8200 EVIDENCE (Revised: August 3, 2020)

The Property & Evidence Section is responsible for the handling, processing, safe storage and disposition of all seized, found or surrendered property coming into the possession of the Tucson Police Department. The Section shall maintain a set of unit procedures to guide its members on proper policy and technique as a supplement to these rules. These procedures are available under Share Drive/Forensic_Private/Forensic_Evidence.

8210 SERVICE HOURS

Public Service Counter Hours are Monday-Thursday 0800-1600 hours and closed Fridays, Weekends, and City Holidays.

Public Phone Line: 791-4458

Law Enforcement Counter Hours are Monday-Friday from 0630-1700 hours and closed Weekends, and City Holidays. Officer counter hours are subject to change on the availability of staff. If such changes are made, officers shall be notified in advance by means of a briefing notice and the hours shall be posted outside the service window.

Law Enforcement Phone Line: 837-7361.

Property and Evidence personnel are available for callout 24/7 (Instructions on TPD Wiki – Evidence)

8220 ACCESS TO EVIDENCE FACILITIES

The Evidence, Property, and Identification Center (EPIC) is a secure facility, with controlled access. Only department employees and authorized city employees are allowed to freely access the common area of the building between the Evidence and Identification Sections. Visitors shall be escorted by an authorized member or shall require approved authorization from the Chief of Police or his designee.

The Forensic Division Superintendents (Crime Laboratory and Identification) have access to the Evidence Section's Administration area. Only employees or volunteers assigned to the Property & Evidence Section and the Forensic Division Administrator have direct access to the Evidence Section's Administration area and Evidence Warehouse. Security shall be strictly controlled. After-hours access by Evidence personnel shall be limited to call-outs and facility emergencies only, and shall be at the direction of the on-call Evidence Supervisor or Evidence Superintendent.

Non-authorized department members or other persons may be admitted to the Evidence Section under the permission of the Evidence Superintendent or Forensic Division Administrator. These persons shall log in and out of the section, and shall be accompanied by a member of Property and Evidence. Additional areas secured by Property and Evidence include all overnight storage bins and rooms, overnight refrigeration, currency and narcotic drop boxes, bike lots, impound lot, portable cargo containers, and blood drying cabinets. Keys to these areas are limited to Evidence Technicians, Evidence Supervisors, and the Evidence Superintendent.

Evidence bins and the overnight storage rooms located throughout the department, shall be secured with a one-lock mechanism. Once the evidence bin is locked, it becomes accessible only by a member of Property and Evidence.

In the event of an alarm or discovery of a break-in, the responding officer shall notify the Evidence Superintendent. If deemed necessary, a member of Property and Evidence shall be dispatched. When immediate access is required into the Evidence Section, such as in the event of fire, the doors shall be breached.

The Evidence facility is alarmed 24-hours per day. In the event that an officer or other department employee accidentally trips an alarm, he or she shall immediately contact Communications and cancel dispatch.

8230 SUBMISSION OF EVIDENCE AND PROPERTY

8231 General Rules on Evidence and Property Handling

8231.1 **Property Definitions**

- **"In Custody" Property:** Items that are not legally owned by the Tucson Police Department, which have been seized, collected, turned over or held within the custody of the Tucson Police Department for the purpose of safe keeping, prisoner property, found property, investigation, court hearings, forfeiture, or identification. Also referred to as "property" or "evidence."

- **Chain of Custody:** The continuity and documentation of the physical handling associated with all "in custody" property from time obtained until final disposition.

- **Found Property:** Non-evidentiary property coming into the custody of a law enforcement agency that has been determined to be lost or abandoned. These items are held to provide an opportunity to determine the legal owner. Found property does not include found firearms or abandoned trash.

- **Property for Safekeeping:** Non-evidentiary property placed into temporary custody of a law enforcement agency for the purpose of safeguarding for a rightful owner.

- **Prisoner Property:** Non-evidentiary property belonging to a prisoner(s) booked into a detention facility, which is placed into temporary custody of a law enforcement agency.

- **Evidence:** Property, trace, and/or biological findings that may be related to a crime and which may implicate or clear a person of a crime.

- **Collecting Officer:** The individual responsible for the physical collection and packaging of property.

- **Submitting Officer:** The individual responsible for the data entry and documentation of incoming property, as well as the physical action of turning over the property to the custody of the Property & Evidence Section, either directly or by means of the overnight storage bins.

8231.2 **Impound and Storage**

All in custody property items coming into the possession of the Tucson Police Department shall be entered into BEAST and secured in an evidence locker/bin or evidence storage facility, as soon as possible and before the end of shift, unless otherwise defined by policy.

At no time shall property be stored in any unsecured area, such as desks, units, and offices not designated as secured evidence storage.

Property may be submitted in the designated evidence bins, located at the listed police facilities.

Operations Division South - 4410 S. Park Avenue
Operations Division West - 1310 W. Miracle Mile
Operations Division Midtown - 1100 S. Alvernon Way
Operations Division East - 9670 E. Golf Links Road
Operations Division West, Downtown District – 270 S. Stone Avenue
Investigations - 270 S. Stone Avenue
Evidence, Property, & Identification Center (EPIC) - 945 E. Ohio Street

Only property classified as “prisoner property” shall be secured in the evidence bins located outside the Pima County Adult Detention Facility at 1270 W. Silverlake Road.

8231.3 **Chain of Custody and Electronic Tracking**

Department members shall be responsible for the disposition of property, which comes into their possession during the performance of their job. Chain of Custody shall be documented on all in custody property held by the Tucson Police Department.

Items submitted and returned to the Property & Evidence Section shall be sealed and/or tagged upon submission. Property stored within the Evidence Section shall remain sealed until released or disposed of, unless otherwise approved by the Evidence Superintendent. It shall be the submitting, collecting, or assigned department member’s responsibility to open, repackage, and seal any property that needs to be opened, transferred, or corrected.

Property held by the Tucson Police Department's Property & Evidence Section shall have Chain of Custody tracked and maintained through the Department's Barcoded Evidence And Statistical Tracking (BEAST) System up until final disposition.

No department member shall sign on or operate the BEAST under another member's username and password.

The BEAST shall be controlled and maintained by the Property & Evidence Section, with the Evidence Superintendent assigned as the System Administrator. This includes the operations of the WebBEAST and Mobile BEAST units. The Evidence Supervisors shall assist the System Administrator as needed. All BEAST related malfunctions will be reported to Property and Evidence. No member outside of Property and Evidence shall attempt to fix, delete, or install components associated with BEAST without the authorization of the BEAST System Administrator.

Property and Evidence shall provide training to all prospective BEAST operators. Operators shall complete training before accessing the system unless “view only” access is assigned.

Only the BEAST System Administrator or their designee shall delete and edit items that have digital signatures attached.

8231.4 **Documentation**

All in custody property shall be controlled through the use of a case number, item number, and BEAST barcode. In custody property shall be classified in the BEAST under one of four categories for the purpose of tracking, retention, and final disposition. These four categories are “found property,” “prisoner property,” “safekeeping,” or “evidence.” Items seized for forfeiture or any found firearm shall be classified in the BEAST as “evidence.”

A case report must be started in the Computer Aided Dispatch (CAD) or Records Management System (RMS) prior to using the BEAST. This allows transfer of Records data into the BEAST to reduce duplicate entry of basic case information.

Each case report narrative should include a brief description of the item(s) collected and the circumstances by which the property came into the agency’s possession, as well as the incoming condition of the property if damaged, whether photographs were taken, any identifying markings, apparent owners, and where the item was secured or returned to.

RMS/CAD is interfaced with the BEAST. Department members shall by-pass using the RMS/CAD Evidence Module when the BEAST will be used, to avoid duplication of entries in RMS.

Property reported as stolen shall be itemized using the CAD Evidence Module. Whenever possible, listed stolen property should include an estimated value and any identifying serial numbers or markings to aid in the return if recovered.

Department members utilizing the BEAST shall supply all known information for any blank field. Department members will provide complete and accurate information including, but not limited to, case names and addresses, dates of birth, identified owners or finders for each item collected, full item descriptions, identified markings, serial

numbers, item quantities, collection locations, dates, times, crime classes, felony classes, and any connect-up case numbers. Department members shall ensure all property codes are accurately reflected for each item in order to obtain the most accurate statistics.

