

Property and Evidence

802.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper collection, chain of custody, storage and security of items taken in by the Sahuarita Police Department (SPD) that are classified as evidence, found or safekeeping property.

802.2 PROPERTY AND EVIDENCE BUREAU SECURITY

- A. The Property and Evidence (P&E) Bureau shall maintain secure storage and control of all evidence, found or safekeeping property taken into custody by the SPD. Crime Scene Specialists (CSS) are the employees who work in the P&E Bureau with the responsibilities to manage the P&E Bureau. All CSS report to and are supervised by the Crime Scene Specialists Supervisor (CSSS). The CSSS reports to and is supervised by the Special Services Division (SSD) Lieutenant. The SSD Lieutenant, CSSS and CSS are responsible for the security of the P&E Bureau and all associated evidence and property.
- B. P&E Bureau keys, access cards/devices, and security combinations (safe combinations, etc.), are to be maintained only by the SSD Lieutenant, CSSS and CSS. Additional keys, access cards/devices, and security combinations are maintained in a sealed, dated, and initialed envelope maintained in a locked safe in the office of the Master Key Specialist. Neither a CSS nor the CSSS or SSD Lieutenant will copy any key, access card/device or provide a security combination to another person without direct approval from the Chief of Police and shall maintain their assigned keys, access cards/devices, and security combinations in a secure manner.
- C. Any individual, other than the SSD Lieutenant, CSSS or CSS, entering the P&E Bureau warehouse or other P&E Bureau storage areas, containers, or annexes designed to store evidence or property, must be accompanied by the SSD Lieutenant, CSSS or a CSS. Persons who are not the SSD Lieutenant, CSSS or CSS must check in and out via the approved SPD electronic check in system, or sign-in and sign-out on the entry/exit log giving the date and time of entry and exit, and the purpose, including any applicable specific case or property number. When using the entry/exit log, it shall be initialed by the accompanying SSD Lieutenant, CSSS or CSS.
- D. The P&E Bureau warehouse, to include any storage areas, containers, or annexes, shall maintain a multi-camera surveillance and alarm system to video record activity entering or exiting these locations or facilities all hours of all days of the year, as well as alert PD staff via the alarm system of entries made without proper authority during hours that the facilities are closed. The CSSS and the SSD Lieutenant are responsible for maintaining a properly working video recording and alarm system. Any employee who becomes aware that either the video recording system or alarm system is not operating properly shall promptly notify the CSSS and the SSD Lieutenant.

802.3 DEFINITIONS

Definitions related to this policy include (partially defined via ARS 12-940):

Property and Evidence

Audit - A process culminating with a documented accounting of items of property or evidence in the control of the P&E Bureau to assure the correct retention and disposal of property and evidence are being adhered to.

Booking of property - The official intake and recordation of placing property in control of the P&E Bureau.

Chain of custody - The continuity of the custody of property or evidence from time of collection to final disposition.

Dispose/Disposal - Means the transfer of property by its return to the owner, sale, conversion or destruction or by any other means of disposal.

Evidence -

- A. Digital evidence: Digital and/or electronic forms of media that may contain pictures, video, audio recordings, drawings, depictions, documents, data, etc. Digital evidence commonly comes from devices, such as, but is not limited to, digital cameras, dash cams, video cameras, audio recording devices, software systems, computers systems, surveillance devices, cellular/smart phones, police Body Worn Cameras and dash cameras, etc.
- B. Physical evidence: Physical property that is held for possible presentation in a judicial or administrative proceeding to establish the truth or falsity of an alleged matter of fact. This includes photographs and latent fingerprints.

Evidence Processing Room/Area - A room or area within the SPD or other SPD property or evidence facility specifically equipped for officers or employees to process and package property or evidence.

Evidence Lockers - The secure storage lockers within the SPD typically used by officers to temporarily store evidence or property before it is officially accepted, logged in and placed in a P&E storage area.

Found property - Means recovered, lost, surrendered, abandoned or otherwise received property that is turned over to a public agency where the owner may or may not be known and that is not classified as evidence.

Outside Found or safekeeping property storage lockers - The secure outdoor storage lockers in the SPD secure parking lot or SPD impound lot facility, typically used by SPD officers or members to temporarily store found or safekeeping property for a limited amount of time (60 day maximum).

High risk items - Property or evidence which is sensitive in nature, due to evidentiary or monetary value or has an increased concern of theft. High risk items include, but are not limited to, firearms, drugs, jewelry, currency, and homicide evidence.

