

## I. STANDARDS OF CONDUCT

A. Pima County Sheriff's Department members shall conduct their private and professional lives in a manner that will reflect favorably on the Department as well as themselves. Conduct unbecoming a member of this Department shall include that which tends to bring the Department into disrepute or reflects adversely upon the individual as a member of the Department, or that which tends to impair the operation or efficiency of the Department or member.

1. Department members shall observe and obey all federal and state laws, applicable Pima County policies, local ordinances, as well as rules, regulations, and procedures of the Department.
2. Department members knowing of other members of this Department who have violated a law or ordinance shall report such violation in writing to the Sheriff.
3. Consideration of Race, Ethnicity, or National Origin

During any contact with a member of the public, Department members shall treat all persons equally without regard to their race, ethnicity, or national origin. In deciding to initiate contact with any member of the public, Department members shall not consider the race, ethnicity, or national origin of that person unless the race, ethnicity, or national origin is part of an identifying description or characteristic of a potential suspect and is based on criminal information, intelligence, and/or reasonable suspicion.

4. Department members shall treat supervisors, subordinates, and associates with respect. They shall be courteous and civil at all times in their relationships with one another.
5. Department members shall, in all cases, report honestly and accurately all facts about investigations or other matters of concern to the Department.
  - a. Department members shall make no false reports or knowingly enter or cause to be entered in any departmental book, record, or report any inaccurate or false information.

- b. No Department member shall in an official capacity willfully misrepresent any matter, make or sign any false official statement or report, commit perjury, or give false testimony before any court, grand jury, board, commission, official hearing, or departmental hearing.
6. Department members shall not reveal official business except for the following purposes:
  - a. Release of public records
  - b. Release of information to members of the criminal justice system for official use
  - c. Release of information in accordance with privacy and security procedures
  - d. Release of court-ordered information
  - e. Release to the news media of non-confidential information concerning daily Department activities
7. Department members shall access Department and criminal justice information, including both manual and automated files, for official purposes only. All releases shall be in accordance with laws and guidelines regarding privacy and security and Department procedures.
8. Court Appearances
  - a. Department members shall appear in court at or before the time ordered.
  - b. Department members shall render attention and respect to the court at all times. They shall appear in an authorized dress uniform or civilian clothing of business-like appearance.
9. Department members shall not recommend to any person the employment of a particular attorney, bail bondsman, towing company, or any other service for which a fee is charged.

10. The service of any civil process resulting from a member's actions as an employee of this Department may be accepted at the Personnel Office or through personal service of the individual. Process servers who have summonses or other processes should be directed to the Personnel Office.
  - a. Subpoenas for Corrections Bureau staff will be accepted at Judicial Security or the Corrections Bureau Administrative Office.
  - b. Subpoenas for other than Corrections Bureau staff may be accepted at any Department facility and forwarded to the affected Department members.
11. Department members at Sheriff's civil sales are limited as outlined below:
  - a. Department members shall not purchase, from any auction or sale, items that were seized by the Sheriff's Department or seized in cooperation with any other government agency.
  - b. Department members shall not purchase property through or from any company that the Department has utilized for liquidating seized properties.
12. Department members shall not accept or solicit, directly or indirectly, anything of economic value such as a gift, gratuity, favor, or entertainment, loan or reward that is, or may appear to be, designed to influence the member's official conduct. This does not necessarily prohibit acceptance of the following:
  - a. Minor promotional items such as calendars and pens
  - b. Food or refreshments delivered as a gift to the work place for consumption on the premises by members of the workplace
  - c. Business lunches costing no more than twenty-five dollars (\$25.00) when approved in advance by a Division Commander

Decisions about which items to accept and which to return shall be made by a Division Commander or higher. It is the member's responsibility to report all offered and accepted items in a timely manner to his/her Division Commander via the chain of command.

13. Organizations consisting either wholly or partially of Sheriff's Department members or of volunteers working on the behalf of such organizations shall conform to the following guidelines when soliciting funds or gifts from the public:
  - a. The Sheriff shall be advised of such solicitations, in writing, prior to the commencement of such activities if the name of the Sheriff's Department is involved directly or indirectly or if any solicitor is identified as an affiliate of the Sheriff's Department.
  - b. Such organizations, members, and volunteers shall ensure that the purpose and beneficiary of the solicitation is clearly explained to the public in a manner that neither misrepresents the purpose nor misleads the public.
  - c. Solicitors shall not identify themselves as a member of the Sheriff's Department unless they are, in fact, so employed or affiliated with the Department and engaged in a Department sanctioned solicitation activity.
  
14. Department members are responsible for the proper care of County property and equipment assigned to them. Damaged or lost property and/or carelessness or roughness in the handling of such property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.
  - a. Department members shall check equipment prior to use.
  - b. Department members shall immediately report to their supervisor any stolen, damage to, or loss of, County property or equipment.
    1. If the property is believed to have been stolen, regardless of jurisdiction, a Sheriff's Department case report will be taken.
    2. Criminal Investigations Division (CID) will investigate and the appropriate CID supervisor shall be contacted immediately.
    3. If the crime occurred in another jurisdiction, the CID supervisor will notify that agency.

- c. In the event County property, including a vehicle, is found to have damage not previously reported, the person last assigned or in possession of that property is presumed responsible for the damage. Normal wear-and-tear is not to be considered damage.
- d. Department members are required to surrender all County property in their possession upon separation from the Department. Department members failing to return non-expendable items shall be required to reimburse the Department for the fair market value of the article(s) at the discretion of the member's Division Commander.

#### 15. Correspondence

- a. Department stationery shall not be used for private correspondence.
- b. No member shall use the Department as a mailing address for private purposes.
- c. The Department address shall not be used as a residence address for motor vehicle registration, an operator's license, or a chauffeur's driver's license.
- d. Business cards that refer to the Department shall be used by Department members only in connection with official business and shall conform to the authorized format.

#### 16. Electronic Mail (e-mail)

- a. Members shall use Department e-mail for official business only. They may access e-mail only from their personal account and are prohibited from sending e-mail from other users' accounts.
- b. E-mail messages may be monitored for system performance, system security, and violations of this policy.
  - (1) Information Systems and Technology Unit is responsible for system performance and system security.
  - (2) Office of Special Investigations (OSI) is responsible for investigating violations of this policy.

## B. Basic Rules and Regulations

1. All Department members shall bear in mind that persons having business with the Sheriff's Department are entitled to courteous and respectful consideration. Department members shall perform their duties efficiently and completely, avoiding harsh, violent, profane, or insolent language, and shall remain calm regardless of provocation.
2. Department members shall be punctual in reporting for duty at the time and place designated by their supervisor.
3. Department members shall conform to the following guidelines pertaining to alcohol and drugs:
  - a. Department members shall neither appear for duty nor be on duty under the influence of intoxicants or drugs nor be unfit for duty because of their use.
  - b. Department members shall not enter or be on Department property or in departmental vehicles while under the influence of intoxicants or drugs that cause them to be unfit for duty.
  - c. Department members shall neither drink nor purchase any alcoholic beverage while on duty nor shall they purchase any alcoholic beverages when on or off duty while wearing a uniform. Department members in plainclothes shall not drink or purchase any alcoholic beverages while on duty except when necessary in the performance of duty and then only with the approval of their supervisor.
  - d. Department members shall not possess or use any controlled substance, narcotic, or hallucinogenic except when prescribed by a physician or dentist.
  - e. Department members who are using any prescribed drug(s) that may affect their ability to perform their job, including but not limited to those carrying firearms, supervising the inmate population, or operating county vehicles, are required to report this information to a Personnel Supervisor, or Staff Services Commander if a Personnel Supervisor is unavailable, prior to reporting for work. During non-business hours, the designated supervisor should be contacted via cell phone.