Assigned item numbers shall be limited to a maximum of five characters and shall be limited to only alpha and numeric characters for the purpose of electronic integration. Item numbers may include the collecting Department member's first and last initials of their name followed by a sequential number (e.g., NM2 or NM122). It is highly recommended that BEAST operators simply utilize the auto-generated item numbers.

Item descriptions shall be concise with descriptors that uniquely identify each item. Descriptors that require more than 25 characters should not be used in the BEAST, but instead should be described in the officer's case report.

Submitting department members shall review and ensure all property they have entered into the BEAST transferred into their RMS case report by the end of their shift. Submitted items not automatically transferred from BEAST to RMS within 20 minutes of entry into the BEAST will require direct entry into the RMS property module. Department members shall complete the data entry of submitted property prior to completing their case report.

Found, Recovered, and Returned Property

Department members shall reasonably attempt to reunite found or recovered property with its rightful owner. In doing so, officers shall run identifiable serial numbers against stolen property records in RMS and TWX prior to submitting to Property and Evidence.

Upon returning an item to an owner, an owner's name and signature are required on a *Property Release Form (TPD 1412)* documenting the release. Property Release Forms shall be filled out completely. Department members shall document the date and time of exchange, the reason for the exchange, the person's date of birth, current contact information, and the ID# of the person's identification.

All completed *Property Release Forms* shall be turned into Property and Evidence for possible entry into BEAST. Upon review, the Property & Evidence Section shall route the *Property Release Form* to the Records case file. Completed property release forms will be submitted directly through the evidence overnight bin, rather than interoffice mail.

When a known owner cannot respond immediately to recover their property, Department members shall proceed to submit the property into the BEAST as "safekeeping" and shall link the owner's name and current address to each item entered. Property and Evidence shall notify the owner by mail, using the information provided by the submitting officer. Owners will have 30 days from the date of notification to pick up their property, as outlined in the letter sent.

Items classified as found property will be destroyed or auctioned 30 days from the date of submission per local and state law if not classified as "evidence" in the BEAST. Collecting Department members of found property shall make reasonable efforts to identify and contact the owner of the property prior to submitting to Property & Evidence. Collecting

department members shall notify the appropriate investigative unit of a found property case if ownership of the property cannot be verified and there is reason to believe the item is stolen or may be linked to an investigation.

It is the responsibility of the assigned investigators to contact Property and Evidence if an item or case is upgraded to “evidence” or if the crime class has changed from the initial entry made in the BEAST.

Property Owners

Department members shall provide property owners with an *Informational Receipt Form (TPD 9318)* instructing them how to obtain an itemized receipt of the items confiscated.

At the time of collection, department members shall make reasonable efforts to determine and document ownership related to in custody property. Consideration should be given to where and whom the items were taken from, who are the registered owners, who owns the home where the items were seized, any identifying markings and serial numbers, filed stolen reports, sales, receipts, purchase receipts, insurance claims, property liens, as well as verbal declarations of ownership.

Submitting department members shall link, in the BEAST, owners or finders to each item submitted to Property & Evidence along with their most current address.

If no owner can be linked to the listed property, department members shall document under their case or supplemental reports the reason why ownership could not be identified.

Up until the final disposition of collected property, investigators shall continue to regularly review and update the ownership for each item under a case, based on their investigation and findings. Investigators shall complete and submit to Property and Evidence a BEAST Correction Form (TPD#940) as soon as owner and address information changes. Property and Evidence will update the information in the BEAST upon receiving the correction form, routing to Records upon completion.

Investigators shall verify all owner information is correct in the BEAST when authorizing final disposition of items on a case. Items requiring additional owner information shall be added to the Property Release Form.

If rightful owners of property are incarcerated in a correctional facility, investigators shall provide the address of the correctional facility as a person’s most current address. If known, any POD or Inmate # should be included with the address.

Owner Notifications

Upon adjudication and authorization to release, Property and Evidence will provide opportunity and notification for owners to claim their personal property, unless items are deemed court ordered forfeited or contraband. The Property & Evidence Section shall provide written notification to owners using the most current address available. Property

and Evidence determines the most current address based on the last known contact between the owner and an officer, an investigator, a booking facility, a correctional facility, or MVD.

Owner notification shall advise the owner that property must be claimed within thirty days of the date of mailing. In the event a response is not received by the end of 30days, the owner disclaims interest, ownership of the property, or the property is not picked up, property may proceed to be purged by the department according to established procedures.

Miscellaneous Documents

Cellular phones that are retained for investigation and not immediately turned over to the control of the Property & Evidence Section shall be entered into the BEAST. A *Cellular Phone Evidence Tracking Slip (TPD 3263)* shall be filled out by the submitting officer. The form can be located on Share Drive/Forms or in any Department Evidence Packaging room. Cellular forms shall only be used with cellular phones or cellular tablets requiring urgent data recovery and network protection. Forms should include a copy of the cellular device's BEAST barcode label, the phone's serial number and the name of the detective maintaining custody of the phone. Submitting officers shall include their signature on the affixed barcode label. Completed tracking forms shall be submitted to an evidence overnight storage bin, in substitution for the actual cellular phone. Further exchanges between investigators shall be captured using the BEAST signature pad located at each substation. Phones turned over to an outside agent or lab will require a signature on a printed property receipt from the WebBEAST or BEAST station. Signed receipts shall be returned to Property and Evidence by means of an evidence overnight bin.

Upon receipt of the Cellular Phone Tracking Form, Evidence Supervisors shall ensure the information provided on the form is entered into the BEAST. Cellular phones shall continue to be packaged, sealed and labeled according to established evidence procedures, prior to returning to Property and Evidence for storage.

When submitting firearms, the officer shall complete a firearm safety label and accurately complete the electronic *ATF Gun Tracing Form* found in the BEAST. The Tucson Police Department Gun Crimes Reduction Unit will quality check the form and forward the firearm data to ATF's ETRACE. Results will be filed to case file.

An itemized list of seized property shall be left behind at all search warrant scenes. This can be accomplished by filling out a *Search Warrant Inventory Form (TPD 2320)* or by generating an electronic receipt through the Mobile BEAST Field Kit and attaching the chosen form to *Arizona Inventory Affidavit and Return of Search Warrant Form (TPD 2327).*

BEAST Corrections

Property submitted to Property and Evidence that cannot be entered into BEAST due to computer malfunction, shall be documented on an *Evidence Informational Data Sheet*

Form (TPD 931A). The Property & Evidence Section will electronically enter all information on the form into the BEAST. The form is then filed in Records. When using the form, the officer shall write the case number and item number on the outside of each sealed package. Informational sheets shall be submitted with the property through an overnight bin.

Department members shall not make duplicate entries in the BEAST in an attempt to correct a previously entered mistake. Department members, with the exception of members within the Property & Evidence Section, who need to edit information in the BEAST shall submit a *BEAST Evidence Correction Form (TPD 940)* to the Property & Evidence Section. Upon completing the requested changes, Property and Evidence shall file the correction form in the Record's case file. Request to delete firearms, drugs or money shall require supervisory review and approval.

Department members shall cross out any erroneous information on the labels and shall handwrite the correct information on the label. Corrected labels shall continue to be affixed to the item(s) and shall be submitted with the correction form.

Officers shall contact both Property and Evidence and the Records Section when property is erroneously entered under the wrong case.

8231.5 **Items Not Accepted**

The following items shall not be submitted to Property & Evidence:

Chemically Contaminated: Suspected biological and chemically contaminated letters, packages, and any possibly hazardous or unknown substance shall require a Hazmat call-out.

Compressed Gas Containers: Any compressed gas containers over 17 ounces should not be transported and will not be accepted by Property and Evidence. Prohibited compressed gas containers, full or empty, shall be turned over to TFD Hazmat.

Electronic Cigarettes/Vaporizer: Due to the potential for these devices to spontaneously explode and catch fire, only the cartridge is accepted. Remove the cartridge and package it in the appropriate plastic bag. Use a "sharps" or other liquid safe container if there is concern of leaking. The devices shall be left behind and not submitted to Property and Evidence.

Explosives: At no time shall any unexploded or questionable explosive device or incendiary item be submitted to the Property & Evidence Section. A member of the EOD unit shall examine all items of an explosive nature to verify the safety.

Fireworks: All fireworks shall be placed in the designated fireworks shed located at Operations Division Midtown with a BEAST barcode label attached. The submitting officer shall notify the EOD Unit when items are placed in the shed.