Inspection - Examination conducted to determine that the state of the P&E Bureau and associated facilities, to include the office, vehicles, equipment, and storage areas, are being maintained in

Sahuarita Police Department

Policy Manual

Property and Evidence

a clean and organized manner that protect the integrity of the evidence, property, facilities and equipment.

Property - Means any item, including currency, that is held as evidence, safekeeping or found property or that has been abandoned, unclaimed or awarded by the court. Property may include photographs and latent fingerprints, that are held for use in a judicial or administrative proceeding.

Property and evidence storage areas - The areas or locations within or outside the SPD, approved by the Chief of Police, and designed to securely hold property or evidence. Examples include the P&E warehouse within the SPD, temporary property or evidence lockers within or outside the SPD, and specifically equipped walk in metal storage containers designated as "P&E A-1, P&E A-2, P&E B-1, and P&E B-2." The P&E Bureau metal walk in storage containers have lights, air conditioning, shelving, and are secured via locks, alarms and security cameras.

Property custodian - A property custodian is any CSS with the responsibility of managing property and evidence for the SPD.

Property value - Means the reasonable value of the property in its present condition. Employees may provide a reasonable property value estimate to help establish the elements of a crime or to help determine how long property may be kept prior to disposition, or what legal process or public or owner notifications may be required prior to disposition of the property.

Safekeeping - Means storage of an asset or item of value by a public agency that is not classified as evidence and that belongs to a known individual or organization.

802.4 PROPERTY HANDLING

- A. Any employee who first comes into possession of any property (evidence, found, or safekeeping), shall retain such property in his/her possession/control, or cause it to be in another officer's/member's possession or control, until it is properly packaged and/or tagged and placed in a designated secure property locker, storage room, or other approved secure storage location. A Property and Evidence form (P&E form) will accompany the property or be placed in an approved location for CSS to collect. Care shall be taken to maintain the chain of custody for all property. CSS shall assure all property in any P&E storage room, facility or location is properly documented, cataloged, stored and secured.
- B. Whenever property is taken from an individual or entity, that qualifies as property that may legally have to be returned to the individual or entity, a property receipt will be completed using the SPD P&E form. Examples of property that typically would not require issuing a receipt are drugs, drug paraphernalia, sexual assault kits, blood draws, evidence of shoplifting, etc. However, an officer or member may be required to issue a receipt if these items of property are taken via a search warrant, because items taken via a search warrant require a receipt be issued per law. DUI blood samples taken by search warrant do not require a receipt. When a receipt is issued, the receipt shall describe the property and contain a notice on how to retrieve the property from the SPD. Whenever reasonably possible, a copy of the property receipt shall be given to

Sahuarita Police Department

Policy Manual

Property and Evidence

the individual from whom the property was taken (ARS 12-944) or placed in an area or location where the person may have access to it. The backside of the third page of the triplicate P&E form should be completed by officers/members when issuing a receipt. This form is important as it serves as proof of service and is later scanned into the P&E RMS by CSS. It allows for prompt disposal of certain types of property. Officers or members may have the person or entity who owns or controls the property sign the backside of the third page or may sign in their place with "SERVED." This will serve as proof of service that the person or entity was provided a receipt.

- C. Any property seized by an officer or member, with or without a warrant, shall be kept for as long as necessary for the purpose of being produced as evidence. Any found or safekeeping property seized by an officer or member shall be kept for a time period in accordance with law. According to a time period provided by law or this policy, a good faith effort, shall be made by CSS to return all seized property to the owner or other known person who has legal authority to have the property, unless it is subject to lawful detention or ordered destroyed or otherwise disposed of by a court or where such destruction or disposal is permitted by law or because the owner or other known person can no longer be contacted through reasonable means, or the person or entity fails to respond and collect the property.
- D. Sometimes officers or members come into possession or control of found or safekeeping property, and prior to officially completing the P&E form and booking such property, the owner, entity or a person who has lawful authority to possess or control the property becomes known. In these cases, an officer or member may release the found or safekeeping property without booking it; however, the release of property to the owner must be documented in the police report (Alpha or Bravo).

802.5 PROPERTY AND EVIDENCE BOOKING PROCEDURE

All property and evidence must be booked prior to the employee going off-duty from their tour of duty unless a supervisor approves having the property placed in a temporary secure location such as an evidence locker or similar secure location. The supervisor giving such approval shall assure a secure chain of custody is maintained and will be held responsible for any loss or damage of the property or negative impact or inability to process property for possible latent evidence. Employees booking property shall observe the following guidelines:

- A. Complete the P&E form (in triplicate) listing each item numerically and by officer's or member's initials and by describing each item separately, listing all serial numbers, owner names, finder names and other identifying information or markings associated with the item.
- B. Typically, each piece of property shall be placed or packaged separately in an approved evidence envelope, bag, box or packaging material. However, some small items can be grouped together and packaged in the same evidence envelope, bag, box or packaging. Refer to the SPD P&E Packaging Manual for criteria and direction on what may be grouped and packaged together. Some evidence such as a vehicle or other large items cannot be packaged. Vehicles, taken as evidence, even for a short time, are documented via a vehicle removal form and a P&E form.