- (1) The member shall prepare a memorandum detailing the name of the prescription drug, dosage, reason for taking prescribed drug, length of time the member anticipates using the drug, and the name of prescribing physician.
  - (2) This memorandum shall be forwarded to the Department Surgeon, or designee, via the Personnel Unit.
4. Department members shall not sleep on duty and shall be attentive to their duties at all times.
5. Department members are prohibited from conducting private business while on duty.
6. Department members are prohibited from visiting a casino or gambling establishment, for personal reasons, while on duty or in a Department vehicle. This includes eating establishments associated with a casino.
  - a. Businesses whose only gambling association is the sale of state sponsored lottery tickets are excluded from this policy.
7. While on duty, Department members shall not engage in political or religious discussions to the detriment of good discipline and shall not make disparaging remarks concerning another's race, color, religion, national origin, age, disability, or sexual preference.
8. Evidence, abandoned and found property, property maintained for safekeeping, and any other property received by any member of this Department shall not be converted, copied, distributed, or otherwise utilized for personal use by any member.
9. All computer software purchased by the Sheriff's Department shall be assigned to a specific computer system.
  - a. Department members shall abide by all copyright laws and make no unauthorized use of departmentally-owned software.
  - b. Only software approved by the Information Systems and Technology Unit shall be loaded or run on Sheriff's Department computer systems. This specifically precludes the use of games and other programs acquired from bulletin boards and other sources without review and testing by the Information Systems and Technology Unit.

10. Department members shall keep their supervisors, as well as the Staff Services Commander, informed of all situations, events, incidents, inspections, and communications that affect, or may affect, the Department, or about which the Department may be concerned, including but not limited to, the following:
  - a. Involvement in any situation being investigated by another law enforcement agency, whether as a witness, victim, suspect, or in anticipation of becoming a suspect
  - b. Being arrested, whether physically or by issuance of a criminal citation, for any crime, including criminal traffic violations, by any law enforcement agency
  - c. Having driving privileges suspended or revoked
  - d. Receiving a notice of claim or a summons and complaint
  - e. Being issued a court order such as an order of protection or an injunction against harassment in which a Department member is named
    - (1) Members served with a court-issued restraining order shall immediately provide their supervisor, and the Staff Services Commander, with a copy of the order and a memorandum providing information surrounding the service of the order, e.g., date, time, location, and method of service. The member's supervisor will forward the memorandum and order to the Sheriff, via chain of command. Restraining orders include any adult/spouse abuse order, order of protection, order-prohibiting harassment, or an order which restricts the member from contacting another person.
  - f. Weapons-qualified members served with an order of protection, which prohibits the possession of a firearm, shall have their firearms privilege revoked immediately.
    - (1) Members shall immediately relinquish all Department-issued firearms and ammunition to their immediate supervisor who will deliver the weapons and ammunition to the Department Armorer within twenty-four (24) hours.



- (2) Members affected shall not possess any weapon or ammunition, whether in an on-duty or off-duty status.
  - (3) When the member is no longer prohibited from possessing firearms under the order of protection, all firearms and ammunition previously relinquished shall be reissued to the member by the Department Armorer.
  - (4) Commissioned members affected by such an order shall be placed in a limited-duty status for up to thirty (30) work days.
  - (5) Resolution
    - (a) Commissioned members who have not resolved their case in thirty (30) work days will be placed on Administrative Suspension without pay.
    - (b) Commissioned members will have twelve (12) months from the date of service of the order to resolve their case in such a manner as to permit possession and/or use of a weapon. If the case is not resolved in this time period, affected members will be terminated.
11. All members are required to report to their supervisor any unusual activity, situation, or problem with which the Department would be concerned.
- a. All incidents identified in Chapter 4.I.B.10. shall immediately be reported verbally, by telephone or in person, to the member's immediate supervisor. This verbal notification shall be followed up the next business day, by written notification submitted to the member's supervisor. Supervisors receiving such notification shall then notify their commander.
  - b. If an immediate supervisor is not available, the member will notify another supervisor within the chain of command.
  - c. The notification shall include all pertinent information – dates, times, locations – and all related correspondence.
  - d. Notification is to be referred to the Sheriff or designee via the chain of command.

The Department's Legal Advisor is to be notified if a notice of claim or a summons and complaint has been served.

12. Members of the Sheriff's Department shall give their name and identification number to any person who requests this information.
13. The use of Department telephones and fax machines is generally restricted to official business only. Abuse of telephones and fax machines use may result in disciplinary action.
14. All members shall maintain a degree of physical fitness, that enables them to perform the physical activities of their job classification as determined by the Department and the County Risk Manager.
15. Department members shall at all times respond to the lawful orders of superior members and other proper authorities.
  - a. Refusal of any Department member to obey a lawful order given by a superior shall constitute insubordination.
  - b. Orders shall be presented in clear and understandable language.
  - c. No command or supervisory member shall knowingly issue any order that is in violation of any law, ordinance, or Department rule, regulation, or procedure.
  - d. No Department member is required to obey any order that is contrary to federal, state, or local laws. Responsibility for refusal to obey rests with the member.
  - e. A Department member receiving an unlawful, unjust, or improper order shall at first opportunity report such an occurrence in writing through the chain of command. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time.
  - f. Conflicting Orders
    - (1) Orders shall be countermanded and conflicting orders shall be issued only when reasonably necessary for the good of the Department.

- (2) Department members who are given an order that conflicts with a previous order or Department rule, regulation, or procedure shall advise the person issuing the order of the conflict. If the person issuing the order does not alter or retract the conflicting order, the order shall stand.
    - (a) Department members shall obey the conflicting order.
    - (b) In such circumstances, Department members shall not be held responsible for disobeying the previous order or Department rule, regulation, or procedure.
  - (3) Whenever a member, in the necessary performance of duty, gives an order to any subordinate not assigned to the member, care must be taken to avoid unnecessary conflict with the subordinate's normal assignment and the operation of the subordinate's division. Whenever orders so given require the subordinate to leave a regular post or assignment, the person giving the order shall, as soon as practical, inform the subordinate's commander of the action taken and the reason for the action.
16. A Department member who witnesses any type of conduct of a commissioned or corrections member which is the subject of a departmental investigation is compelled to answer all questions by the investigator. The "witness only" Department member does not have the right to legal counsel prior to being questioned.
  17. No member of this Department shall record the conversation of another member by any means without that person's knowledge and express permission to do so except in compliance with authorized departmental investigations.

## II. DEPARTMENT MEMBER RELATIONSHIPS WITH INMATES AND ARRESTED PERSONS

- A. Members charged with the custody of arrestees shall observe all laws and Department rules, regulations, and procedures regarding this activity.
  1. Arrestees shall be kept securely, treated firmly but humanely, and not subjected to unnecessary restraint or use of force.

2. Department members shall not permit or aid any arrestee to escape.
- B. Department members shall conduct themselves professionally in all transactions with persons who are in the custody of any criminal justice agency.
- C. Contact between Department members and inmates are subject to several limitations. Department members:
1. Shall not fraternize with inmates of any correctional facility;
  2. Shall not deliver any message or article to or for any inmate unless such delivery is in the performance of established duties;
  3. Shall not discuss personal business or confidential Department business with any inmate;
  4. Shall not criticize the Sheriff's Department or the actions of any member in the presence of any inmate;
  5. Who become aware that they have a personal or social acquaintance with an inmate shall make immediate notification of this fact to the appropriate chain of command. Appropriate limitations may be imposed.
- D. It is the duty of all Department members to prevent the introduction and distribution of contraband into any corrections facility. Department members:
1. Shall not bring contraband into any corrections facility or provide any inmate with contraband;
  2. Who learn of contraband being introduced into a corrections facility or given to an inmate shall immediately report the incident to their supervisor.
- E. It is the duty of all Department members to prevent escapes of arrested persons and inmates. Members who learn of any proposed escape plan shall immediately advise their supervisor.

- F. Certain situations involving relationships with persons not in custody are prohibited or require notice to the Department. Department members:
1. Shall not engage in personal relationships with persons who are known felons, on parole, probation, released on pre-trial status, or registered sex offenders except as permitted in this subsection.
  2. Who wish to maintain association with an individual who is a known felon, on parole, on probation, has a pre-trial status, or a registered sex offender, shall report this immediately in writing via memorandum through their chain of command to a chief.
  3. Shall not associate with such individual(s) until receiving approval from a chief or their designee. Appropriate limitations may be imposed.
  4. If circumstances require association with an individual (such as the arrest or imposition of probation, parole, or pre-trial release of a close relative), a memorandum will be submitted within twenty-four (24) hours of occurrence to their immediate supervisor detailing the situation.