Liquids and Gasoline: If liquids must be submitted as evidence, a small, one (1) ounce sample or less (enough to cover the bottom of the container), shall be packaged in a sealed, spill-proof container, and the remainder appropriately discarded. Indications shall be made on the case report explaining why the item was destroyed. Flammable liquids shall be disposed of in Hazardous Waste Containers located at each substation or by TFD Hazmat. Gasoline or flammable liquid samples shall only be accepted in an authorized airtight glass container, such as a mason jar.

Perishables: All perishables shall be photographed, DNA collected (if necessary), and immediately disposed of. Indications shall be made on the case report explaining why the item was destroyed.

Shoplifting: All shoplifting evidence shall be photographed and returned to the retailer. The Property & Evidence Section will not accept shoplifting evidence without a memo of justification, stating the reason for submission.

8232 Packaging of Property and Evidence

8232.1 General Rules

All property and evidence held by the department shall be inventoried and tracked using an individually assigned item number and barcode. Barcode labels shall be cross-referenced to the item collected. Submitting department members shall sign the barcode label upon submitting to Property and Evidence.

Numerous items of similar character/type may be packaged together if there is no concern of cross-contamination or separate ownership. Items packaged together in a single package shall be tracked using one item number and one barcode label. All items in the package shall be briefly described in the item “description” field. Items that cannot be listed in the “description” field shall require separate packaging.

Safes and other storage containers shall be opened and the contents inventoried and packaged separately. Keep the safe door secured or propped open with cardboard so the empty interior can be verified. Locked safes are not accepted. Department members need to call a locksmith (contracted company is listed on TPD Wiki).

Item description containing “miscellaneous” items will not be accepted. Officers shall itemize the contents of containers & backpacks and describe in detail. Designer brands, collectibles, artwork, jewelry, and items of high value should be photographed and packaged separately. Quantities shall reflect the number of items in the package.

Property shall be handled, packaged and marked in a manner that protects the integrity of the item and its evidentiary value, causing as little damage as possible.

All packaging shall be new and unused, and sealed with either clear plastic evidence tape or by using self-sealing plastic evidence bags, to prevent accidental loss and tampering of the contents. Only departmental approved evidence tape, bags, envelopes, and packaging shall be used.

The person sealing the items shall inscribe his/her initials and payroll number across the seal of the tape and packaging creating an "integrity seal." Integrity seals shall be inscribed with permanent ink.

Property packaged in plastic evidence bags shall be free from moisture. Wet items shall be thoroughly dried or shall be packaged in breathable paper packaging.

Exposed electronic circuit boards and hardware containing possible digital evidence shall not be packaged in plastic evidence bags and will be submitted in paper packaging.

Barcode labels shall not be used to seal packaging. When the collecting and submitting officer are the same individual, both the integrity seal and the barcode label shall be signed/initialed, as outlined above.

All property shall be packaged in size-appropriate packaging approved by the Property & Evidence Section. To ensure a tight seal, evidence bags shall not be overstuffed. When an item is too large for packaging, a property tag shall be securely attached with the barcode label attached to the tag. In order to avoid property damage, barcode labels or property stickers shall not be directly affixed to an item.

Items considered "evidence" shall be packaged separately from "found property," "prisoner property," and "property for safekeeping." Whenever possible, consideration should be given to possible cross-contamination. If possible cross-contamination exists, then each piece of evidence shall be packaged separately.

All property submitted from death cases, including suicides and accidental deaths, shall be classified as “evidence” in the BEAST.

Items belonging to various owners shall require separate packaging.

Officers shall record all serial numbers, identifying markings, and owner-applied numbers in the BEAST.

When submitting currency and/or narcotics, department members shall record any packaging and submission on their Body Worn Camera (BWC) if issued one.

If it is questionable how an item should be collected and/or packaged a member of the Crime Scene Unit, Property & Evidence Section, or Crime Laboratory shall be consulted prior to handling the evidence or property.

8232.2 **Right of Refusal**

The Property & Evidence Section shall refuse any item(s) not packaged correctly or in department-approved packaging. It is the responsibility of the packaging officer to correct all errors immediately upon notification by the Property & Evidence Section.

Property held in "discrepancy" shall not be removed or transferred from Property and Evidence until the notified officer completes the necessary corrections, unless otherwise approved by an Evidence Supervisor or the Evidence Superintendent.

8233 Marijuana, Narcotics, and Prescription Drugs

When submitting any items, including liquids, tablets, powders, and solids believed to be marijuana, a narcotic or prescription drug, the entire quantity shall be placed into Evidence under the following drug submission guidelines:

General

Narcotics, marijuana and prescription drugs shall be packaged separately from each other, and shall be packaged separately from any paraphernalia, or other items. Marijuana or powdered narcotics found in baggies or loose inside a container shall not be removed from its original packaging. All illicit drugs shall be double bagged to avoid leakage and unintentional exposure to fentanyl or other dangerous material. Loose drugs shall be placed in a “baggie” or coin envelope prior to packaging to avoid leakage. The Crime Laboratory shall be responsible for separating loose powder type narcotics from any paraphernalia, storage containers, or other items if requested. Marijuana greater than ten pounds and narcotics greater than one pound shall have both a core and court sample taken. The core and court samples shall be packaged separately from the bulk of the confiscated substance and shall be assigned a separate item number. Prior to sampling, photos shall be taken of the entire amount documenting its found location and the condition of the narcotics and/or marijuana. The identifying case number shall be included in the photos. A member of CNA’s Hazmat team or a member of the Crime Laboratory shall be contacted to assist with the core sampling if there is concern about airborne exposure to fentanyl or other unknown substances.

Marijuana greater than ten pounds and narcotics greater than one pound, not identified as a court sample, shall be submitted to Evidence with a *Notice of Destruction* F*orm (TPD 2560).* A *Notice of Destruction Form* shall be served at the time of seizure and appropriate signatures obtained. Marijuana either discovered by itself or in an abandoned vehicle, or where there is no person involved to whom a *Notice of Destruction* can be served, shall have noted on the bottom of the form, “Found Abandoned.”

Marijuana and narcotics shall only be weighed on department approved scales, which are calibrated in accordance with Crime Laboratory specifications. All field scales must be approved prior to use and calibrated annually by the responsible owner. Calibration logs shall be maintained, indicating compliance and shall be available upon request of the Property & Evidence Section or Crime Laboratory.

Fingerprint analysis requests on all marijuana or narcotic wrappings & packaging shall be submitted to the Crime Laboratory within twenty days of the date of seizure. Fingerprinting will be limited to the identified court samples.

Large drug cases, in which special circumstances require the entire load to be preserved, will not be accepted without a memorandum from the officer’s lieutenant, specifying the

specific reason for retention and the exception to the County Attorney's drug retention guidelines.

Narcotic, Prescription and Illicit Drugs

Field narcotic testing shall be handled in accordance with Crime Laboratory testing procedures and shall be completed by the submitting officer prior to submitting the suspected narcotic to Property and Evidence. Personnel handling any loose powder shall consider the substance potentially lethal and will use Personal Protective Equipment (PPE) when weighing, field testing, and packaging.

Evidence confiscated from a possible methamphetamine lab shall be submitted directly to DPS for testing. Only DPS samples shall be accepted by the Property & Evidence Section, and must include a copy of the DPS lab report upon submission.

Mass Pharmaceutical Collection and Destruction Program

A minimum of two officers shall be made available for any community event, which requires the collection of expired prescription drugs.

For prescription drugs collected during a mass disposal and destruction program, officers will ensure that glass containers, inhalants, syringes, or auto-injectors are not included during the collection of drugs. Prescription drugs collected during a community event shall be combined within a large plastic bag placed within a cardboard box. It is not necessary to itemize each prescription received.

At the conclusion of the mass collection, the two officers shall seal the bag(s) containing the collected pharmaceuticals and then seal and initial the cardboard box that contains the bag of pharmaceuticals. A "miscellaneous officer" incident report shall be generated. The collecting officers shall document in their case report the name of the persons sealing the container(s) and the number of boxes collected.

Each sealed container shall be entered into the BEAST as a separate item number as "safekeeping." The Drug Enforcement Agency (DEA) shall be the listed owner. Two officers shall transport the sealed prescription drugs to EPIC and lock the drugs within a secure evidence bin or cage.