Sahuarita Police Department

Policy Manual

Property and Evidence

Vehicles are typically stored at the SPD impound lot or SPD, depending upon possible processing needs.

- C. Evidence envelopes, bags, boxes, packaging materials, property tags and stickers are supplied for packaging property. These items have fillable information sections (date, name, case number, etc.). Each section must be completed with legible capital block printing to include a short but clear description of what's in the package. If a bag, box, or other packaging material does not have a designated fillable area for an officer or member to complete, then a property tag or sticker with this information shall be attached to the packaging or the property.
- D. Officers and members shall assure the item number on any evidence envelope, bag, box, packaging material, property tag, or evidence sticker corresponds to the property listed on the P&E form.
- E. When a property envelope, bag, box or other packaging material provides a seal to be closed and secured, officers and members shall secure such seal with clear adhesive tape and then place the date, their initials and SP# on the seal covering both the tape and the actual package. This means their initials will be written partially on the tape and partially off the tape (on the actual envelope, bag, box or other packaging material).
- F. The original P&E form and corresponding property should be placed together in the same temporary property locker. If the property and P&E form cannot be placed in the same locker within the SPD, then the P&E form shall be placed in P&E locker #13 by itself. The P&E form should clearly identify where the property has been temporarily secured.
- G. When property is too large to be placed into a temporary evidence storage locker within the SPD, the item may be temporarily stored, with supervisor approval, in any department supply room or other location that can be secured from unauthorized entry. In cases like this, the P&E form is to be placed in P&E locker #13 so that CSS will know where to go to retrieve and process the property.

802.6 EXPLOSIVES/HAZARDOUS MATERIALS

- A. The Pima County Regional Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.
- B. Explosives and hazardous material will not be retained in any SPD P&E facility. Absent approval from a SPD commander or the Chief of Police, the SPD will not take possession of fireworks or firecrackers. The confiscation and destruction of fireworks, firecrackers, or other explosive devices will normally be coordinated through the Pima County Regional Bomb Squad or a local fire department. Hazardous and flammable materials are normally referred to other agencies with expertise and storage options for such materials. A SPD commander or the Chief of Police shall be notified prior to any collection or storage of a hazardous or flammable material by SPD personnel.

Property and Evidence

802.7 EXCEPTIONAL HANDLING

Certain property items require a particular process. The following items shall be processed in the described manner:

- A. Bodily fluids such as blood or semen, or human fluid stains on objects shall be air-dried prior to booking.
- B. License plates found not to be stolen or connected with a known crime, should be placed in the designated license plate container at the SPD for eventual scheduled destruction at a metal shredding/disposal company. When there is no known crime connected to a license plate collected by an officer or member, no formal booking process or P&E form is required.
- C. All bicycles and bicycle frames require a P&E form be completed. Property tags will be securely attached to each bicycle or bicycle frame. Any bicycle or bicycle frame collected by an officer or member shall be placed in the bicycle storage area in the SPD secure parking lot or the SPD impound lot. P&E forms that do not have other forms of property documented on them other than a bicycle or bicycle frame are to be placed in P&E locker 13. If a bicycle or bicycle frame, that are classified as found property, are reasonably determined to be junk or in such need of repair that it has less than a \$25 value, officers may document the condition via their BWC and dispose of the bicycle or bicycle frame.
- D. All cash shall be counted in the presence of another officer or member and then placed in a SPD P&E money envelope. SPD P&E money envelopes have a section for two officers or members to sign and place their SP# as a witness to confirm the amount of money placed in the envelope. A supervisor (corporal, when no sergeant is available, or higher rank) shall be contacted for cash in excess of \$1,000 and shall serve as the witness for the count by signing and placing their SP# on the envelope.
- E. High Risk Items - Special care should be given to high risk items as defined in this policy. Currency and jewelry shall be secured in a property safe. Drugs and firearms shall be secured in a safe or in a secure evidence storage area, separate from general property and evidence.
- F. All evidence collected by personnel requiring specific storage requirements pursuant to laboratory procedures shall initially store such evidence appropriately in accordance with the P&E Packaging Manual (i.e., DUI blood sample stored in P&E refrigerator).
- G. Items that are potential biohazards shall be appropriately packaged and marked via a biohazard sticker to reduce the risk of exposure or contamination. All envelopes, bags, boxes, etc. for drugs require an officer/member to place a biohazard sticker on them prior to placing them into evidence.
- H. Items that qualify as safekeeping or found property such as clothing, bedding, and other personal items which may be a biohazard because they are unclean, have fluid stains, have body odor, pungent smells, are wet/damp, or have food or other products on or in them that attract insects, rodents, mold, etc., are not to be placed into any indoor or sealed P&E facility. However, if an item in this condition qualifies as evidence, which cannot be photographed and released, such item(s) must be properly processed as outlined in subsection A.