### III. OFF-DUTY / OUTSIDE EMPLOYMENT

#### A. Policy Statement

Members may engage in additional (off-duty) employment providing it has no adverse impact upon the Department or its mission. Members' primary employment is with the Pima County Sheriff's Department. Off-duty / outside employment is secondary and shall not interfere with on-duty performance nor cause any member to violate the provisions of Pima County Personnel Policies, Department Rules and Regulations, or procedures. An Off-Duty Permit or Pima County Outside Employment Permission Form must be approved prior to engaging in any additional employment.

The Department reserves the right to restrict and control all off-duty / outside employment. The Sheriff may waive specific requirements of this policy. Off-duty and/or outside employment privileges may be suspended or restricted at the discretion of a division commander or above at any time.

## B. Definitions

1. **OFF-DUTY PERMIT:** Department authorization for a specific commissioned member to work a Department authorized law enforcement-related off-duty assignment.
2. **DEPARTMENT OFF-DUTY COORDINATOR (DOC):** A member assigned to the Grants and Planning Unit whose duties include maintaining and coordinating off-duty and outside employment permits and processing requests for off-duty commissioned members. These responsibilities are in addition to other assigned duties.
3. **JOB COORDINATOR PERMIT:** Department authorization for a specific commissioned member to arrange/schedule other commissioned members in a Department authorized law enforcement-related off-duty job assignment.
4. **JOB COORDINATOR:** A commissioned member who has a valid job coordinator permit and has been assigned to schedule off-duty commissioned members for a Department authorized law enforcement-related off-duty assignment. A job coordinator is not an employer.
5. **WORK WEEK:** Seven (7) consecutive days beginning at 0001 hours Sunday and ending at 2400 hours the following Saturday.
6. **Types of Law Enforcement-Related Off-Duty Employment**
  - a. **CONTINUOUS:** Continuing or on-going (daily, weekly, monthly) employment with a single employer, with no break in service (e.g., Tanque Verde Swap Meet, Pantano Church)
  - b. **SEASONAL:** Repetitive (same time each year) employment with a single employer (e.g., high school football / basketball, U of A Football)
  - c. **SHORT TERM:** Any employment of thirty (30) calendar days or less with a single employer

- C. General Work Regulations (Any reference to off-duty in Section 4.III.C. also applies to outside employment.)
1. Members must give notice of off-duty employment to their supervisor prior to working any such job. Notice shall include date, times, employer, work site, and type of job. Commanders and/or supervisors may impose additional restrictions or limitations on off-duty employment if the member's on-duty hours or responsibilities justify such restrictions.
  2. Members shall not work more than sixty-four (64) hours, combined total of on-duty and off-duty, in a work week. Commanders and/or supervisors may waive this restriction due to unplanned overtime and/or operational necessity.
  3. Members working off-duty shall be limited to a maximum of twenty-four (24) hours per work week.
  4. Members working off-duty while on vacation or compensatory leave are not restricted to the maximum time limitation of twenty-four (24) hours per work week. The twenty-four (24) hour limitation may be extended one (1) hour for every one (1) hour of vacation/compensatory/holiday (including Cesar Chavez) leave up to a maximum of forty (40) additional hours.
  5. Members shall not work any combination of on-duty or off-duty employment in excess of sixteen (16) hours in any twenty-four (24) hour period. This pertains to off-duty employment only and does not restrict on-duty hours due to special circumstances or operational necessity.
  6. Members shall not engage in additional or off-duty employment while on-duty.
  7. Members may not receive compensation for the same hours from multiple sources.
  8. Members shall not engage in any off-duty or outside employment while restricted to limited duty or on sick leave, industrial leave, administrative leave, military leave, parental leave, family medical leave, bereavement leave, or administrative suspension (with or without pay), disciplinary suspension without pay, or while in an off-duty status because of a medical condition.

These restrictions include any twenty-four (24) hour period in which such absence occurs and shall include regularly scheduled days off if the leave immediately precedes or follows the member's days off. Any member who is so restricted shall not engage in any off-duty or outside employment without the express permission of the Sheriff or a chief.

9. Law enforcement-related off-duty consists of a commissioned member working in the capacity of a law enforcement officer, whether receiving compensation or not.
10. Members shall not work off-duty for any of the following types of businesses or where employment involves any of the following activities:
  - a. Businesses where the principal income is from the sale of alcoholic beverages
  - b. Businesses where nude or semi-nude dancers or servers are employed
  - c. Bail bond agencies
  - d. Private security companies
  - e. Collection agencies
  - f. Locations where a labor dispute is in progress
  - g. Businesses where employees serve civil processes
  - h. Businesses requiring an affiliation, membership, or allegiance that would tend to interfere with the member's loyalty to the Department
  - i. Businesses conducting investigations or other work in which a member might unlawfully access law enforcement records, files, or correspondence
  - j. Businesses that provide any type of legal services
  - k. Businesses where the member performs security services in exchange for free or reduced rent



1. Any other business or activity that tends to bring the Sheriff's Department into disrepute, may reduce the member's efficiency or usefulness to the Department, or conflicts with the goals and objectives of the Department
11. Members are not authorized to work a multiple-officer law enforcement-related off-duty job where their hours overlap with another commissioned member who is a whole or half blood relative, spouse, domestic partner, child, parent, or sibling. The related members or domestic partners may work for the same employer when hours worked do not overlap.
12. In conformance with Pima County Personnel Policies on Outside Employment, Sheriff's Department members must report, as a matter of record, any injury that occurs during any type of off-duty or outside employment.
  - a. Members shall immediately notify both:
    - (1) The off-duty supervisor (if there is one)

For law enforcement-related off-duty, the job coordinator or the Grants and Planning supervisor.
    - (2) Their district / section commander or unit supervisor
  - b. A follow-up report shall be documented by memorandum and sent to the division commander, via chain of command, within twenty-four (24) hours. A copy of this memorandum will be forwarded by the member's on-duty supervisor to:
    - (1) Pima County Risk Management
    - (2) Personnel Medical Supervisor
13. Every law enforcement-related job utilizing off-duty members shall be coordinated by the Department Off-Duty Coordinator (DOC) or have an assigned job coordinator who will be responsible for ensuring compliance with Department off-duty regulations.
14. If a job is large enough to require a job coordinator other than the DOC, one will be selected utilizing the rotation list maintained by the DOC.

## D. Permits for Law Enforcement-Related Off-Duty Employment

### 1. Eligibility

#### a. Off-Duty Work Permit

All commissioned members who have successfully completed initial probation as a deputy sheriff are eligible for an Off-Duty Work Permit. With authorization of their chief, deputy sheriffs rehired under Pima County Law Enforcement Merit System Rule VII-4 are eligible for an Off-Duty Work Permit.

#### b. Job Coordinator Permit

Full-time commissioned members with a valid Off-Duty Work Permit are eligible for a Job Coordinator Permit.

#### c. Commanders (Lieutenants, Captains, and Chiefs):

- (1) Captains and chiefs will not perform law enforcement-related off-duty or job coordination unless authorized by the Sheriff.
- (2) A commander may work as a volunteer in a law enforcement capacity if approved by his/her supervisor.
- (3) Lieutenants may perform law enforcement-related off-duty work or job coordination for jobs that require command oversight or authority, i.e., ratio of personnel necessitates a commander. It is not appropriate for commanders to direct traffic, to serve in non-supervisory security positions at shopping malls, or to stand guard on a room of valuables.
- (4) Under no circumstances shall a commander work an off-duty job that administratively or operationally places him/her in a subordinate position to a Department member of lesser rank.
- (5) Commanders working off-duty must dress in uniform.

- (6) When the enumerated conditions do not exist, a chief may authorize commanders, on a case-by-case basis, to perform law enforcement-related off-duty work.