Prescription Drug Drop Box Procedures

Prescription drug drop boxes may be placed in substations and the police headquarters building at the discretion of the Chief of Police. Drop boxes shall be placed in areas that are accessible to the public during business hours, but are secured when substations are closed and not staffed. Drop boxes shall be affixed to either a wall or the floor, and shall be located within sight of the front desk officer. Drop boxes will remain under the control of the Property & Evidence Section and shall be secured with two padlocks: one with an Evidence key stored in the Evidence Supervisory lockbox and the second with a key provided to each individual police facility accessible by the front desk officer.

Only pills, powder, and patch forms of drugs may be placed into the boxes. Officers assisting the public will ensure that glass containers, inhalers, other aerosols, syringes, auto-injectors, liquids, and ointments are not placed into the boxes.

Members of the community wishing to utilize the drop box will be directed to the front desk officer, who will visually determine if the surrendered medications are acceptable. Officers will not take possession of the substance nor handle it in any way, unless the substance is to be seized as evidence of a crime. After confirming the form of drug is acceptable for the box, members of the community will be provided with a sealable plastic bag. They shall be directed to pour the substance into the bag and seal it. Community members keep the original packaging and place the sealed bag into the designated prescription drop box. All rejected medications and pill containers shall remain in the possession of the community member and shall not be accepted by TPD. Members of the community attempting to drop off mass quantities of prescription drugs, such as prescriptions collected at a medical facility or group home, should be referred to the next community Drug Take Back event.

The Property & Evidence Section shall be responsible for emptying each drop box no less than twice per month. Another member of the department shall witness the emptying of each drop box, and shall sign the seals, along with the transporting technicians. The transport, storage and disposal of the collected medications shall be handled under the protocols outlined in the Evidence Section Procedure Manual.

Marijuana

Marijuana shall be packaged separately from narcotics and prescription drugs.

All marijuana greater than four pounds shall be accurately weighed and verified by two officers prior to packaging, sealing, and submitting to Property and Evidence. Weights shall be noted on the *Drug Weight Log (TPD 3241)* and signed by both verifying officers. Completed weight logs shall be submitted with the marijuana.

Live marijuana plants shall be packaged in paper bags.

Safety recommendations require all large quantities of marijuana to be packaged and sealed in 4-mil or greater polyethylene bags. Consideration should be given to the number of bails sealed in each bag, with each bag not exceeding approximately forty (40) pounds. Property labels shall be secured to the outside of each bag.

Paraphernalia

All syringes shall be placed in a syringe holder prior to packaging, and all sharp objects shall be double-packaged in a manner that will reduce the chance of injury.

All syringes seized in connection with narcotics arrests or investigations shall be placed into evidence.

Bongs submitted to the Property & Evidence Section shall be photographed at the scene and dismantled. When dismantling, the bowl containing possible residue shall be packaged in an evidence bag or envelope and kept separate from the rest of the bong. The bowl and the bong shall be assigned separate item numbers. If a bowl is non-removable, this needs to be indicated in the item description in BEAST. All necessary fingerprinting shall be completed at the scene. Per established agreements with the Pima County Attorney's Office and City Prosecutor's Office, the bong will be destroyed upon acceptance into Property & Evidence, unless otherwise indicated by the submitting investigator.

8233.1 **Core and Court Sampling**

Court Sample Definition: ARS 13-3413 sets forth the statutory requirements for the retention and destruction of evidence. It states when ten or more pounds of marijuana are seized, ten pounds may be retained for court representation purposes as evidence. For other substances listed in ARS 13-3413 that exceed one pound, one pound of the substance may be kept as a representative sample.

A representative court sample shall be retained from each location where contraband is found (e.g., kitchen, bedroom, garage, and/or vehicle). The identified court sample(s) shall represent the different types of wrappings used to package the narcotics or marijuana.

Random core sampling used for the purpose of laboratory analysis shall be reasonably based on the size and quantity of the seizure. Core samples shall be taken of each selected court sample.

8234 Bio-Hazardous Materials

8234.1 **Packaging and Drying**

Any material of a biological composition, which constitutes a threat to people or the environment, shall be identified as bio-hazardous on the packaging it is contained in by using a red bio-hazardous sticker, and shall be handled using universal precautions and protective equipment.

To avoid contamination, bio-hazardous materials shall be packaged separately from any other items and when necessary transported using a red-biohazard bag. Upon delivery of the items to the drying cabinets, the red biohazard bag may be disposed of.

Plastic bags should not be used for packaging wet items.

Department members shall **dry** all wet evidence prior to packaging. Items that cannot be easily dried shall be transported and secured inside the drying cabinets located at EPIC.

Items locked inside a drying cabinet will revert to the control of the Property & Evidence Section. Members of Property and Evidence shall package the dried items and document

the chain of custody. Evidence personnel shall package the cabinet filter, paper lining and any packaging submitted to the drying cabinet with the wet items.

Transporting department members shall create an item barcode label for each item submitted to a drying cabinet. The barcode label associated with the wet item shall be placed in the pouch on the outside of the drying cabinet.

When using the drying cabinets, victim and suspect clothing shall be dried in separate cabinets to avoid cross-contamination. Clothing shall be arranged in a manner that allows air to flow freely through the items.

If and when drying cabinets are full, wet items shall be packaged, labeled, and sealed inside a paper bag and temporarily placed in the overnight refrigerator. Leaking packages shall be place inside a red biohazard bag to avoid possible cross-contamination of other refrigerated items. Items too large for refrigeration shall require an Evidence call-out.

Department members shall minimize the handling of objects when packaging bio-hazardous items. All tables, supplies, computers, etc., shall be wiped down with a bleach solution prior to leaving any packaging area.

8234.2 **Biological Evidence**

Refrigerated evidence shall be packaged separately from all other property.

Only the following items should be placed in the overnight refrigerators: OME collections, evidence heavily contaminated with bodily fluids, sexual assault kits, blood-drawn samples, urine samples, perishable liquid samples, and used diapers. All other wet evidence should be dried in the drying cabinets. Such evidence shall be submitted as soon as possible to minimize the possibility of degradation.

Biological swabs shall be air-dried and submitted using the lab-approved swab envelopes. Biological swabs do not need to be refrigerated and may be submitted through the overnight storage bins.

Department members shall complete a DPS form 802-01550 (Agency Request for Scientific Examination) when submitting blood or urine for traffic-related offenses if drug intoxication is suspected. This form shall be submitted with the blood or urine.

No oversized items suspected of containing biological evidence shall be placed into the biological refrigerators. Instead, large items shall be air-dried and packaged, with samples taken as deemed necessary. A member of the Crime Scene Unit shall be called if presumptive biological testing and sampling is needed in the field.

8235 Firearms and Ammunition

8235.1 General Handling of Firearms and Tasers

All firearms shall be rendered safe (**completely unloaded**) prior to submitting to the Property & Evidence Section.

Submitting department members shall verify the safety of the weapon and sign the firearm verification sticker located on the outside of the gun box.

To avoid the potential loss of evidence, officers/detectives shall avoid defacing or disassembling a firearm, beyond removing any ammunition and rendering the weapon safe. When rendering a weapon safe, officers shall use a cable tie to immobilize the action of the weapon. At no time shall flex cuffs, pencils, wadded paper or any other item be placed in the barrel of the weapon.

Ammunition should not be removed from or placed back into a magazine. Bullets and magazines shall be packaged separately from firearms. When packaging, consideration should be given towards the recovery of trace evidence.

Firearms shall be packaged in -department-approved firearm packaging. Firearms shall be packaged in a manner that allows the cable tie to be viewed through the clear part of the packaging.

Large rifles that do not fit inside a standard rifle box shall be packaged in the extra-large rifle boxes designed for assault rifles and rifles with large scopes or magazines. No other item shall be packaged in these extra-large boxes without authorization of the on-call Evidence Supervisor (located in TPD Wiki – Evidence).

Firearms that cannot be packaged in a manner that allows the cable tie to be visible from the outside of the package shall require an Evidence call-out.

All recovered, abandoned, and found firearms shall be classified as a crime gun and documented as “evidence” in BEAST.

Firearms seized for the purpose of temporarily safeguarding shall be documented as “safekeeping” in BEAST.

Firearms relinquished to a department member shall be entered as “evidence” and a destruction form completed and submitted. The firearm will be auctioned according to current State law.

An electronic *ATF Gun Trace Form* shall be completed in BEAST for all firearms, with the exception of department-owned and issued guns.