Sahuarita Police Department

Policy Manual

Property and Evidence

- I. Perishable items (such as food, beverages, over the counter vitamins, non-prescription medications, etc.) shall not be taken in as evidence, safekeeping or found property without approval from a commander or the Chief of Police. Perishable items shall be photographed by camera or documented via BWC recording and such pictures or recording placed into DIMS or Evidence.com. When the owner of such perishable items is reasonably known to the officer or member, they will make a good faith effort to find a reasonable solution to transfer the perishable items to a third party. If a third party solution is not available in a reasonable amount of time, officers shall throw away the perishable items.
- J. The P&E Bureau does not accept syringes without the approval of a commander or the Chief of Police. If a syringe has contents, such as a suspected drug, that must be retained as evidence, then the contents shall be placed and sealed in a mini glass jar and packaged for possible drug analysis at a DOJ/DPS laboratory.
- K. Drug security, disposition and destruction
 1. CSS shall assure all illicit drugs are secured in P&E A1 by both key or combination lock as well as an alarm.
 2. CSS shall maintain a calendar to schedule the prompt and appropriate destruction of such paraphernalia or drugs in accordance with law.
- L. Liquor/alcohol is not to be brought into the SPD unless there are extenuating circumstance and approved by a lieutenant or higher ranking member. Alcohol that is evidence or found/safekeeping property shall be photographed or documented via BWC and then disposed of (poured out) by an officer or member. The pictures or recording shall be placed into DIMS or Evidence.com.
- M. Town or other government property, unless connected to a known criminal case, should be released directly to the appropriate Town or government department. No formal booking is required as the release will be documented in the narrative of the police report (Alpha or Bravo). In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.8 PACKAGING OF PROPERTY

Packaging will conform to the P&E Packaging Manual, which is located in the Evidence Processing Area. Evidence, found or safekeeping property will be placed in a P&E envelope, bag, box, or other packaging material whenever reasonably possible. P&E envelopes have printed informational sections that must be completed. Those items that cannot fit in a P&E envelope may be placed in a bag, box or other packaging, but must have a P&E tag or sticker placed on them. Certain items require special consideration and shall be packaged separately such as the following:

- A. Controlled substances.
- B. Firearms (ensure they are unloaded and booked separately from ammunition).
- C. Property with more than one known owner.
- D. Drug paraphernalia. (see 802.3.2)
- E. Contraband.

Property and Evidence

- F. Biohazards. (see 802.3.4f)
- G. All cash/money
- H. Items submitted for analysis.

802.9 PACKAGING CONTAINER

Employees shall package all property, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and rifle boxes should be used for rifles or shotguns. Syringe tubes should be used to package syringes as outlined in the P&E Packaging Manual; however, any syringe submitted to the P&E Bureau requires approval from a commander or the Chief of Police.

When an item is not placed in a P&E envelope, a property tag shall be securely attached to the outside of all packages or attached to items that cannot be packaged.

802.10 PACKAGING CONTROLLED SUBSTANCES (ILLEGAL OR DANGEROUS DRUGS)

An officer or member seizing controlled substances (illegal or dangerous drugs) shall retain such property in his/her possession until it is properly weighed, packaged, and placed in an approved P&E storage locker or location. Prior to packaging, if the quantity and type of drug allows, a presumptive test should be made on all suspected controlled substance(s). When a preliminary or presumptive test is conducted, the results of this test shall be included in the narrative of the officer's or member's police report. When a controlled substance is suspected to be fentanyl or be contaminated with fentanyl or a fentanyl variant, the substance shall not be tested, but shall be appropriately packaged for laboratory testing.