Chiefs may consider the following elements in authorizing a commander to work an off-duty job:

- (a) Nature of event
- (b) Type of event
- (c) Event venue
- (d) Benefit to the Department – Management oversight of the event
- (e) Overall use of Department resources, e.g., SAVs, specialty vehicles
- (f) Alcohol availability

## 2. Obtaining Permits

### a. Off-Duty Work Permit

- (1) Commissioned members must submit an Off-Duty Permit Request form (PCSD 311) to the Department Off-Duty Coordinator (DOC), via chain of command.
  - (a) Required information:
    - (i) Name, badge number, and employee identification number (EIN)
    - (ii) Duty assignment, work telephone number, and Department mobile phone number
    - (iii) Commissioned anniversary date
  - (b) It is the member's responsibility to report any change of information to the DOC.
- (2) Supervisors/commanders shall document any known reason for refusal or approve the request and forward it to the Personnel Unit. (See reasons for refusal below.)

- (3) The Personnel Unit will check for sanctions, advise the Community Services Section Commander if sanctions are in place, and forward the permit to the DOC.
  - (4) The reviewed request will be distributed as follows:
    - (a) The original to the member's off-duty personnel file (maintained by the DOC)
    - (b) A copy to the originating member for confirmation of approval/disapproval.
  - (5) The member must receive confirmation from the DOC that the permit was approved prior to beginning any off-duty work.
  - (6) Permits are renewed annually beginning June 1<sup>st</sup>. All permits expire the following year on June 30<sup>th</sup>.
    - (a) It is the member's responsibility to monitor and reapply for a permit prior to its expiration date.
- b. Job Coordinator Permit
- (1) Commissioned members desiring to work as a job coordinator must submit a Job Coordinator Permit Request form (PCSD 311B) to the DOC, via chain of command.
    - (a) Required information: Name, badge number, and employee identification number (EIN)
  - (2) Supervisors/commanders shall document any known reason for refusal or approve the request and forward it to the DOC.
  - (3) The reviewed request will be distributed as follows:
    - (a) The original to the member's off-duty personnel file (maintained by the DOC)
    - (b) A copy to the originating member for confirmation of approval/disapproval.

- (4) Job Coordinator Permits will remain active and valid as long as the member has a current Off-Duty Permit on file with the DOC.
  - (5) The Grants & Planning Unit will notify the member if they are assigned or removed as a Job Coordinator.
3. Revocation, Suspension, or Refusal of Permits
- a. Permits may be refused, suspended, or revoked for any of the following reasons:
    - (1) Failure to obtain permit prior to working an off-duty assignment
    - (2) Violation of Rules and Regulations regarding off-duty employment
    - (3) Disciplinary action
    - (4) Failure to appear or excessive tardiness at previously scheduled off-duty assignment(s)
    - (5) Medical restriction
    - (6) Potential adverse impact upon the Department or its mission, or at the discretion of a commander
  - b. When a permit is refused, revoked, or suspended, the appropriate chain of command shall notify the Community Services Section Commander.
  - c. If a permit has been refused or suspended for a temporary condition and the reason for refusal or suspension has been corrected, the member may reapply for the permit. No off-duty work may be performed unless a new permit is approved.  
  
(See section regarding Obtaining Permits.) No appeal is required.
  - d. To appeal a refusal, suspension, or revocation, the member should forward an appeal memorandum to his/her chief, via chain of command.

- (1) Appeals must be filed within thirty (30) calendar days of the date of refusal, suspension, or revocation.
  - (2) The memorandum must detail justification for the appeal.
- e. After the suspension/revocation period has ended, the member is responsible for obtaining a new permit before being eligible to work off-duty.
- E. Duties and Responsibilities of Department Off-Duty Coordinator (DOC) for Law Enforcement-Related Off-Duty Employment
1. Process off-duty and outside employment permits.
  2. Maintain a list of commissioned members with a valid off-duty work permit and provide to job coordinators as necessary.
  3. Receive and process off-duty requests from vendors and job coordinators. Ensure all off-duty employers provide general liability insurance and, when applicable, vehicle liability insurance.
  4. Post authorized off-duty jobs on the secure employee website and send e-mail/text notification to authorized members.
  5. Establish and disseminate a list of off-duty reporting periods consistent with the fiscal year payroll calendar.
  6. Receive and process Off-Duty Recaps. Forms will be spot checked for accuracy of reporting. Recaps with discrepancies shall be forwarded to the Grants and Planning supervisor for review and action.
  7. Verify the off-duty work status of members in response to inquiries from job coordinators, supervisors, and commanders.
  8. Receive and file completed copies of the Off-Duty Indemnification Agreement (PCSD209).
  9. Maintain all off-duty personnel and employer files.
  10. Ensure payment for members and the Department, if applicable, is received and distributed for all jobs coordinated by the DOC.

11. Review the Department recommended pay scale at least once a year and submit any recommended changes to the Sheriff, via chain of command, for review.
- F. Duties and Responsibilities of Job Coordinators for Law Enforcement-Related Off-Duty Employment
1. Must have a valid Job Coordinator Permit
  2. Must obtain from the off-duty employer a Certificate of Insurance showing valid general liability and, when applicable, vehicle liability insurance
  3. Obtain from the off-duty employer a signed copy of the Off-Duty Indemnification Agreement (PCSD209). The original shall be submitted to the DOC for inclusion in the master vendor file.
  4. Shall submit a memorandum or email to the DOC at least two (2) business days prior to the start of any job with the following information:
    - a. Off-duty employer name
    - b. Dates and hours requested
    - c. Number and types of off-duty personnel requested
    - d. Duties of off-duty personnel
    - e. Location and type of event
    - f. Justification for Department vehicles, if applicable
    - g. Attach Certificate of Insurance and Off-Duty Indemnification Agreement, or verify that current documents are on file with the DOC
  5. Schedule eligible commissioned members  

A list of eligible members is posted on the Portal (Off-Duty Permit List) or may be obtained from the DOC.
  6. Shall not schedule their supervisors to work any off-duty job

7. Shall provide the DOC, within ten (10) days following the off-duty reporting period, a Job Coordinator Recap (PCSD314) of the preceding reporting period showing:
  - a. Off-duty employer name
  - b. Names and badge numbers of members who worked
  - c. Dates and hours each member worked
  - d. Vehicle license plate number and mileage for all Department vehicles used at the off-duty job
8. Shall immediately notify the DOC when a job is cancelled
9. Shall provide the DOC with copies of invoices and any written correspondence with the off-duty employer
10. Shall ensure payment for members and the Department, if applicable, is received for all jobs he/she coordinates.
  - a. Payment for Department vehicles shall be forwarded to the DOC for documentation and processing.
11. Shall not receive compensation for other than hours worked on the job assignment. This may include compensation for time spent scheduling and/or organizing the off-duty assignment and shall be reported as hours worked.

A job coordinator shall not receive compensation based on the number of hours other members work or receive any other coordination fee.
12. Shall submit a memo to the DOC when relinquishing a job coordinator position. The memo shall include vendor name and effective date. The outgoing job coordinator may recommend a replacement. A new coordinator will be selected utilizing the rotation list following standard procedure; or, the job may be assigned to the DOC to coordinate.

#### G. Obtaining Off-Duty Jobs

1. Jobs coordinated by the DOC will be posted on the secure employee website for sign-up by eligible commissioned members.



2. Job coordinators will schedule eligible members for off-duty jobs he/she is assigned to coordinate.
3. Jobs requiring specialized training or equipment, e.g., dignitary protection, Bomb Squad, or jobs worked in conjunction with a specific unit's primary responsibility, will be assigned on an as-needed basis.
4. Members may work any off-duty job authorized by the Department as long as Department Rules and Regulations regarding off-duty employment are followed.