The Property & Evidence Section will automatically deliver incoming firearms and casings to the Gun Crime Reduction Unit for review and entry into NIBIN. Investigators, in conjunction with the Gun Crime Reduction Unit, shall ensure all incoming firearms are

reviewed and/or test-fired for entry into NIBIN prior to closing the investigation. Investigators may proceed to authorize final disposition on firearm cases older than four years if they were not previously tested by the Gun Crime Reduction Unit.

Whenever possible, batteries shall be removed from Tasers and other conducted electrical weapons. If batteries cannot be removed the officer shall tape down the on/off switch in the off position prior to packaging.

8235.2 **Unsafe Firearms**

A member of the Department's Armory or EOD Unit shall be contacted and will take possession of any black powder firearm or regular firearm, which cannot be rendered safe or cannot be determined as safe.

If a member of the Armory or EOD is not available, unsafe firearms shall be secured in an evidence locker with a WARNING memorandum attached. This memo shall be clearly visible and state the attached firearm is loaded and unsafe.

No member of Evidence shall handle or transport any unsafe weapon, including weapons that do not have a properly attached cable tie that can be viewed from the outside of the package.

All black powder firearms shall be handled as an explosive and placed in the bomb shed, with notification made to EOD.

8235.3 **Firearms-Related Orders of Protection and Safekeeping**

Firearms transferred to the Department for safekeeping, as provided for under an *Order of Protection,* shall be submitted with a copy of the *Order of Protection.*

Firearms submitted for safekeeping reference domestic violence or Orders of Protection shall be flagged in BEAST with either "domestic violence" or "Order of Protection" written in the notification field.

All firearms submitted to the Property & Evidence Section, including firearms classified as "safekeeping" under a domestic violence incident or an Order of Protection are subject to NIBIN testing.

Safekeeping firearms related to a domestic violence incident may be held up to ten days by the department before releasing back to the owner, and shall not be returned any sooner than 72 hours. Firearms held for safekeeping associated with an order of protection will not be released from Property & Evidence until the Order of Protection has expired.

The Property & Evidence Section shall conduct prohibited possessor background checks on all firearms released back to community members.

8235.4 **Ammunition**

Ammunition and casings shall be separately packaged from all other property including firearms.

Bullets and fragments shall be packaged in a manner which avoids damaging or scratching the casing or bullet. **Do not** place tape or mark directly on the bullets, casings, or magazines. Fingerprint and DNA evidence, as well as ballistic evidence, should be considered when packaging the item.

When possible, bullets lodged in an object shall be removed by cutting and removing a section of the object, instead of removing the bullet itself.

8236 Currency

8236.1 **Prisoner Property, Found Property, Safekeeping, and NON-FORFEITURE Evidence**

Currency taken for prisoner property and safekeeping shall follow the listed procedures.

- All currency shall be packaged separately.
- Personnel shall document where currency was located and photograph and/or record on body worn cameras (BWC) in place when possible. When feasible, the BWC will record any contact involving currency. Currency from different locations, including pockets and clothing, shall be kept separate, documented and processed separately.
- All currency shall be counted by listing the number of denominations only, in the provided cash count of BEAST. Do not manually total the amount; allow the BEAST system to calculate the total.
- For amounts over $100, two officers shall separately count and sign the cash count
- BEAST label
- For all amounts over $1,000, two officers shall separately count and sign the cash count label in the presence of a sworn supervisor. When possible, the BWC will record the currency count verification and submission of the evidence envelope into the following authorized locations: This currency shall be submitted directly to an Evidence technician or locked in the currency drop box in records at 270 South Stone or at EPIC in the blue evidence drop box.
- For amounts believed to be over $10,000, an Evidence technician call-out is required. The currency shall be photographed in place.
- Large sums of coins and bills may be counted using the Property & Evidence Section coin or bill counter. Such use will require an Evidence technician call-out.

8236.2 **Currency Taken for Possible Asset Forfeiture by the Counter Narcotics Alliance (CNA) or Special Investigations Section (SIS)**

If an investigation possibly involves criminal activity, such as organized crime or narcotics that may lead to forfeiture procedures, CNA shall be contacted. Items, including currency,

may be taken as evidence for further investigation and considered for forfeiture. CNA will refer Organized Crime cases to SIS.

- All items shall be labeled as evidence. The currency is evidence until deemed seized by CNA personnel. Do not mark or refer to items as seized or forfeited.
- Personnel shall document where currency was located and photograph and/or record on body worn cameras in place when possible. When feasible, the BWC will record any contact involving currency. Currency from different locations, including pockets and clothing, shall be kept separate, documented and processed separately.
- Personnel **shall not** document total amounts of currency nor BEAST any item being deposited into a CNA safe. The City of Tucson Collections Office is the only entity authorized to provide definitive counts of large sums of money. All money deposited at the Collections Office shall be counted at least twice with matching counts.
- Coins and currency less than $100 require authorization from a CNA supervisor, prior to submission for forfeiture.
- If CNA personnel are at the scene, they will take custody of the currency which will be placed into an evidence envelope, sealed and initialed by two officers. The officers shall document the date and time the currency was placed into the evidence envelope. The evidence envelope will then be placed into a security pouch and transported to a CNA safe by two members, including at least one CNA member. If the amount is estimated to exceed $5,000, a CNA supervisor shall respond to the scene. The supervisor shall ensure all procedures have been followed and escort the money to a CNA safe. Once secured, security pouches can only be opened with keys from the City Hall Collections Office. Custody of the currency is effectively transferred to the City Hall Collections Office at the conclusion of the second, matching count.
- CNA shall follow their procedures outlined in the CNA Policies and Procedures Manual on taking currency for potential forfeiture items.
- Any deviation from these policies requires notification of the involved chains of command. If the currency is to be placed into Evidence, an Evidence supervisor will also be notified. Any discrepancies that occur after a security pouch is opened at the Collections Office, including mechanical break downs, require notification of the Tucson Police Finance Manager.

8237 Property & Evidence

8237. Latent Fingerprints

Latent fingerprint cards shall be submitted in an approved latent envelope and packaged separately from all other items.

Each latent envelope shall be assigned one item number in the BEAST. Multiple latent lift cards may be submitted in one envelope if collected from the same address location. Latent prints lifted at multiple address locations shall require separate envelopes and separate barcode labels.

A BEAST barcode label shall be attached to the front of each latent envelope. The description of the item shall indicate the number of latent lift cards inside the envelope.

Latent envelopes shall be sealed with evidence tape and the collecting officer shall initial each seal.

Each latent lift card shall be filled out completely and shall include both a diagram and description of where and what the latent lift was from.

8237.2 **Packaging of Paint and Vapor Emitting Articles**

Paint chips shall be collected so as to keep them intact. Chips shall be placed in a paper envelope or plastic petri dish. Avoid using tape when collecting. The preferred method is to photograph and remove the entire smeared area by cutting around the identified area of interest.

Liquid paint shall be left in its original container and packaged to prevent breakage or spilling. If only a sample is needed, remove a small amount of paint using a sample bottle or vial, and discard the remaining paint.

Spray paint cans should be photographed, sampled and fingerprinted at the scene. Full cans of spray paint are considered combustible and require special storage considerations. Whenever possible, spray paint cans should be disposed of at the scene or emptied. Spray paint cans submitted to the Property & Evidence Section shall be completely emptied and noted as such in the description of the item, or shall be packaged separately and labeled as a "combustible."

Spray paint samples can be collected using a petri dish or sterile cup and coating the inside.

Cloth containing paint or any other vapor-emitting article shall be placed in an authorized airtight container such as a glass mason jar, metal can or plastic bucket prior to submitting to the Property & Evidence Section.

8237.3 **Tools and Pry Markings**

All tool pry marks and transfers shall be photographed prior to collection.

Tools shall be packaged in size-appropriate evidence bags.

8237.4 **Packaging of Documents**

Documents **shall not** be folded or marked, instead using old creases and previous fold lines whenever possible.

All suicide letters shall be photographed in such a way they can be easily read, prior to submitting the letter into the Property and Evidence Section.

All packaging shall be filled out completely prior to enclosing the questioned document, to avoid unnecessary impressions.

8237.5 **Packaging of Glass and Sharp Objects**

Small glass particles shall be swept into a coin envelope and then sealed inside a department-approved evidence envelope.