- A. Illegal and dangerous drugs are typically not removed from their original packaging for weighing.
 - 1. The drug typically should be weighed in its original packaging and then the package weight will be documented on any evidence envelope and evidence form(s) as well as in the narrative of the police report. If the drug is not in an original packaging material (such as pills in pocket, etc.), then it shall be safely placed in an appropriate package (zip-lock baggie, bottle, etc.) and then weighed for its packaged weight. Smaller amounts of pills (5, 10, 25, 50, etc.) are normally counted to provide an amount. However, if there are hundreds or thousands of pills, an approximation may be made by the officer or member and the pills may be weighed to demonstrate the amount of the drug/pills.
 - 2. Helping determine package versus approximate drug weight: If a baggie or other packaging material of like size and weight can be weighed to provide a more accurate approximate drug weight, then officers or members should do so, indicating the actual drug weight is an approximation.
 - 3. An exception to placing the drugs and packaging material together is when it involves a loaded syringe. The SPD does not accept any syringes with or without needles. Syringes shall be photographed and documented in a police report. All syringes will be disposed of by being placed in a syringe sharps container for

Sahuarita Police Department

Policy Manual

Property and Evidence

destruction. If a loaded syringe is suspected of having an illicit drug in it, and it's necessary to collect the drug, then using caution, the contents may be placed in a mini glass jar or other acceptable container and then submitted as evidence.

- B. The original drug packaging and drug shall be placed in a SPD plastic zip-lock bag or other SPD approved and provided packaging (plastic or mini glass jar, tube, other container, drug envelope, etc.). The new SPD plastic zip-lock baggie or other packaging will be marked with an item number and the officer's/member's initials. It will then be placed into a P&E envelope, bag, box, or other packaging of appropriate size and a biohazard sticker shall be affixed to the envelope, bag, box, or other packaging material.
- C. Officers are not to separate drugs from their original packaging material in order to demonstrate the packaging may be evidence of drug paraphernalia, but instead should document the packaging as possible drug paraphernalia in the narrative of their police report.
- D. Controlled substances shall not be packaged with any other property to include drug paraphernalia. A drug paraphernalia exception to this (listed in C above) is when the drug is contained in its original packaging material (zip-lock baggie, paper bindle, prescription bottle, etc.). These types of original packaging or containers can typically fit in a new SPD plastic zip-lock baggie or other packaging material and then into an evidence envelope. With the exception of a syringe (as in section A3), the drugs are to remain in the original packaging.
- E. Like type (meaning same type) drugs believed to be possessed by the same owner/suspect may be placed in the same evidence envelope, bag, box, or packaging material, because they are of the same type and belong to the same person.
 - 1. For example, a suspect had a baggie of methamphetamine in his/her pant pocket and another baggie of methamphetamine in their backpack. Both baggies, would be placed in separate SPD zip-lock baggies, or other SPD approved and provided packaging, and then each marked with an item number and the officer's/member's initials (section B above). Then, these two PD zip-lock baggies would be placed in the same evidence envelope because they are the same type of drug and are tied to the same suspect. With this same scenario, if the same suspect also possessed heroine in a different baggie, then because it's a different type of drug, the suspected heroine would be placed in a separate SPD zip-lock baggie and then be placed in a separate evidence envelope. This is done to separate the different drugs as such separation is required by laboratories that analyze the drugs. With the same scenario, if the case involved another suspect who possessed a baggie of methamphetamine or a baggie of heroine, the baggie would be placed in a separate SPD zip-lock baggie and then placed in a separate evidence envelope.

802.11 RIGHT OF REFUSAL

- A. CSS have the responsibility and right to refuse any piece of property that is not properly documented, packaged, or any property the CSS deems inappropriate or outside the parameters of this policy and the P&E Packaging Manual.

Sahuarita Police Department

Policy Manual

Property and Evidence

- B. It is expected that officers (detectives, corporals, sergeants, lieutenants) and members shall give deference to the expertise of the CSS and their right of refusal. It is the Chief's expectation that officers and members will make appropriate adjustments on the packaging of property or as to what property may be accepted via direction provided by CSS.
- C. If a simple error in completing a P&E property tag, sticker or form is made by an officer or member (i.e., missed check box, case number, etc.) the CSS may make the correction or fill in the limited information, but shall also initial such correction along with their SP #, and date on the tag, sticker, or form indicating they made the correction.
- D. Only a commander or the Chief of Police can override the right of refusal of a CSS for acceptance of items of evidence, found or safekeeping property. Should a CSS refuse an item, the officer will be advised verbally or via an Evidence Correction Advisory form. The CSS will place the item into an evidence correction locker for the officer or member to remedy the issue. The officer or member will have 48 hours (72 hours if the days fall on the officer's days off) to correct the issue.

