

PHOTOGRAPHIC RECORD OF EVIDENCE

Statewide Cost Estimate Adopted: October 24, 2002

Penal Code Section 1417.3
Statutes 1985, Chapter 875
Statutes 1986, Chapter 734
Statutes 1990, Chapter 382

Mandate Background

The test claim legislation requires, upon court order, that a photographic record of evidence, and in some instances a certified chemical analysis of the exhibit, be substituted for those exhibits in a criminal trial that pose a security, storage, or safety problem, or if the exhibit, by its nature, is toxic and poses a health hazard.

The Los Angeles Police Department filed the test claim on December 26, 1995, and amended the test claim on October 23, 1998. The Commission adopted the Statement of Decision on October 26, 2000, and the Parameters and Guidelines on February 28, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by September 4, 2002. The SCO provided the unaudited actual claim totals to the Commission on September 18, 2002 and October 9, 2002.

Period of Reimbursement

Section 17557 of the Government Code states that a test claim must be submitted on or before June 30 following a fiscal year to establish eligibility for reimbursement for that fiscal year. This test claim was filed by the City of Los Angeles Police Department on October 23, 1998. Therefore, costs incurred for Statutes 1985, chapter 875, Statutes 1986, chapter 734, and Statutes 1990, chapter 382, are eligible for reimbursement on or after July 1, 1997.

Eligible Claimants

Counties, cities, or a city and county, school districts and special districts that have law enforcement agencies that introduce exhibits in criminal trials are eligible claimants.

Reimbursable Activities

For each eligible claimant, the following activities are eligible for reimbursement:

Administrative Activities

1. Developing internal policies, procedures, and manuals, to implement the activities listed in sections IV.B, IV.C, and IV.D of these Parameters and Guidelines (one-time activity).

2. Maintaining files manually or electronically pursuant to implementation of activities listed in sections IV.B, IV.C, and IV.D. of these Parameters and Guidelines. The cost of this activity will be prorated for photographs actually introduced or offered as exhibits (ongoing activity).

B. Photographic Record of Evidence (Pen. Code, § 1417.3(a))

For exhibits that pose a security, safety, or storage problem as determined by the court, or for exhibits that pose a health hazard to humans, including the definition of hazardous waste in 40 Code of Federal Regulations part 261, or human health hazards which are subject to Health and Safety Code sections 117600 *et seq.*, or Health and Safety Code sections 25140, *et seq.*:

1. Purchasing equipment and supplies reasonably necessary to photograph the exhibits, whether for digital or film pictures, including, but not limited to: cameras, developing equipment, laser printers, software, film, computers, and storage.
2. Taking of the photographs, sorting and storing photographs, and developing and printing photographs. This activity is limited to photographs actually introduced or offered into evidence as exhibits. Claimant must provide supporting documentation with subsequent reimbursement claims that the court has deemed the exhibit a security, safety or storage problem by providing a copy of the court order, local rule, or other proof of the court's determination.

C. Provision of Certified Written Chemical Analysis (Pen. Code, § 1417.3(b))

For those exhibits that pose a health hazard to humans, the sampling, analysis, and preparation of a written report by a laboratory certified by the State of California for performing the chemical analysis. This does not include reimbursement for sampling, analysis, or report preparation for controlled substances, including those defined in Health and Safety Code sections 11054 *et seq.* unless the exhibit is toxic and poses a health hazard to humans.

D. Storage of Exhibits (Cal. Code of Regs., tit. 2, § 1183.1(a))

For exhibits that pose a security, safety, or storage problem as determined by the court, or for exhibits that pose a health hazard to humans for which the local entity offers or introduces a photographic record of evidence:

Transportation to and maintenance within an appropriate storage facility for the type of exhibit. Storage of the exhibit shall be from the time of photographing until after final determination of the action as prescribed by Penal Code sections 1417.1, 1417.5, 1417.6, or court order or rule of court that dictates the retention schedule for exhibits in criminal trials.

Statewide Cost Estimate

Following is a breakdown of estimated total costs per fiscal year:

Fiscal Year	# Of School District Claims Filed With SCO	Amount Claimed by School Districts	# Of City & County Claims Filed With SCO	Amount Claimed by Cities & Counties	Combined Claim Totals
1997-98	3	\$ 34,821	30	\$ 351,190	\$ 386,011
1998-99	3	\$ 40,236	31	\$ 353,884	\$ 394,120
1999-00	3	\$ 33,750	32	\$ 398,695	\$ 432,445
2000-01	3	\$ 35,771	36	\$ 489,865	\$ 525,636
2001-02	2	\$ 28,638	32	\$ 250,972	\$ 279,610
2002-03 (2.2% ¹)	n/a	\$ 29,268	n/a	\$ 256,493	\$ 285,761
2003-04 (3.2% ²)	n/a	\$ 30,205	n/a	\$ 264,701	\$ 294,906
Subtotals		\$ 232,689		\$2,365,800	
Total					\$ 2,598,489
Statewide Cost Estimate Total (Rounded)					\$ 2,598,000

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$2,598,489 has been rounded to \$2,598,000.

¹Implicit Price Deflator as forecast by Department of Finance.

² *Ibid.*