Large pieces of glass shall be handled by the edges to avoid damaging any fingerprint evidence. Each piece shall be wrapped in paper to avoid breakage and contact with other pieces of glass. Wrapped pieces shall be sealed and anchored in a handgun or rifle box, prior to submitting to Evidence.

All sharp objects shall be packaged in a manner to protect all individuals who may come into contact with the packaging. This is accomplished by wrapping and securing all sharp edges with paper, prior to packaging.

Whenever possible, small items such as glass pipes shall be placed in a plastic “sharps” container or wrapped in something rigid to protect from breaking.

Syringes, including those that are capped, shall be packaged in a "sharps" container and sealed in a department-approved evidence bag. Unused boxes of syringes may be submitted in their original consumer packaging and bagged appropriately in an evidence envelope or bag.

Syringes which are found/discarded in the field, which are not associated with a suspect or investigation, may be disposed of at the nearest substation in a marked biohazard syringe disposal container. The only required documentation for these items is a *Miscellaneous Incident* report.

8237.6 **Packaging of Hairs and Fibers**

Original clothing or bedding shall be collected in a manner in which all possible hairs or fibers are protected from loss. Individual items of clothing and bedding shall be packaged separately to avoid cross-contamination.

Single hairs and fibers may be collected using plastic disposable tweezers and placed in a petri dish or plastic vial, before sealing inside an evidence bag.

8237.7 **Packaging of Duct Tape**

Used tape shall be placed loosely in a zip-lock bag, prior to placing in an envelope. Do not attempt to untangle or unstick the tape.

8237.8 **Bicycles**

Bicycles shall be secured in the bike racks located at each substation and shall have a BEAST label attached by means of a property tag and zip tie.

The Property & Evidence Section will collect bicycles a minimum of once a week for storage at the Evidence Impound Lot.

Bicycles containing possible trace evidence and in need of lab analysis shall be brought directly to EPIC. All attempts shall be made to package the bicycle in a manner that will protect the evidence and minimize cross-contamination.

8237.9 **Large and Bulky Items**

Whenever possible, large and bulky items shall be photographed, documented in a case report, and returned to the owner. Upon returning the item, an owner's signature is required on the *Property Release Form (TPD 1412).*

Items that cannot be secured in an Evidence bin or locker shall be transported by the department member to EPIC and stored in the overnight cages.

Items that cannot be transported via a passenger vehicle, patrol car or van, or cannot be secured in an overnight cage, shall require an Evidence call-out.

Items requiring additional forensic collection of trace evidence, such as fingerprints and DNA, shall be packaged in a manner that protects the item from contamination, prior to submitting to Property & Evidence.

8237.10 **Compressed Gas, Combustibles, and Flammable Liquids**

Combustible items shall be safely contained in TFD Hazmat-approved containers. TFD Hazmat shall be called out if containers are not readily available.

A maximum one-ounce sample of any hazardous liquid shall be placed in a glass jar and the remainder appropriately disposed of in accordance with TFD Hazmat regulations. Disposed items shall be documented in the officer's case report. Empty containers may be packaged and submitted separately. Flammable liquid containers, which require fume analysis, shall have the caps secured and shall be packaged in an authorized airtight container, such as a glass mason jar, metal can or plastic bucket.

Vehicle batteries, with exception of those connected to an impounded vehicle, shall be drained prior to submission to the Property and Evidence Section. TFD Hazmat shall drain battery acids.

Petroleum-based liquids shall be disposed of in the yellow gasoline disposal barrels located at each of the substations.

Gas cans shall be emptied prior to packaging and submission. Gas cans which require fume analysis shall have the caps secured and should be packaged in an authorized airtight container, such as a 5-gallon plastic bucket.

Vapor emitting articles shall be placed in an authorized airtight container such as a glass mason jar, metal can or plastic bucket prior to submitting to the Property & Evidence Section.

Department members shall not transport containers of compressed gas greater than 17 ounces, regardless if empty or full. TFD Hazmat shall be contacted when seizing a compressed gas container of this size. TFD Hazmat will remove the container and return it to the appropriate owner or drain the containers requiring long-term evidence storage.

Aerosol cans and compressed gas containers less than 17 ounces shall be packaged separately and labeled as "combustible" prior to submitting to the Property & Evidence Section.

Whenever possible, products containing lithium ion batteries shall have the batteries removed and packaged separately.

8237.11 **Biologically and Chemically Contaminated Items and Letters**

Community members may contact the department to handle property and suspicious mail with the concern that the items may have been contaminated with biological or chemical agents. The department has an obligation to the public to address those concerns and to ensure the safety of responding members.

Responding officers shall immediately call-out a member of the EOD Unit if any hazards are suspected. No one, including the responding officer shall handle the item or package. Instead, all individuals shall be moved away from the package and the scene secured until EOD arrives.

8237.12 **Animals**

If a person possesses an animal at the time of arrest, the officer shall make every effort to release the animal to a responsible party or contact the Pima County Animal Care Center.

8237.13 **Prisoner Property and Property for Safekeeping**

Prisoner Property and/or Property for Safekeeping shall be packaged separately from "evidence" and each owner's property shall be packaged and labeled separately.

Prisoner property and property for safekeeping will have an identified owner associated with the property. Submitting department members shall provide the owner's complete name and current address on any reports associated with the property.

Department members shall search all prisoner property prior to submitting to the jail. Any weapons, drugs, and contraband shall be submitted to Property and Evidence in accordance with established packaging procedures.

Contraband holding no evidentiary or tangible monetary value may be discarded. The following items shall be considered contraband, as outlined by the Pima County Adult Detention Center:

- Weapons, including pepper spray, mace, knives, ammunition, etc.
- Tools that can be used as a weapon, such as screwdrivers, hammers, cutting tools, etc.
- Unprotected sharps such as syringes and razors.
- All illegal materials.

Department members shall make all attempts to leave prisoner property behind or in the custody of another responsible party. Only when no other options exist shall large items be booked with the owner.

All large items, such as backpacks and bedrolls, shall be placed inside a plastic bag and sealed with an evidence tag. Evidence tags shall list the prisoner's full name and address, the case number, the date of arrest, and a short description of the item(s) packaged.

When submitting prisoner property to the jail, a "*TPD Prisoner Property Jail Receipt*" shall be completed. The white copy of the jail receipt shall be placed in the provided sheet protector located inside the storage locker. All remaining copies shall be given to the booking clerk. The locker number in which the items were placed shall be clearly noted on the jail receipt.

Property submitted through the jail lockers does not need a barcode label. Instead, officers shall document in their case report items that were seized and locked in the custody of the Pima County Adult Detention Center.

Property submitted directly to the Property & Evidence Section or TPD evidence bins, such as weapons or contraband, shall be entered into BEAST and shall have a barcode label affixed.

All money, jewelry, valuables, wallets, prescription medication, and small personal belongings shall be booked into the jail with the prisoner.

Items too large to fit inside a jail bin, such as a bicycle, shall be submitted at the nearest substation.

Only one jail locker shall be used per prisoner. Department members shall only use TPD designated lockers. If all lockers designated for TPD are full, the prisoner property shall be submitted at the nearest substation or EPIC.

The Property & Evidence Section will pick up items remaining at the jail longer than 48 hours. The original *TPD Prisoner Property Jail Receipt* shall be entered into BEAST by Property and Evidence and shall then be filed with the case in Records.

8237.14 **Found Property**

Found Property shall be packaged separately, and the name and address of the finder shall be documented in the BEAST.

The Tucson Police Department utilizes Foundrop for posting of found property as required by state law. Department members are encouraged to create a new record and photograph the item as valuable found property with no owner information. This will aid in reuniting lost items with their owner. This system is free to the public and department members should encourage community members to create their own account to catalog all of their valuable property.

Found property left unclaimed after its legal retention period shall be offered to the documented finder with the exception of firearms, cellphones, computers, and any item that may contain personal information. These items will require authorization from the sergeant over the assigned division Neighborhood Crimes Section for release or disposal. Finders shall be sent a notification letter by the Property & Evidence Section and shall be given thirty days to claim the property. Found property not claimed within thirty days from the date of notification shall be disposed of in accordance with state and local guidelines.

Responding department members shall not list him or herself as the finder in BEAST and shall not be eligible for unclaimed property.

8237.15 **Evidence Packaging Manual**

As necessary, department members may refer to the TPD Wiki-Evidence Packaging Manual for additional assistance with packaging of items.