802.12 PROPERTY CONTROL AND RECORDING OF PROPERTY

- A. The CSS receiving custody of evidence or property shall create a property control entry into the Property and Evidence Records Management System (P&E RMS) for each item it officially accepts. The property entry into the P&E RMS will be a permanent record of the P&E Bureau.
- B. Any changes in the location of the property held by the SPD shall be updated in the P&E RMS by a CSS, CSSS, or the P&E Bureau Lieutenant.
- C. Property and evidence should be accepted and recorded in the P&E RMS as soon as reasonably possible by CSS, but in no case no later than 96 hours from being placed into a P&E evidence locker or other secure submitting location. An exception to this is when the property or evidence is not accepted by CSS due to improper packaging or when an item(s) are not permitted to be accepted into the P&E Bureau.
- D. A unique property number shall be used for each item or group of items to assist with tracking and cataloging such item(s) being placed into the P&E Bureau.
- E. Any changes in the location of property held by the P&E Bureau shall be noted in the P&E RMS.
- F. CSS shall promptly scan all P&E forms into the P&E RMS associated with the intake, viewing, and release of any property or evidence so that the chain of custody of such items is accurate and up to date.
- G. Officers or members requiring property or evidence for court shall send their request via email to all CSS personnel no later than 72 hours prior to the court date, excluding weekends.
- H. Property or evidence, shall only be released to an officer, member, or prosecutor who has a legal right and need for such property or evidence associated with a legitimate investigatory or prosecutorial process.

Sahuarita Police Department

Policy Manual

Property and Evidence

802.13 RESPONSIBILITIES ASSOCIATED WITH LABORATORY TESTING, ANALYSIS, AND PROCESSING

- A. It is the responsibility of the primary investigating officer or member, assigned to the case, in consultation with their immediate supervisor, to determine which items of property or evidence need to be sent to a criminal or forensic laboratory for possible processing. It is the responsibility of the primary investigating officer or member to notify a CSS as to which items need to be sent to a laboratory and what tests, analysis or processes need to be conducted. A laboratory will not conduct a test, an analysis, or a process without being specifically requested to do so.
- B. A completed laboratory request form(s) attached to the P&E form upon initial submission of property or evidence will constitute as notification for CSS to submit such items to a laboratory for processing.
- C. Request for analysis of items shall be completed on the appropriate form(s) (i.e., DPS Scientific Examination Form/DPS DNA Evidence Submission Supplement, etc.) and submitted to a CSS, by the primary investigating officer or member assigned to the case. This request may be filled out after the booking of the property or evidence, but efforts should be made to complete the associated paperwork at the initial booking of such property or evidence.
- D. All requests for laboratory examination or processing will be taken to or forwarded to the appropriate laboratory as soon as practicable, typically by a CSS.
- E. The CSS releasing the evidence to a laboratory must document the transfer in the P&E RMS. The laboratory forms will be transported with the property or evidence to the examining laboratory. The original copy of the laboratory form will remain with the evidence. The CSS will keep a copy of the laboratory form and any associated chain of custody documents provided by the laboratory or used by the SPD and will cause them to be scanned/entered into the P&E RMS.

802.14 AUTHORIZATION AND PROCESS TO RELEASE PROPERTY AND EVIDENCE

- A. CSS shall make a reasonable attempt to identify the rightful owner of found property or evidence not already identified by other officers or members prior to disposal or release. This is commonly done by listing found property on the property section of the SPD webpage.
- B. CSS are to release physical property or physical evidence only to the legal owner of such property or evidence. If an owner cannot come to the SPD, the property or evidence may be released to an adult who possesses a notarized letter from the owner specifically stating the owner is requesting the release of specifically named/described property or evidence to the specifically named adult.
- C. Digital evidence may be released only after approval from the Chief of Police or their designee. Prior to the release of digital evidence, the following shall be confirmed.
 - 1. The release of digital evidence will not jeopardize a criminal investigation or possible prosecution.