#### H. Law Enforcement-Related Off-Duty Work Regulations

1. Commissioned members working law enforcement-related off-duty employment shall submit, within ten (10) days following the off-duty reporting period, a recap of the previous two (2) pay periods on the Off-Duty Recap form (PCSD203). Forms will be submitted, via chain of command, to the DOC.
  - a. A list of reporting periods is available on the Department Portal.
  - b. All on-duty hours worked, vacation, compensatory, sick leave, industrial leave, administrative leave, military leave, parental leave, family medical leave, bereavement leave, administrative suspension (with or without pay), and/or disciplinary suspension without pay shall be documented. The member shall sign and date the form.
  - c. Supervisors/commanders shall review, sign, and date the Off-Duty Recap and forward to the DOC.
2. Members working an undercover assignment, or those with long hair, items of jewelry (e.g. earrings), beards and/or mustaches not in compliance with Department standards, shall not work law enforcement-related off-duty employment.
3. The ranking member shall be in charge during law enforcement-related off-duty employment. The ranking member shall be responsible for the direction and supervision of the other off-duty personnel and shall bear the same responsibility for proper action and conduct as if on-duty. Members working off-duty employment with other agencies shall still be responsible for complying with Department Rules and Regulations.

4. The following supervisor/subordinate minimum ratio shall be required at a law enforcement-related off-duty assignment (each shift).
  - a. One (1) sergeant to five (5) deputies
  - b. One (1) lieutenant to three (3) sergeants and fifteen (15) deputies
  - c. Examples:
    - Four (4) deputies = No sergeant required
    - Five (5) to nine (9) deputies = One (1) sergeant required
    - Ten (10) deputies = Two (2) sergeants required
5. Pay Scale: The recommended rate of pay per hour for law enforcement-related off-duty employment will be monitored by the DOC and authorized by the Sheriff.
6. Commissioned members receive coverage through Pima County Risk Management for liability claims and workers' compensation arising from law enforcement action taken during off-duty employment, but only when the member has complied with Department Rules and Regulations and Pima County Personnel Policies regarding off-duty/outside employment. Failure to comply may result in denial of coverage and the need to hire a personal attorney to defend against any lawsuits.
7. Department vehicles are not authorized for off-duty employment unless approved by the Sheriff, a chief, or the Administrative Services Division Commander.
  - a. When using Department vehicles for off-duty employment purposes, written notification shall be submitted immediately to notify the off-duty employer that there will be a charge per mile and per hour.
  - b. Upon completion of an off-duty shift, the member shall provide total mileage (including travel distance), hours worked, and vehicle license plate number to the DOC or job coordinator.

- c. Department vehicles shall not be used in any manner, including driving to a work site, unless proper authorization has been received.
  8. Personal/Non-Department vehicles shall not be used for any type of traffic control, to include blocking roadways.
  9. Department bicycles are not authorized for off-duty employment unless approved by the Sheriff, a chief, or the Administrative Services Division Commander.
  10. When using bicycles for law enforcement-related off-duty employment, members must conform to all Bicycle Patrol policies as outlined in the Specialized Unit Procedures (Chapter 11).
  11. Members shall adhere to all applicable rules, regulations, and procedures that pertain to on-duty members whether in uniform or in plainclothes.
  12. Members shall take appropriate law enforcement action including the preparation of all necessary reports regarding all law enforcement matters coming to their attention.
- I. Non-Law Enforcement-Related Off-Duty (Outside) Employment

Definition: "Outside employment" is any business-related activity which results in reportable income to the Internal Revenue Service.

1. Department uniforms shall not be worn at outside employment.
2. All members engaged in outside employment shall comply with Pima County Personnel Policies.
3. Members requesting to work outside employment must submit a Pima County Outside Employment Permission Form (PCSD 311A) to the DOC through their chain of command.
  - a. Employment outside of Pima County must be authorized by a Chief or above.
  - b. A separate form shall be submitted for each employer.
  - c. Supervisors/commanders shall review the request and document any known reason(s) for refusal or approve the request and forward to the Personnel Unit.

- d. The Personnel Unit shall check for sanctions, advise the Community Services Section Commander if sanctions are in place, and forward the permit to the DOC.
  - e. The reviewed request will be distributed as follows:
    - (1) The original to the member's off-duty personnel file (maintained by the DOC)
    - (2) A copy to the originating member for confirmation of approval / disapproval
  - f. The member must receive confirmation from the DOC that the request was approved prior to beginning any outside employment.
4. Outside Employment permits are renewed annually beginning December 1<sup>st</sup>. All permits expire on December 31<sup>st</sup> every calendar year.
    - a. It is the member's responsibility to monitor and reapply for a permit prior to its expiration date.
  5. Members working outside employment shall submit, within ten (10) days following the end of the reporting period, a recap of the previous two (2) pay periods on the Off-Duty Recap form (PCSD203). Forms will be submitted, via chain of command, to the DOC.
    - a. A list of reporting periods is available on the Department Portal.
    - b. All on-duty hours worked, vacation, compensatory, sick leave, industrial leave, administrative leave, military leave, parental leave, family medical leave, bereavement leave, administrative suspension (with or without pay), and/or disciplinary suspension without pay shall be documented. The member shall sign and date the form.
    - c. Supervisors/commanders shall review, sign, and date the Off-Duty Recap and forward to the DOC.

## IV. PROPERTY AND EVIDENCE PROCEDURES

- A. The Sheriff's Department is responsible for the safekeeping of evidence or property that comes into the possession of any Department member.
1. The Property and Evidence Unit (P&E) shall be responsible for the custody, control, and disposition of all evidence and property unless items designated as property are released in the field using a Field Released Property Chain of Custody form (PCSD1335).
  2. The P&E Unit shall be responsible for the release or destruction of property after appropriate reports and authorization have been received.
  3. The Corrections Bureau shall be responsible for the custody, control, and disposition of inmate property.
- B. General Procedures
1. All property and evidence, except as otherwise specified, shall be delivered to the P&E Unit.
  2. The P&E Unit supervisor shall be notified when property or evidence is too large or numerous to handle (pieces of furniture, appliances, large quantities of marijuana, etc.). A tow truck may be utilized for heavy items. When transporting drugs or other valuable evidence, Department members shall avoid unnecessary stops and ensure the evidence is secure and attended at all times.
  3. All property and evidence shall be properly marked, initialed, packaged, and tagged.
    - a. Packages shall be properly sealed to prevent loss of evidence and to prevent the introduction of any other item or material into the package. Packages shall not be stapled shut.

- b. When possible, items shall be packaged in one of the many boxes, envelopes, bags, or containers made available by the P&E Unit. Items should always be packaged in the smallest container that will hold the item. Packaging must be marked with the case number, description of the contents, U.C.R. code, and the submitting member's initials and badge number.
    - c. Items too large to package must be marked or tagged with the case number, U.C.R. code, and the submitting member's initials and badge number. Marks placed directly on an item should not damage or deface the item nor interfere with possible laboratory tests.
  4. A completed Property and Evidence Control Form shall be submitted before the P&E Unit will take custody of any item.
    - a. Complete the Property and Evidence Control Form with as much information as is available. Thoroughly and concisely describe items and any contents.
  5. The P&E Unit shall sign the control form accepting custody of the property and/or evidence.
  6. The P&E Unit shall maintain chain-of-custody records reflecting activity associated with individual items from the time an item is received until its disposal or release from Department custody. Chain-of-custody information and evidence descriptors shall be entered into the Department's automated records management system.
  7. The case report shall include how the item was discovered or received and from where the member took custody of the item.

## C. Department Member Responsibilities

1. All items to be held by the Department as evidence, found property, or safekeeping shall be delivered to the P&E Unit or placed in a property locker with a completed Property and Evidence Control Form (PCSD1301).
  - a. Certain items, such as fireworks, shall be kept in a secure location by the Bomb Squad for evidentiary reasons.
2. Property may be field-released to the legal owner or family member(s) upon approval of a supervisor.
  - a. All releases must be documented in the case report and a Field Released Property Chain of Custody form (PCSD1335) completed and submitted to the Records Maintenance Unit.
  - b. Citizen's signature is required for release.
  - c. Firearms and items required to be held as evidence shall not be field released; these items must be submitted to the P&E Unit.
  - d. Any item not released prior to the end of shift shall be submitted to the P&E Unit.
3. In all instances where property is taken into the Department's possession, descriptions, serial numbers, brand names, and other identifying information shall be listed on a Property and Evidence Control Form and in the case report.
4. Unless otherwise approved by a supervisor, all property and/or evidence shall be packaged and secured in an approved property and evidence locker or delivered to the P&E Unit prior to the end of shift.