8237.16 **Property for Disposal**

Property that holds no evidentiary or monetary value may be disposed by a department member and documented as such in the case report.

Property that holds no known evidentiary or monetary value, which cannot be properly disposed of on scene, shall be submitted to the Property & Evidence Section with a release form authorizing immediate disposal.

8237.17 **Storing Vehicles Classified as Evidence**

The Property & Evidence Section is assigned control of the Department's evidentiary vehicle storage lot.

Only vehicles categorized as "evidence" shall be submitted to the department's evidentiary vehicle storage lot. -. Vehicles that are abandoned, found, or related to a non-lethal traffic violation should be towed to an approved contracted storage facility.

Vehicles managed by the Property & Evidence Section shall fall under the same guidelines as all other "in custody" property.

Vehicles seized for forensic processing shall be secured and locked in a vehicle bay at EPIC. It shall be the responsibility of the case detective to set up an appointment with the Crime Scene Unit for forensic processing. The assigned detective shall notify the Property & Evidence Section when forensic processing is complete.

At the time of seizure, either in a forensic processing bay or in the department's evidentiary vehicle storage lot, the vehicle shall be entered into BEAST. Vehicle keys, tow receipts, and the BEAST label associated with the seized vehicle shall be placed in an envelope and dropped in the key drop box located inside the storage lot or shall be placed in the evidence submission mailbox in the evidence submission room at EPIC.

Officers shall notify TWX of the vehicle's storage location.

Property of both monetary and evidentiary value shall be removed from any impounded vehicle and shall be submitted separately to the Property & Evidence Section, per established procedures.

Refer to *General Orders Section 2800* for additional instruction on evidence collection, *towing*, impounding, and inventorying of vehicles.

8237.18 **Seizure of Computer Equipment**

Investigators are confronted with a diverse set of ever-changing electronic devices, which are used for both legitimate and illicit enterprises. Direct and trace evidence can be left by subjects that can provide investigators with valuable information and evidence. In order to preserve the evidentiary value of this information, proper precautions must be taken when seizing and examining these electronic devices.

Some of these devices include:

- Computers
- Digital cameras
- Cellular phones and tablets
- Storage devices (e.g., hard drives, USB memory devices, SD cards, memory sticks)

Because of the evanescent nature of the data on these devices, it is essential that the proper method of seizure is exercised. These procedures also prevent the introduction of new data, or the destruction of current data on the device or media. The seemingly simple act of viewing a file or powering on/off a computer can drastically alter the data on a device and compromise its evidentiary value or admissibility in legal proceedings.

An instructional guideline shall be available for members to help with the successful seizure of computer equipment. Guidelines may be found on the Department's Share Drive/Forensic_Private/Forensic_Evidence.

8240 CHECKOUT AND RETURN OF PROPERTY

8241 General

Authorized department personnel shall only remove items from the Property & Evidence Section for the purpose of investigations, court, or training unless otherwise approved by the Chief of Police or Chief's designee.

Chain of Custody shall be maintained through the use of the Barcoded Evidence and Statistical Tracking System (BEAST). Property Control Receipts shall be generated through this system.

Personnel taking custody of property for trial purposes shall request a copy of the property receipt if the item is expected to be entered as a court exhibit.

Receiving parties, with the exception of Property and Evidence personnel, shall provide a signature upon exchange (either electronic or manual). Receipts and property become the responsibility of the signing member until transferred to another individual or returned to the Property & Evidence Section.

Property retained in court or by another law enforcement agency shall also be tracked by means of a signed receipt. Completed receipts shall be turned over to the Property & Evidence Section for data entry and filing.

The Property & Evidence Section will notify the last documented officer on a case, who has property checked out under his/her name longer than thirty days. Notified officers shall immediately contact the Property & Evidence Section with the status of the item. Officers shall either return the requested item or shall provide the necessary receipt documenting the exchange of custody.

When applicable, department personnel shall give a minimum of forty-eight hours' notice to the Property & Evidence Section when requesting property. "Mass viewing" sessions involving multiple prospective owners viewing large amounts of unidentified property shall require the approval of the Evidence Superintendent.

Personnel will be expected to produce approved departmental identification before property will be released.

Property may be returned to the Property & Evidence Section by means of the customer service counter or through any authorized evidence bin or overnight storage room. When returning via an evidence bin, department members shall complete an electronic transaction in the BEAST indicating to which drop off location the item(s) were returned.

8242 Narcotics, Marijuana, Currency, and Prepaid Currency/Gift Cards

Only authorized personnel shall view and/or check out narcotics, marijuana, prepaid currency/gift cards, and currency from the Property & Evidence Section, under the following conditions:

- **Subpoena:** Personnel shall present a subpoena upon checkout of narcotics, marijuana, prepaid currency/gift cards, and currency. The subpoena shall list the officer's name, purpose of release, case number, date and time of trial. Narcotics and marijuana shall only be released on the day of trial, up to and including the stated time of the trial. Items not picked up by the stated trial time shall not be released and a new subpoena will need to be issued.

- **Commander Memorandum:** Personnel shall present a memorandum from an Assistant Chief, Deputy Chief, or the Chief of Police authorizing the viewing or removal of the narcotics or marijuana. The memorandum shall include the receiving officer's name, case number, the purpose of the release or viewing, and the chief's signature.

- **Release for Analysis:** Members of the Crime Laboratory and authorized members of the Identification Section shall present a signed *Request for Analysis Form* signed by the Chemical Analysis Section Coordinator, Crime Laboratory Superintendent, Identification Superintendent or designee, Crime Scene Specialist Supervisor, or Forensic Division Administrator, authorizing the removal of currency, narcotics or marijuana. The analysis form shall include the name, case number, requesting agency, requesting agent, and a list of items to be analyzed. All analysis forms shall be the original form with the authorizing parties inked signature (no copies).

8250 RELEASE OF PROPERTY

8251 General

Property legally seized as evidence will be released to the person claiming ownership after the provision of state, city and federal statutes have been met; when the case has been adjudicated; when authorized by an assigned detective; or upon the issuance of a court order.

Where private possession of property is not illegal or otherwise proscribed by law, it shall be returned to the legal owner unless the owner's whereabouts are unknown, or the owner is unwilling to accept it. When such return is not possible, the item shall be sold or otherwise disposed of in the manner prescribed by law.

Whenever possible, members of the Property & Evidence Section shall send A *Notice of Property Disposition* letter to any identifiable owner, informing them of property held in the Property & Evidence Section and the guidelines associated with disposal of unclaimed property.

When there is an absence of a known owner, items shall be released to those individuals in which a valid claim is made. Valid proof of ownership is established by either court order, detective authorization or as indicated in BEAST and/or property records.

Property and Evidence personnel shall be responsible for conducting prohibited possessor checks on all weapons, ammunition, and ballistic vests released back to an owner. Individuals found to be prohibited shall not receive their item, unless otherwise instructed by a court order or under the guidance of the department's Legal Advisors Office.

8252 Conversion of Property to Department Use

City of Tucson Procurement Code and State Law allows for unclaimed property determined to be of use in police operations to be retained and utilized by the department.

Forfeited and unclaimed property intended for departmental use and housed by the Department's Property & Evidence Section, with the exception of currency, computer electronics and vehicles, shall be distributed through the Property & Evidence Section.

Computer electronics shall be distributed through the Technology & Logistics Section as outlined by their internal procedures. The Technology & Logistics Section shall distribute vehicles.

The Technology & Logistics Section shall maintain the original court documents and vehicle title of vehicles converted to department use. When the department no longer needs the converted vehicle, the vehicle and associated documents shall be turned over to the Property & Evidence Section for auction or disposal.

Departmental units or outside law enforcement agencies with specific equipment needs shall submit a memorandum justifying their request from their division commander to the Evidence Superintendent. The memorandum shall indicate the items needed and the intended use. Memoranda shall be generic to the requestors' needs, and shall not include case numbers or specifically identify an item known to be within the Property & Evidence Section.

All items requested shall be for official department use and shall be approved as such by the Evidence Superintendent. Approved items shall be identified, as they become available through the evidence disposal process. All requests shall be honored on a first come-first served basis. Identified equipment shall require final authorization from the Chief of Police or designee. Individuals notified shall have ten days to respond and collect approved items. Any items remaining after ten days shall be redistributed, destroyed, or sent to auction.