Sahuarita Police Department

Policy Manual

Property and Evidence

2. A review process to assure compliance with state law is adhered to, to include protecting the privacy and confidentiality of involved parties as permitted by law, and/or the best interests of the state outweighs releasing the digital evidence.
 3. Appropriate redaction shall occur prior to the release of any digital evidence.
 4. The process and amount of time to determine the release of digital evidence may change in accordance with capacity, ability, law, and other factors to include contacting involved parties.
- D. CSS releasing property or evidence to a non SPD officer or member shall only do so after reviewing the person's government issued identification to assure the person's identity.
- E. CSS shall not release any property without an appropriately completed and signed Property & Evidence Disposal/Release form.
- F. CSS should take care in assuring only property or evidence actually listed on the Property & Evidence Disposal/Release form is released and not confused with other property or evidence.
- G. CSS can complete the Property & Evidence Disposal/Release form for non evidentiary property stored as safekeeping or found property, unless it is a firearm. Any firearm(s) eligible for release or disposal as evidence or property, shall have the Property & Evidence Disposal/Release form reviewed and signed by the Investigations Bureau Sergeant or a lieutenant when the Investigations Bureau Sergeant is not available.
- H. When property classified as evidence is ready for release or disposition, a CSS will provide the primary investigating officer or member, a Property & Evidence Disposal/Release form. The primary investigating officer or member will be responsible for reviewing the case and if appropriate, completing the form. Once the form is completed, the officer's or member's assigned supervisor will review the form, and case as needed, to determine if the property can be disposed of or released. If the property can be disposed of or released, the supervisor shall sign the Property & Evidence Disposal/Release form. Any firearm(s) eligible for release or disposal as evidence or property, shall have the Property & Evidence Disposal/Release form reviewed and signed by the Investigations Bureau Sergeant or a lieutenant when the Investigations Bureau Sergeant is not available.
- I. CSS shall document the release or disposal of all property and evidence using a Property & Evidence Disposal/Release form(s) and the P&E RMS.
- J. CSS are responsible for scanning and entering all original or updated P&E forms and P&E Continuation forms, as well as, any Property & Evidence Disposal/Release forms into the P&E RMS to assure proper chain of custody documentation is retained and up to date.
1. All original P&E form(s) and P&E Continuation form(s), as well as any Property & Evidence Disposal/Release form(s) shall be maintained for 30 days after scanning them into the P&E RMS. Between 30 and 45 days after the initial scanning of the form(s) into the P&E RMS, CSS will confirm that the original

Sahuarita Police Department

Policy Manual

Property and Evidence

form(s) have been retained in the P&E RMS and then cause the original paper from(s) to be shredded.

- K. For property or evidence in custody of the SPD for investigatory or prosecutorial purposes and owned by a person, organization or entity, a CSS shall, upon the request of the owner:
 - 1. Provide a list describing the property unless such list would seriously impede or jeopardize an investigation or prosecution. Officers, CSS, and members should confer with the CSSS or the SSD Lieutenant on these type of cases.
 - 2. Return the property expeditiously unless the property is required as evidence. Officers, CSS, and members should confer with the CSSS or the SSD Lieutenant on these type of cases.
 - 3. Upon the direction of a prosecuting attorney, and agreement with the CSSS or the SSD Lieutenant, property held as evidence of a crime may be photographed and released to the owner of the property.

802.15 STOLEN OR EMBEZZLED PROPERTY

- A. Stolen or embezzled property, or property believed to be stolen or embezzled, that is in the custody of the SPD shall be restored to the owner (ARS 13-3941). Such property may be released from law enforcement custody when the following are satisfied:
 - 1. Photographs of the property are taken and uploaded into a SPD approved secure digital storage system by an investigating officer or CSS.
 - 2. Satisfactory proof of ownership of the property is shown by the owner.
 - 3. A receipt for the property is signed by the owner or the owner's designee (via notarized letter) and retained in the P&E RMS.
- B. If stolen or embezzled property is not claimed by the owner within six months after the conviction of the person for such theft or embezzlement, the property shall be disposed of as specified in ARS 13-3942.

802.16 DISPUTED CLAIMS TO PROPERTY

- A. Occasionally more than one party may claim an interest in property being held by the SPD and the legal rights of the parties cannot be clearly established.
- B. Such property shall not be released until one party has obtained a court order or other proof that the claimant has a legal right to the property.
- C. All parties should be advised that their claims are civil. In extreme situations, legal counsel for the SPD may be asked to assist in resolving the disputed claim.

802.17 RELEASE AND DISPOSAL OF FIREARMS

- A. A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC 922 or ARS 13-3101.

Sahuarita Police Department

Policy Manual

Property and Evidence

- B. If a firearm is seized for safekeeping at a domestic violence incident under ARS 13-3601, it may not be released for at least 72 hours or longer if the prosecutor files a notice of intent to retain or if ordered by a court.
- C. Prior to the release of a firearm, CSS shall make a good faith effort to make telephone or email contact with the victim as soon as reasonably possible (when such information is reasonably available) to notify the victim of the decision to release.
- D. The SPD shall apply reasonable efforts after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. If a firearm has not been returned to an owner within 30 days from its intake by the P&E Bureau, the firearm or other deadly weapon may be processed for disposal consistent with this policy and state law.

