

CHAPTER 84 PROPERTY AND EVIDENCE CONTROL

84.1 SUBMISSION OF EVIDENCE

A. Evidence Guidelines detailing the required packaging and labeling of all property and all other Evidence procedures shall be made available to all employees. Evidence Guidelines shall be followed by all employees.

B. All items initially submitted or returned after check-out to the Evidence Section shall be either sealed or tagged and shall remain that way until released or disposed of by Section personnel. Seals shall be completed in permanent ink by initialing across the tape, creating an integrity seal for the package. No property or evidence may be submitted without the completion of both a property sheet and a DR detailing the reason the property/evidence was seized.

C. Property should be packaged in packaging provided by the Department and shall be packaged and marked in a manner that does not affect the integrity of the item and its evidentiary value. Evidence tags should be affixed in a manner that does not damage the property (using a tag rather than a label when appropriate). Officers may consult the Evidence guidelines or contact Evidence personnel for guidance on handling unusual or bulky items.

D. All property is tracked using both the case number and a unique property identification number. Each piece of property shall have its own number.

E. Items that are perishable or dangerous should not be submitted for storage in Evidence. Perishables should be photographed, sampled if desired for evidentiary purposes and destroyed. Explosives, and fireworks, will not be accepted into Property and Evidence. If you are unsure contact AZDPS EOD. Flammable liquids (gasoline, etc) must be emptied from all items prior to submission to Property and Evidence. If accelerants are needed for investigative purpose, submit a small sample in a sealed glass container.

F. Any particularly unusual or unidentified hazardous materials – for example, chemically contaminated materials – shall be handled by a hazardous materials call-out and shall not be submitted to Evidence without consultation with the Evidence Custodian.

84.1.1 Submission of Evidence for Laboratory Analysis

A. It shall be the responsibility of the case agent to notify the property room when property must be sent to a laboratory for analysis. The evidence shall be prepared and packaged as required by the laboratory from which the analysis is requested.

B. It is the responsibility of the property room to submit the evidence as soon as practicable to an appropriate laboratory for analysis.

C. A written record on any evidence submitted to a laboratory for examination shall be maintained. The record shall include the following information:

1. The name of the officer last having custody of the item.
2. The date and time of submission or mailing and the method used for transmission.
3. The documentation returned by the lab with the item and/or laboratory results.

D. Lab reports, when returned by the lab, shall be forwarded to the Property and Evidence Unit and the responsible officer/detective.

1. Lab reports forwarded to the Property and Evidence Unit will be attached to the corresponding Property and Evidence Control form or entered into the electronic tracking system.
2. Officers receiving a lab report shall complete a supplemental report documenting the results of the examination(s).

2. **FIREARMS**

A. When placing firearms, ammunition and magazines into evidence, officers should:

1. Handle them carefully to preserve fingerprint evidence
2. Unload firearms, but not disassemble them
3. Immobilize the action of a weapon using a cable tie
4. Leave ammunition in a magazine
5. Package bullets and magazine in a separate envelope, but (if removed from a firearm) with the firearm.
6. Avoid damaging or scratching casings, bullets or fragments

7. If a bullet is lodged in an object, cut and remove a section of the object; do not remove the bullet.

B. When applicable, the following notations and warnings should be clearly marked:

1. if a weapon cannot be unloaded, place a large label on the firearm packaging that the firearm is potentially loaded and unsafe
2. if submitted in compliance with an Order of Protection, label the property control sheet "Order of Protection."
3. if submitted for safekeeping in a Domestic Violence matter, label the property control sheet "Domestic Violence."

84.3 OTHER EVIDENCE

Other evidence shall be submitted as follows.

A. Money. Money shall be counted by listing the number of bills of each denomination, with a total on the label. All amounts over \$50 shall be counted by two officers. All amounts over \$1,000 shall be handled by Evidence call-out.

B. Syringes. Individual syringes shall be placed in a sharps container and then in an evidence envelope. Found discarded syringes unassociated with an investigation shall be placed in a sharps container and disposed of in a biohazard barrel.

C. Bicycles. Officers should collect any trace evidence on the bicycle prior to storing it. Bicycles shall be secured in the bike racks located at Large Cage Storage and shall have a label attached.

D. Oversized Items. When possible, the collection of very large or bulky items should be avoided by collecting trace evidence and then photographing the item. If collection is required and transport in an available police vehicle is not possible, an Evidence call-out should be done.

E. Vehicles Impounded as Evidence. The Evidence Section controls the department's vehicle impound lot, which shall contain only vehicles that are themselves evidence. All other vehicles shall be towed to private storage lots. Vehicles impounded for forensic processing shall be secured and locked at Large Storage Parking Lot, with an evidence tag affixed to the steering wheel and keys and tow receipts placed into evidence.

Refer to [61.8](#) regarding the towing, impounding, and inventorying of vehicles.

84.4 SUBMITTING PROPERTY THAT IS NOT EVIDENCE

84.4.1 Found Property

A. Whenever practical, found property should be photographed and returned to the owner. A DR shall be completed, including the name and address of the person to whom the property was released.

B. Found property that cannot be returned should be properly packaged and labeled prior to being submitted to Property and Evidence. It shall be packaged separately from all other property; the label shall include the name and address of the person who found the property.

C. Found property that is not claimed by the owner shall be handled as provided by State law.

84.4.2 Property for Disposal

Property that holds no evidentiary or monetary value may be documented in a DR and disposed of by the case agent. If property for disposal cannot be properly disposed of on scene, it shall be properly packaged and labeled, separately from other property, and submitted to the Evidence Section with a signed Evidence release form authorizing immediate disposal.