With the exception of items checked out for use in a special investigation, all items with a value of $500 or greater shall have an *Inventory Control Form (TPD 1271*) completed by the Property & Evidence Section at the time of departmental transfer. Completed *Inventory Control Forms* shall be routed to the department's Finance Section.

All transferred property is subject to audit and shall be the responsibility of the owning unit.

Reversals and Special Investigations

Under the written authorization of the Investigative Services Bureau Chief, property, drugs, marijuana, and firearms may be checked out for special investigations or training. Written authorization and requests shall be submitted directly to the Evidence Superintendent justifying the items needed.

Investigators checking out property, drugs, marijuana, or firearms for special investigation shall be held responsible for the tracking, security and whereabouts of the items when outside of the control of Property & Evidence. Items shall not be stored in desks, cars, cabinets, etc., but instead shall be locked in a secure safe controlled by the commander of the Section.

Investigators shall be provided with a "Property Compliance Log" at the time the items are removed from evidence storage, and will be responsible for completing and returning the log to Property & Evidence. Items resubmitted under another case as evidence of a crime shall be indicated as such on the log. All original case numbers shall be linked to each item, so property can be traced back to where it originated.

Items and compliance logs shall be returned to Property & Evidence immediately upon completion of the special investigation or training.

All items utilized for special investigations or training must meet all authorizations for disposal prior to distribution.

Commanders overseeing the units in custody of props, reversal drugs, and training displays shall conduct monthly reviews of their safes to ensure items are returned to Property & Evidence within 30 days of check out. It shall be the responsibility of the Property & Evidence Section to notify both the CID Captain and ISB Bureau Chief of any items outstanding over 120 days.

8253 Purging of Evidence

Authorizations

All evidence purged from the Property & Evidence Section shall be purged in accordance with federal, state, and/or local law, under the guidance of the city, county, or federal prosecutor; by court order; or as directed by the department member in charge of the case. Department members shall submit a release form to the Property & Evidence Section approving the release and disposal of evidence within six (6) months under the following circumstances:

- As approved or ordered by the court
- Upon final adjudication
- When the property seized has been determined to no longer hold evidentiary value
- When the release of property is approved to an owner
- All attempts to locate an owner have been exhausted

Department members shall familiarize themselves with the blanket disposal agreements between the Tucson Police Department and the Pima County Attorney's Office and the Tucson City Attorney's Office. These interagency agreements can be found on the Department's Share Drive/Forensic_Private/Forensic_Evidence. If no action is taken by an investigator to either hold or release property upon the expiration of the statute of limitations. The Property & Evidence Section will purge items under the blanket disposal agreements.

Unassigned cases over 3, 6, or 12-months old may be purged at the direction of the sergeant assigned to the investigative unit handling the case by means of a blanket memorandum. The

Property and Evidence Section shall notify all new incoming sergeants of the memorandum on file and allow the sergeant the opportunity to change or authorize the guidelines previously used.

If left unclaimed by the owner after notification by the Property & Evidence Section, prisoner property, safekeeping property, and found property will be purged 30 days from the date received.

Property Release Forms and HOLD Notifications

Investigators shall respond to all disposition requests sent by Property & Evidence within 90 days of receipt. All disposition requests will require a response to HOLD or RELEASE.

As part of an investigator's research for final disposition, and prior to authorizing release of evidence, investigators shall contact the assigned prosecuting attorney if the case was filed in the courts. Investigators should not initiate contact with the prosecuting attorney until they are willing to release the case themselves.

Upon contact, the prosecuting attorney will respond electronically with a signed court disposition to both the investigator and the Evidence Superintendent. Investigators will have 14 days to submit a completed Release or Hold form to Property & Evidence. If no response is received by Property & Evidence Section from the investigator within 14 days of receiving the court disposition, Property & Evidence will move forward under the instruction of the court disposition.

Cases not filed in court may be released/disposed of at the discretion of the case detective based on the facts of their investigation, unit guidelines and city, state or federal laws.

Release forms shall be filled out completely and shall include the name of the rightful owner and their most current address. Separate owners shall require a separate release form. Each item on the case should be itemized and shall indicate if the owner is ineligible to claim the item by providing the necessary disposal justification code.

Department members may request property be held further if time is needed for investigation or adjudication. When necessary, a request for Hold form shall be submitted to Property and Evidence. The Hold form shall indicate the reason for the hold, the item(s) being held, and an indicated amount of time to hold the item(s) before disposal/release. Property & Evidence will send out an additional disposition request upon expiration of a Hold. With the exception of homicides, sexual assaults, runaway juveniles, missing persons, and robberies, notifications on expired Holds will require return notification within 14 days to extend the Hold or it will proceed to disposal if it meets PCAO/CPO criteria under their blanket memo.

It is the responsibility of the case detective to place a Hold on items classified as "found property," if they discover the item is related to an investigation. Investigators shall notify Property & Evidence when a crime classification has changed or falls under a higher classification than what is recorded in the BEAST.

Indefinite holds or unrealistic expiration dates on Holds will not be accepted. Investigators shall not hold cases to avoid case management. Holds should be limited to special circumstances outside the statute of limitations, as a means to temporarily hold the evidence disposal process.

Biological Evidence

Property & Evidence will automatically hold all biological evidence collected in connection with a homicide or felony sexual offense for a minimum of 55 years if classified a "cold case," or for the period in which the person is incarcerated or on supervised release for the offense per *ARS 13-4221* (Preservation of Biological Evidence). "Biological evidence" is defined as sexual assault examination kits, semen, blood, saliva, hair, skin tissue, lab samples or other identified biological material. A "cold case" is a homicide or a felony sexual offense that remains unsolved for one year or more after being reported to a law enforcement agency, and has no viable and unexplored investigatory leads.

Bulk evidence from a homicide or felony sexual offense may be authorized for disposal or release earlier than 55 years only if sampled for biological testing and approved by the prosecutorial entity. Investigators shall make reasonable efforts to provide written notice to the victim prior to authorizing the destruction or release of bulk evidence.

8260 EVIDENCE CALL-OUT

Members of the Property & Evidence Section are available for field call-out 24 hours a day, seven days a week, to assist in the pick-up and transport of oversized and large quantities of property. Evidence technicians shall also be called out when secure storage space becomes unavailable in the provided overnight bins and storage facilities. The Evidence Superintendent shall approve all other requests for call-out, which do not fall under the above criteria.

All scenes shall be secured and requesting personnel shall ensure all items for transport are properly packaged, sealed, and inventoried before calling out a member of the Property & Evidence Section, except for an approved Mobile BEAST call-out.

At all times, a uniform officer or detective will stand by with Evidence until they clear the scene. When necessary, and as requested by an Evidence technician, an officer/detective shall escort the technician and the property to a secure facility.

8270 PROPERTY DESTRUCTION BOARDS

A property destruction board shall oversee and witness the inventory and final destruction or transfer of marijuana, hard narcotics, firearms and currency. These boards shall be convened upon the request of the Evidence Superintendent.

As deemed necessary, any member of a board may request random testing, verification, and/or inventory of the items scheduled for destruction, transfer, or deposit.

8271 Composition of a Property Destruction Board

All destruction boards shall consist of a sworn or professional staff commander, a supervisor, an officer/ professional staff member, and a member of the Property and Evidence Section, with the commander acting as the chairperson. In addition, the Forensic Division Administrator shall provide oversight of any convened destruction board as necessary.

8280 INSPECTIONS AND AUDITS

An inspection shall be conducted at least twice a year by the Evidence Superintendent or designee to ensure compliance with the procedures established for the control of property. In addition, a member of the Audit & Best Practices Unit shall conduct an annual unannounced audit of the Property & Evidence Section. The following areas shall be addressed during the audit:

- Are the conditions of the Property and Evidence storage facilities clean and orderly?
- Is the integrity of the property and evidence maintained?
- Are the established procedures being followed concerning the management and control of property and evidence?
- Is the property and evidence protected from damage and/or deterioration?
- Is the property and evidence, having no further evidentiary value, being released or disposed of promptly?

Whenever the person responsible for the property and evidence control function is transferred or resigns from the position, an audit of the Property & Evidence Section shall be conducted by a member of the Audit & Best Practices Unit along with the incoming property custodian. The purpose of the inventory is to verify that records are accurate and properly annotated. The inventory is meant to ensure the integrity of the system, not to require an accounting of every item of property.