5. Department members shall not:
  - a. Confiscate property for personal use or gain;
  - b. Fail to turn in all property; nor
  - c. Willfully deviate from this procedure.

D. Property and Evidence Packaging Procedures

1. Explosives, bombs, detonators, and fireworks shall not be brought to the P&E Unit or stored in property lockers. The Bomb Squad shall be called for these items.
2. Flammables, caustics, and chemicals shall not be stored in property lockers or brought into the P&E warehouse. These items must be delivered to the Impound Yard.
3. BIO-HAZARD and BIO-HAZARD contaminated evidence must be marked with BIO-HAZARD labels.
4. Blood samples shall be packaged in containers approved by the P&E Unit.
5. All sharps (knives, needles, and other sharp items) must be packaged in a manner intended to prevent injury to staff. Sharp items should be placed in a knife box, or in the alternative, sharp edged items should be covered with cardboard, and placed in a box or envelope labeled as containing a sharp object.
6. Currency shall be handled in accordance with Department Rules and Regulations, Chapter 4.IV.E.
7. Items that require lab testing must be packaged separately and submitted with a separate Property and Evidence Control Form and lab request form.



8. Firearms must be rendered safe. Unload the firearm and insert a plastic cable tie through the magazine well or the top strap and frame to ensure that neither the cylinder nor slide will fully close, nor be held in the open position. Shotguns and rifles shall be secured with the bolt held open with a cable tie. To prevent dislodgement/damage of trace evidence, cable ties or any other object shall not be placed in the muzzle or barrel. Place the firearm in a gun box and fasten with cable ties to prevent movement within the box. Ammunition shall not be packaged with the firearm. Label the side of the box with the information noted in the General Procedures section of this policy.
9. Tasers shall have a data download completed and the documentation secured as evidence prior to removing the battery. The Taser shall be rendered safe by removing the cartridge(s) and battery prior to securing with cable ties in a gun box.
10. Suitcases, briefcases, and other similar type cases must be secured to prevent opening or unzipping. If the items is not easily securable, place evidence tape across the opening so the tape will be broken if the case is opened. The tape must be initialed and dated.

An itemized description of any contents shall be recorded in an incident or supplemental report and on the Property and Evidence Control Form.

11. Pharmaceuticals collected for mass disposal may be submitted to the P&E Unit in a sealed container (with date, initials, and badge number) without the need to list each item separately. The container and Property and Evidence Control Form shall be labeled "For Disposal" and the call number cleared with a "miscellaneous officer" classification.

## E. Currency Handling Procedures

Commissioned members shall consider the disposition of the currency in relation to the investigative contact, (e.g., non-evidentiary, personal property, booking, evidence, safekeeping, found property, or RICO forfeiture investigation), amount of currency involved, environmental conditions at the scene, owner statements and behaviors, availability of patrol assistance, and any other relevant safety and investigative factors prior to determining applicable currency handling procedures.

### 1. General Procedures

- a. Members are responsible for the safety, security, and accounting of any currency coming into their possession during the course of duty.
- b. Members shall document, in an incident or supplemental report, how the currency was handled, location(s) found, amount(s), owner statements, and final disposition of the currency.

### 2. Arrestees

- a. Unless the currency is evidence or subject to forfeiture seizure, the arrestee should be afforded reasonable opportunity to transfer any currency in their possession to a third party for safekeeping, i.e., an arrestee wants to leave his wallet with a family member. Circumstances of the transfer shall be documented in an incident or supplemental report.
- b. Otherwise, prior to transport, the currency will be taken from the arrestee for deposit into the Adult Detention Center's cash kiosk.
  - (1) When currency is taken from an arrestee, the currency will be counted as soon as practical in the presence of the arrestee for verification of the count.
  - (2) If the amount is **greater than \$1,000** or the arrestee disagrees with the count, a second commissioned member shall be asked to witness and verify the count.

- (3) The arresting member shall secure the currency for transport.
- (4) Each member shall document currency amount and verification method in their incident or supplemental report.
- (5) Photographs are strongly recommended for large amounts of currency or if unusual circumstances exist.

### 3. Evidence, Safekeeping, and Found Property

- a. Photographs shall be taken of all currency in place as found, if practical, prior to relocating for investigative purpose or counting.
- b. If the currency amount is **greater than \$1,000**, a minimum of two (2) commissioned members shall conduct independent counts of the currency in the presence of the other member and the owner, if practical. Results shall be compared for concurrence.
  - (1) If a discrepancy exists, recount shall repeat until amounts are mutually exact. During the counting process, the number of people in the immediate area shall be minimized.
  - (2) Precautionary measures shall be used to preserve items of evidentiary value.
- c. Incident and supplemental reports, Property and Evidence Control Form(s), and evidence envelope(s) showing currency amounts shall be specific, listing currency for each location found, number of bills for each denomination, and denominational grand totals for each location.

Examples:

	<u>Quantity</u>		<u>Denomination</u>		<u>Total</u>
Amount A (from right front pocket):					
	01	x	\$50.00	=	\$50.00
	02	x	\$20.00	=	\$40.00
	05	x	\$1.00	=	\$5.00
<b>GRAND TOTAL:</b>					<b>\$95.00</b>

	<u>Quantity</u>		<u>Denomination</u>		<u>Total</u>
Amount B (from center console of vehicle):					
	01	x	\$100.00	=	\$100.00
	03	x	\$50.00	=	\$150.00
	05	x	\$10.00	=	\$50.00
<b>GRAND TOTAL</b>					<b>\$300.00</b>

	<u>Quantity</u>		<u>Denomination</u>		<u>Total</u>
Amount C (from left shoe):					
	01	x	\$20.00	=	\$20.00
	02	x	\$5.00	=	\$10.00
	05	x	\$1.00	=	\$5.00
<b>GRAND TOTAL</b>					<b>\$35.00</b>

- d. Currency shall be listed on a separate Property and Evidence Control Form(s) (with no other types of property included) for each location found.
- e. Currency shall be placed in a sealed evidence envelope(s) with case number, date of count, count location, initials and badge numbers of the commissioned members who participated in the count written on the evidence envelope(s).
- f. Currency shall be secured and transported in a timely manner for submission as evidence, safekeeping, or found property.
- g. Commissioned members shall secure and submit packaged currency **greater than \$1,000** as evidence, safekeeping, or found property directly to the P&E Unit, not a substation locker, with notification to the P&E Unit supervisor. Ajo members shall submit the currency to the Ajo property safe.

- h. Within one (1) business day of any currency arriving at the P&E Unit, the P&E Unit supervisor, or his/her commissioned designee, and an evidence technician shall physically verify that the currency submitted matches evidence envelope(s) and the Property and Evidence Control Form(s) documentation. The P&E Unit supervisor is responsible for ensuring this is completed prior to the currency being accepted and processed.
  - i. Collector coins or coin sets are not required to be counted or totalled. Collector coins shall be listed on a separate Property and Evidence Control Form from other currency and property.
4. RICO Forfeiture Investigations
- a. Notification to the Financial Investigations Unit (FIU / RICO) supervisor is required in **any situation** with a potential for investigative forfeiture seizure of currency.
  - b. RICO investigations with currency valued at **less than \$1,000**, commissioned members shall follow currency procedures as outlined above in Chapter 4.IV.E.3.  
  
Currency valued at **greater than \$1,000** requires an FIU response to the scene.
  - c. Refer to Chapter 5.VII. for more detailed information.

F. Found Property

- 1. DO NOT advise finders of motor vehicles (automobile, motorcycle, ATV, and all other motorized vehicles) that the vehicle may be claimed after a period of time.
- 2. DO NOT advise finders of firearms that the firearm may be claimed after a period of time.