84.4.3 Property Held for Safekeeping

An officer who takes any property into possession for safekeeping shall provide a copy of a completed property control form to the person from whom the property is taken as a receipt. The property shall be properly packaged and labeled, separately from all other property, and submitted to the Evidence Section.

84.4.4 Prisoner Property

A. Prisoner property shall be packaged and labeled with the owner's name and address.

B. All prisoner property shall be searched prior to submitting it to the jail. All money, jewelry, valuables, wallets, prescription medication, and small personal belongings shall be booked into the jail with the prisoner. Contraband (as defined by the booking facility) holding no evidentiary or tangible monetary value may be discarded by the officer. Any weapons, drugs, and contraband with monetary value shall be submitted to Evidence under the guidelines applicable to the specific type of property. The location of prisoner property, including notation of any that is disposed of, shall be included in the DR.

C. The following items shall be considered contraband, as outlined by the County Jail:

1. Weapons, including pepper spray, mace, pocket knives, ammunition, etc.

2. Tools that can be used as a weapon, such as screwdrivers, hammers, cutting tools, etc.
3. Unprotected sharps such as syringes and razors.
4. All illegal materials.

D. Every effort shall be made to take prisoners to the jail with the minimal amount of property (for example, by leaving it, with the arrestee's permission, in the custody of a responsible party).

84.5 SECURITY OF PROPERTY ROOM

A. All property, including evidence, which is seized or taken into custody by an employee of the department for impounding shall be maintained in the property room Evidence Room, Large Storage Cage/Parking Lot and Connex Box 4. The property room is a secure area with access limited to authorized personnel only.

B. The property room records system tracks all property from the time an employee submits property to the room all the way through the property's disposal/release, including times when it is checked out and then returned. See [84.6](#). The system also records where the property is located within the property room. In order to maintain a high degree of control over the property, periodic inspections, inventories and audits are completed as follows:

1. An annual documented inspection to determine adherence to procedures used for the control of property is conducted at least semi-annually by the person responsible for the property and evidence control function or a by a designee;
 - a. to include at a minimum, 100 high risk items and 150 other items, for a total of 250 items.
 - b. a report is submitted via the chain of command to the Chief.
2. An audit covering all high risk items and 150 other items of evidence or property, occurs whenever there is a new Chief or a new property and evidence custodian assigned or a property and evidence custodian transferred from the position; this audit is conducted by the new property and evidence custodian and a designee of the Chief to ensure that records are correct and properly annotated; and,

3. a semi-annual unannounced audit of property and evidence is conducted by a supervisor not routinely or directly connected with the control of property and evidence;

C. Within the property room, there are special areas to allow for refrigerated items, frozen items, oversize items, explosives and firearms, and valuables.

1. Additional security and control measures will be taken to safeguard all high-risk items (money, firearms, controlled substances and high value items)

D. The department normally destroys controlled substances that are ordered forfeited. However, the Chief may give written approval for the use of one or more of these items for training purposes. The item will be weighed and packaged both prior to release for training and upon its return, with any significant weight discrepancy explained in a memo to the Chief.

E. Unless the firearm is otherwise prohibited from being sold under federal or state law, firearms must be either used by the Department or sold/traded to a licensed firearms dealer.

84.6 CHECKOUT AND RETURN OF PROPERTY

A. Authorized department personnel may remove items from Evidence for the purpose of investigations, forensic testing, judicial hearings and trials and as otherwise approved by the Evidence Custodian. Each person removing property shall complete the property control form when retrieving the item and shall take a copy of the form with them so that the chain of custody can be maintained. Anyone receiving the property shall sign the form; the form is to remain with the property until the property is returned to the Evidence Section.

B. If property is retained by the court or other agency, a receipt shall be signed by the receiving person; the receipt shall be returned to Evidence.

84.7 RELEASE AND DISPOSITION OF PROPERTY

A. Generally, once the Department is ready to dispose of property, it should be returned to the owner. Upon receiving a signed release (a court order, memo or standing order from the prosecution, or a signed release from the assigned detective), the Evidence Section shall send a letter to the owner, informing them of the property's release and providing them with thirty days to contact the Department and make arrangements for the property.

B. If private possession of the property is not lawful, or there are competing claims of ownership, or the owner does not respond to the mailed notice, or the owner or owner's address is unknown, the property shall be disposed of as prescribed by A.R.S. §§12-940 through 945.

84.7.1 Conversion of Property to Department Use

A. A.R.S. §12-941 allows for unclaimed property and evidence determined to be of use in police operations to be retained and utilized by the Department. Firearms (A.R.S. §12-945) and court ordered forfeited deadly weapons, dangerous instruments or explosives (A.R.S. §13-3105), unless prohibited from being sold, must be disposed of or sold as directed by the previously referenced statutes.

B. The Chief shall determine the distribution of unclaimed property for use in police operations, as well as any property forfeited to the department for its use.

84.7.2 Special Retention for Biological and Cold Case Evidence

Biological evidence collected in connection with certain homicides and felony sexual assault cases must be preserved for an extended period of time. Such evidence shall not be disposed of except in compliance with the State law regarding retention of such evidence that is in effect at the time of disposal of the evidence.

84.7.3 Destruction of Marijuana and Narcotics.

Destruction of marijuana and narcotics shall be overseen by no less than three witnesses, Evidence Custodian, Sergeant, and Commander. The Evidence Custodian shall complete a memo documenting the destruction.