

YUMA COUNTY SHERIFF'S OFFICE

SUBJECT: DISPOSAL OF BIOLOGICAL EVIDENCE	POLICY NO: 507.1 – 507.4
DISTRIBUTION: Administration	NO. PAGES: 3
EFFECTIVE DATE: 09/01/10	
SPECIAL INSTRUCTIONS:	
REFERENCE: A.R.S. §§ 13-3920 and 13-4221	

507.1 PURPOSE:

The purpose of this Policy is to provide guidelines for the disposition, disposal and/or destruction of biological materials collected as evidence being held by the Yuma County Sheriff's Office ("Office").

507.2 POLICY:

All biological evidence held by the Yuma County Sheriff's Office shall be released and disposed of in accordance to the requirements set forth in this policy, pursuant to A.R.S. §§ 13-3920 and 13-4221.

507.3 DEFINITIONS:

A. **Biological Evidence:** Includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue or other identified biological material which is used to aid in proving a criminal offense.

507.4 PROCEDURE:

Property and Evidence Release and Disposal Guidelines

A. Authorized Persons

1. The following persons may authorize the release or disposal of property that has been placed in the Property Room under the provision of this policy:
 - a. The investigating officer, assigned investigator, or the investigator's supervisor
 - b. Any person authorized by the Sheriff
 - c. The Yuma County Attorney's Office

Disposal of Biological Evidence
507.1-507.5

Approved: 
Date: September 13, 2010

2. Any authorization to release/dispose of property must be provided in writing to the Property and Evidence section prior to the Evidence Custodian releasing/disposing of any property held as evidence. A copy of the written authorization will be maintained with the original Property and Evidence Report.

B. Release and Disposal Authority

1. Property seized pursuant to a search warrant shall only be disposed of under the authority of an order from the court in which the warrant was issued, or any other court in which such property is sought to be used as evidence [1].
2. All property categorized as evidence and not seized in a search warrant (see above) shall be held for a minimum of six (6) months from the date of impound unless the owner is known and an authorized person directs the item(s) be released.

C. Homicide Cases and Felony Sexual Offenses

1. Biological Evidence [2]
 - a. All identified biological evidence collected in homicide and felony sexual offense cases shall be retained for the period of time that a person who was convicted of a homicide or felony sexual offense remains incarcerated for that offense or until the completion of the person's supervised release.
 - b. If the homicide or felony sexual offense is a cold case, all biological evidence shall be retained for fifty-five (55) years or until a person is convicted of the crime and remains incarcerated or under supervised release for that offense.
 - c. Upon approval of the Yuma County Attorney, probative samples for DNA testing may be retained and bulk evidence disposed of. Before the disposal of any bulk evidence, reasonable efforts shall be made to provide written notice to the victim.

2. Other Homicide and Felony Sexual Assault Evidence [3] and Other Felony Evidence and Misdemeanor Cases

- a. Other evidence may be released after the conclusion of the convicted defendant's direct appeal and first post conviction relief proceeding, or after the time for initiating the direct appeal and first post conviction relief proceeding has expired, with the written agreement of the prosecutor.

D. Other Felony Cold Cases

1. In other felony cases where there are no suspects or leads, evidence will be retained for a period no longer than the statute of limitations. Evidence may be disposed of prior to expiration of the statute of limitations upon written approval of an authorized person listed above.

E. Misdemeanor Cold Cases

1. In misdemeanor cases where there are no suspects or leads, evidence will be retained for a period of no longer than one year. If after one year, there are no suspects or leads, the evidence will be disposed of. Evidence may be disposed of prior to expiration of the statute of limitations upon written approval of an authorized person listed above.

F. Civil Litigation

1. Any property/evidence that has been retained or has been required to be retained for civil litigation shall not be disposed of without prior written approval of the Yuma County Attorney. In cases where the County of Yuma is one of the involved parties in the civil litigation, the Yuma County Attorney will be contacted prior to release or disposal of property.

[1] ARS 13-3920

[2] ARS 13-4221

[3] ARS 13-4221