3. Found money that is unclaimed after thirty (30) days may be returned to the finder unless the finder is a public officer or employee of the federal, a state, or a local government as provided in A.R.S. § 12-941 et. seq. The appropriate investigative unit shall contact the Department's legal advisor to ensure that the statutory procedure is followed.

#### G. Safekeeping

1. Safekeeping is the temporary storage of items not classified as evidence that belong to a known individual.
2. All items listed as safekeeping shall have owner information provided on the Property and Evidence Control Form.

#### H. Release and Disposal Procedures

All releases shall be made by the P&E Unit. (Exception is field released property.)

##### 1. Property Releases

###### a. Firearms

- (1) All firearms releases shall be processed through the P&E Unit.
- (2) A firearm shall not be released until the following conditions have been met:
  - (a) An Authorization for Property Release (PCSD1330) is completed and forwarded to the P&E Unit.
  - (b) A Firearms Transfer Record (PCSD1336) is completed.
  - (c) A criminal background check is completed and the person to whom the firearm is to be released is not a prohibited possessor.

- (d) An inspection of the weapon to ensure the weapon does not have prohibited modifications is completed.
  - (e) If the firearm is related to a domestic violence incident, a reasonable attempt to notify the victim shall be made by the Domestic Violence Unit. If the victim cannot be located, consult the County Attorney's Office prior to release.
- (3) If the person to whom the weapon is to be released is a prohibited possessor, the initial release request shall be denied and the person will be notified via certified mail of his/her legal options to relinquish, destroy, or transfer the firearm.
- (a) Relinquish – Department will auction or destroy.
  - (b) Destroy – Requires a direct request to destroy.
  - (c) Transfer – New owner is named, via notarized letter. The release process restarts with the new owner.
- (4) A trace request may be initiated through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) prior to releasing a weapon when ownership is contested or per a request by a detective or other agency.
- b. All Other Releases
- (1) Items will not be released unless properly authorized by the submitting member or responsible investigative unit.
  - (2) Provide the person a case number and instruct the person to contact the P&E Unit prior to responding to the office. Vehicle releases are typically done by appointment only.

- (3) All persons appearing to pick up property must have a picture ID, the case number, and a valid driver's license if the item is a vehicle that is to be driven away.
- (4) Items will only be released to the subject named on the release authorization form.

## 2. Disposal of Evidence

- a. Disposal of evidence shall be done in compliance with Arizona Court Rules of Criminal Procedure and A.R.S. § 12-941 through 12-945.
- b. Assigned members or investigative units are responsible for directing the disposal or release of evidence after it is no longer needed for criminal prosecution. Requests for authorization to dispose of evidence shall be forwarded to the case detective or unit supervisor when dictated by policy. Detectives or assigned members are responsible for obtaining County Attorney authorization to dispose of case evidence.

Evidence and other property submitted to the P&E Unit shall not be retained needlessly.

- c. Upon receipt of a valid Authorization for Property Disposal/Release form, the P&E Unit shall be responsible for disposing of the identified property and maintaining records of the disposal.
- d. Firearms authorized for disposal pursuant to A.R.S. § 12-941 through 12-945 shall be sold to a business authorized to receive and dispose of firearms under federal and state law as provided by A.R.S. § 12-945. Defaced or prohibited firearms shall be destroyed as provided by law.
- e. Firearms voluntarily turned over to the Department by individuals with a request to be disposed of shall be destroyed.
- f. Hazardous material evidence shall be disposed of in a manner compliant with federal, state, and local laws and ordinances.



g. Automatic Disposal Authorization Procedures

This policy was developed in concert with and has been approved by the Pima County Attorney's Office. It establishes timelines which will trigger the pre-authorized automatic disposal of evidence or a request for authorization to dispose of evidence by the P&E Unit.

(1) Felony Cases

- (a) Evidence disposal for homicide, death, and sexual offense cases requires authorization from the County Attorney and associated detective or investigative unit.
- (b) Evidence associated with cases involving a traffic fatality or serious crime against persons may be automatically disposed of if the case is at least ten (10) years old and there is no outstanding arrest warrant or DNA evidence. In the event of a warrant or DNA evidence, County Attorney and detective approval is required.
  - (i) Serious crimes against persons include (03.xx) Robbery, (04.xx) Aggravated Assault, and (17.xx & 20.xx) Crimes Against Children.
- (c) Evidence associated with all other felony cases may be automatically disposed of if the case is at least five (5) years old and there is no outstanding arrest warrant or DNA evidence. In the event of a warrant or DNA evidence, County Attorney and detective approval is required.

## (2) Misdemeanor Cases

(a) Evidence associated with misdemeanor cases, excluding DUI, may be automatically disposed of after three (3) years from the date of incident if there is no outstanding arrest warrant associated. In the event of a warrant, County Attorney approval is required unless the warrant is more than five (5) years old.

(i) If an associated arrest warrant is more than five (5) years old, the P&E Unit will provide thirty (30) days advance notice to the County Attorney that evidence in the case is scheduled for disposal.

(b) Evidence associated with misdemeanor DUI cases may be automatically disposed of after five (5) years from the date of incident if there is no outstanding arrest warrant associated. In the event of a warrant, County Attorney approval is required.

## 3. Conversion to Department Use

- a. A.R.S. § 12-941 permits unclaimed property and evidence, after final disposition of the criminal case, to be converted to Department use. A request to assign unclaimed property/evidence for Department use shall be approved by the member's chain of command and the Investigations Bureau Chief.
- b. P&E Unit records shall reflect property converted to Department use was disposed of by conveyance to the Material Management Unit. The property, receipt, and supporting release documentation, including the property description, will be forwarded to the Material Management Unit.
- c. The Material Management Unit shall keep records of converted property assigned to members.

- d. Converted property that is no longer needed by the Department shall be returned to the Material Management Unit and disposed of using their normal processes.

#### 4. Controlled Delivery Items

- a. A.R.S. § 12-941 allows for items of evidence, found property, or safekeeping that have a useful value to law enforcement agencies to be utilized for law enforcement purposes.
- b. Members may request the use of such items for investigations that require a covert and controlled delivery of items of value.
  - (1) Contact the P&E Unit supervisor and inquire if the needed items are available.
  - (2) P&E Unit members shall determine if the item(s) is/are authorized for controlled delivery use based on established policies and procedures.
- c. The requesting member shall prepare and submit a memorandum with the following information:
  - (1) Case number, if available, of the controlled delivery investigation
  - (2) Justification for the use of the item(s)
  - (3) Case number, item number, and description of the item(s) requested
  - (4) Description of how the item(s) will be used
  - (5) Indicate if the item(s) may not be recovered due to the nature of the operation
- d. The request shall be forwarded to the Investigations Bureau Chief, via chain of command, for approval.
- e. The item(s) shall be photographed prior to release. The photograph shall be attached to the original Property and Evidence Control Form.

- f. The P&E Unit supervisor is responsible for having items of questionable value, such as jewelry, appraised prior to and subsequent to delivery. All appraisals shall be attached to the original Property and Evidence Control Form.
- g. Subsequent to the completion of the controlled delivery investigation, the requesting member shall resubmit the item(s) to the P&E Unit.
  - (1) Item(s) identified as evidence under the controlled delivery investigation shall be submitted to the P&E Unit under the new case number. A memorandum should be attached identifying the original case number of the item(s).
  - (2) The requesting member shall submit a memorandum detailing the circumstances of any item(s) that was not recovered. The memorandum shall be forwarded to the P&E Unit through the Investigations Bureau Chief.

#### I. Capture and Preservation of Digital Audio and Photographic Evidence

These procedures provide guidelines regarding the preservation of digital files of evidentiary value. These guidelines do not apply to digital record keeping systems.

Digital evidence is fragile and can be altered, damaged, or destroyed by improper handling or examination. Examination is best conducted on a copy of the original evidence. The original evidence should be acquired in a manner that protects and preserves the integrity of the evidence.

Activity relating to the seizure, examination, storage, or transfer of digital evidence should be documented, preserved, and available for review so members may testify to the authenticity of the files at trial.

