GUIDELINES

Technical Working Group on Biological Evidence Preservation

| CASE STATUS | | | | |
|--|---|-----------------------------|---|---|
| Crime Categories (NIBRS*) | Open [†] | Charges Filed | Adjudicated | Unfounded/Refused/Denied/No Further Investigation |
| Homicide Offenses | Retain indefinitely | Retain indefinitely | At a minimum, retain for the length of incarceration [‡] | Dispose of upon receipt of authorization |
| Sexual Offenses | At a minimum, retain for the length of the statute of limitations | Retain pending adjudication | At a minimum, retain for the length of incarceration [‡] | Dispose of upon receipt of authorization |
| Assault Offenses, Kidnapping/Abduction, Robbery | | | | |
| All Other Group A & B Offenses | | | Dispose of upon receipt of authorization | |

* The Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS) classifies 22 types of offenses as Group "A" crimes and 11 types of lesser offenses as Group "B" crimes. This table uses the NIBRS crime categories.

[†] Cases in which someone was found not guilty after criminal proceedings and additional suspects have not yet been identified or charged should follow the same guidance as open cases.

[‡] Statutes regarding the disposition of biological evidence from homicide, sexual offenses, and other crime categories vary from state to state. Almost all states that have statutes require that such evidence be held for the period of incarceration; a few states require that the evidence be held for the period of probation, parole, or registration as a sex offender. Custodians should check their state statutes. Written authorization for disposal should be obtained from the assigned case investigator. (Note: If the assigned investigator is no longer employed by the agency, a designated investigator should give written approval.)



NIST
National Institute of
Standards and Technology
U.S. Department of Commerce

NIJ
National Institute
of Justice

For additional guidance on biological evidence retention and the disposition process, please reference *The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers* (http://www.nist.gov/manuscript-publication-search.cfm?pub_id=913699).