802.18 DISPOSITION OF PROPERTY

All property not held for evidence and held for a minimum of 30 days may be disposed of as follows:

- A. If the owner of found property that has a value of more than one hundred fifty dollars is not known, the agency holding the property shall publish or post a notice containing a description of the property before the final disposal of the property (ARS 12-944). Such posting shall occur on the SPD webpage that includes instruction on how the owner can contact the SPD P&E Bureau about the property.
- B. If, 30 days after notice on the SPD webpage, the owner or person entitled to the property has not appeared or contacted the P&E Bureau, the property shall be disposed of pursuant to ARS 12-945.
- C. If the property is a firearm, it shall be disposed of pursuant to ARS 12-945.
- D. Found property may be returned to the person who found and turned it in as provided in ARS 12-941.

802.19 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Obscene matter (pornography, etc.)
- Altered vehicles or component parts
- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices

Property and Evidence

802.20 UNCLAIMED MONEY

- A. If found or seized money is no longer required as evidence and remains unclaimed after 30 days or after final disposition of the case, the money is presumed abandoned property and may be disposed of as specified in ARS 12-942.

802.21 RETENTION OF BIOLOGICAL EVIDENCE

The CSSS or SSD Lieutenant shall ensure that no biological evidence held by the SPD is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) Criminal Investigations Bureau Sergeant or Lieutenant

Biological evidence shall be retained for a minimum period established by law (ARS 13-4221), or the expiration of any sentence imposed related to the evidence, or whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the SPD within 90 days of the date of the notification. A record of all certified mail receipts shall be retained by CSS in the P&E RMS. Any objection to, or motion regarding the destruction of biological evidence shall be retained by CSS in the P&E RMS and a copy shall be forwarded to the P&E Bureau CSSS or SSD Lieutenant.

All biological evidence related to a homicide or a felony sexual offense that remains unsolved for one year or more after being reported shall be kept for 55 years, even when there are no current investigatory leads (ARS 13-4221).

Biological evidence related to any homicide may only be destroyed with the written approval of the Chief of Police and the applicable prosecutor's office.

The P&E Bureau CSSS and SSD Lieutenant must ensure that all biological samples are retained in a condition suitable for DNA testing. The P&E Bureau CSSS or SSD Lieutenant may direct the disposal of bulk evidence and retain probative samples of biological evidence using procedures that do not affect the suitability of the sample for DNA testing. Prior to disposing of any bulk evidence, the P&E Bureau CSSS or SSD Lieutenant shall obtain approval from the County Attorney or Attorney General and make reasonable efforts to provide written notice to the victim (ARS 13-4221).

Sahuarita Police Department

Policy Manual

Property and Evidence

802.22 INSPECTIONS OF THE PROPERTY AND EVIDENCE BUREAU

- A. On a monthly basis, the CSSS or Lieutenant shall inspect the evidence storage facilities and P&E Bureau practices to ensure adherence to appropriate policies and procedures.
 - 1. The CSSS will conduct a security camera and alarm system check of all P&E Bureau cameras and alarm systems once a month to assure all cameras are properly working and recording and that all alarm systems are properly working. The CSSS will forward an email to the SSD Lieutenant advising that these security systems are in good working order or are in need of repair.
- B. The SSD Commander shall assure there are at least two unannounced inspections annually of the P&E Bureau. The inspections shall be conducted by members outside of the chain of command of the P&E Bureau. Upon completion of an inspection, a report shall be completed and forwarded to the Chief of Police regarding the results of the inspection.
- C. The SSD Commander shall direct at least one audit of the P&E Bureau annually, that will include a minimum of 100 high risk items and a minimum of 150 other items, for a total of 250 items. The audit shall be conducted by members outside of the chain of command of the P&E Bureau. Upon completion of this audit, a report shall be completed and forwarded to the Chief of Police regarding the results of the audit.
- D. Whenever a change is made in personnel assigned to the P&E Bureau (CSS/ CSSS), the chain of command of the P&E Bureau, or the Chief of Police, the SSD Commander shall, within 60 days of the change, direct an audit of the P&E Bureau. The number of items audited will be in accordance with the requirements set forth in the ALEAP Accreditation Standards Manual at the time of the audit. The numbers shall be determined by a statistical run conducted by the CSSS and the member completing the audit. The audit shall be conducted by members outside of the chain of command of the P&E Bureau. Upon completion of this audit, a report shall be completed and forwarded to the Chief of Police regarding the results of the audit.

802.23 POLICY ISSUANCE OR REVIEW

12/04/2024 - Reviewed by Chief John Noland - SP002

06/12/2025 - Reviewed by Chief John Noland - SP002