##### 1. Definitions:

###### a. **Acquisition of Digital Evidence**

Acquisition begins when information and/or physical items are collected or stored for evidence or examination purposes. In compliance with Arizona Rules of Evidence, it is a process by which digital evidence is duplicated, copied, or imaged.

**b. Data Objects**

Objects or information (audio files or photographic images) of potential value that are associated with physical items. Data objects may occur in different formats without altering the original information.

**c. Digital Evidence**

Information stored or transmitted in binary form that may be relied on in court.

**d. Physical Items**

Items on which data objects or information may be stored and/or through which data objects are transferred.

**e. Original Digital Evidence**

Physical items and the data objects associated with such items at the time of acquisition or seizure.

**f. Duplicate Digital Evidence**

An accurate digital reproduction of all data objects contained on an original physical item.

**g. Copy**

An accurate reproduction of information contained on an original physical item, independent of the original physical item.

**h. WORM Media**

Write Once Read Many type media such as a CD-R or DVD-R.

**i. CD-R**

Compact Disk-Recordable

**j. DVD-R**

Digital Versatile Disk-Recordable

k. **Master Copy**

An accurate reproduction of all data objects contained on an original physical item that abides by the procedures set forth in I.2 (Master Copy) for the production and retention of electronic evidence.

2. Master Copy

The core of the procedure is the production, definition, and storage of a master copy which can be examined, if required, by the court to confirm the authenticity of the files.

- a. Original digital evidence shall be stored and maintained in an unaltered state. This includes maintaining original digital evidence in its native file format.
- b. Original digital evidence data objects shall not be deleted or altered. Any deletion of data objects, intentionally or accidentally, may be subject to a challenge or legal debate during prosecution proceedings.
- c. It is recommended that digital evidence be captured and recorded on a WORM type media.
  - (1) When digital evidence is recorded on reusable, removable media such as a CD-RW, Secure Digital Card, Compact Flash Card, Smart Media, or Memory Stick, the data objects shall be duplicated to a WORM type media or other storage solution authorized by the Technical Services Division commander. WORM type media shall be closed to prevent alteration of the data objects or addition of new data objects.
  - (2) The original WORM type media or the first duplicate digital evidence record comprises the “master copy.”
- d. Master copies recorded on WORM type media shall be labeled as such, with the case number and other identifying information. Labels should not be affixed to the media.

- e. The master copy should be created as soon as possible after the capture of the data objects to reduce the opportunity for altering the evidence.
- f. Original, removable media containing photographic evidence shall be forwarded to the Forensic Unit. The Forensic Unit shall be responsible for creating the master copy. With the exception of photographic evidence, the master copy shall be submitted into evidence following standard evidence procedures.
- g. The Information Systems and Technology Unit shall be responsible for implementing long term storage solutions for photographic images that meet the Department's records retention requirements. They shall also be responsible for providing secure storage, transaction logging, and back up of the master copy image files.

### 3. Working File

A duplicate digital evidence record may be created from the master copy to create a working file. Working files may be used for investigation and to assist in the preparation of the prosecution file.

### 4. Audit Trail

One of the fundamental requirements of digital evidence collection is the need to safeguard the integrity of the data objects; part of this process involves starting an audit trail at the earliest stage.

- a. The audit trail should include, with the date and time of action:
  - (1) Details of the case
  - (2) Description of the data objects and a log of the media used
  - (3) Downloading the data
  - (4) Creating and defining of the master file

- (5) Storage of the master file
  - (6) Any access to the master file
  - (7) Any copying that is required to ensure longevity of the data
  - (8) Viewing of the master file
  - (9) Use of the master file in court
  - (10) Disposal
- b. Audit trail information shall be documented in case reports, supplements, property and evidence control forms, and other pertinent case records.
5. Check Operation of Equipment

The correct operation of equipment is essential to gathering evidence. Department-issued equipment and settings should be maintained per training guidelines.

6. Reusable Media

Once data objects are copied to the master file, the reusable media shall be reformatted to remove all previous files, in preparation for reuse. Media cards may have to be formatted for reuse in specific devices.

7. Evidentiary Images

Images may be reviewed using the camera's LCD screen and scenes may be re-photographed if necessary. Images of a crime scene or images of evidentiary value (i.e., victim injuries, etc.) SHALL NOT be deleted for any reason. If a photo did not turn out as needed, an additional image should be taken and all photos submitted. This includes any photo captured by mishandling of equipment.



## 8. Secure Digital Media Card

- a. To ensure proper chain of custody for evidence, Secure Digital (SD) media shall not be uploaded or inserted into any device prior to forwarding the media to the Forensic Unit.
- b. Media shall not be kept in vehicles or extreme temperatures for an extended period of time.
- c. One (1) case number per SD card.
- d. No more than five (5) media cards shall be carried at one time.

## 9. Administrative Media Card

An administrative media card should be utilized for non-case related photos. This media card should not be submitted to the Forensic Unit for uploading into the Digital Information Media System (DIMS). This card will be pre-marked with an "A" and may be used for Department related photos such as lesson plans, training photos, work projects, or other administrative functions.

## J. Drug Evidence

1. Drug evidence is inclusive of marijuana, peyote, dangerous drugs, prescription-only drugs, narcotic drugs, or plants from which any of these may be derived.
2. Drug evidence that exceed the following weight limits shall not be secured in a sub-station evidence locker, but shall be submitted directly to the P&E Unit. Use of evidence lockers located at the P&E Unit is permissible.
  - a. Marijuana evidence greater than ten (10) pounds
  - b. All other drug evidence (e.g., methamphetamine, cocaine, heroin, etc.) greater than one (1) pound

- c. Narcotics and Special Investigations Section (NSIS) members, with the approval of the Special Investigations Division commander, may take drug evidence directly to the Drug Enforcement Administration facility during normal business hours for disposal. Court bales and core samples must be handled following Department Rules and Regulations, Chapter 4.IV.K.1.b and 4.IV.K.2.b.
  - d. After normal business hours, weekends, or holidays, NSIS members shall submit drug evidence directly to the P&E Unit for storage.
  - e. Drug evidence submitted will be properly marked, weighed, and documented for acceptance by the P&E Unit.
3. Drug evidence received by the P&E Unit shall not be removed from the Unit's control except for the following purposes:
- a. Crime laboratory analysis
  - b. Authorized destruction
  - c. Authorized control cases (reversals, training, etc.)
  - d. Fulfill a court order
  - e. Fulfill a written order of the Sheriff
4. Drug evidence must be packaged individually and not combined with other types of evidence.

## K. Drug Evidence Release Procedures for Court Appearances

1. The following documentation must be presented to the P&E Unit when requesting the release of drug evidence for court appearances:
  - a. Subpoena with future court appearance date or containing an original notation from a Deputy County Attorney indicating a new appearance date resulting from a continuance.
  - b. If there is no subpoena, a memorandum endorsed by a lieutenant or above is required. Memorandum must contain the following information:
    - (1) Name of person who will pick up evidence
    - (2) Case number
    - (3) Item(s) to be released
    - (4) Statement that release of item(s) is related to a court appearance
    - (5) Date and time of court appearance
  - c. Evidence will not be released for court more than one (1) working day prior to the scheduled appearance.
  - d. Prior to release, the drug evidence shall be weighed and the weight recorded on the Property and Evidence Control Form.
2. If the evidence is retained by the court, an evidence custody receipt signed by court personnel must be returned to the P&E Unit.
3. Evidence no longer required for court presentation shall be returned to the P&E Unit within one (1) business day following such a determination. The evidence will be re-weighed following standard Department weighing procedures.

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## L. Drug Evidence Seizure, Core Sampling, and Retention Procedures

### 1. Marijuana Seizures

- a. Seizures of less than ten (10) pounds, in violation of A.R.S., Title 13, Chapter 34, shall be retained for purposes of evidence.
- b. Seizures in excess of ten (10) pounds, in violation of A.R.S., Title 13, Chapter 34, the following procedures apply:
  - (1) Minimum ten (10) pound sample from each seizure location shall be packaged separately and retained for court purposes. For example, if a search warrant were served on a house and large quantities of contraband were located in the kitchen, bedroom, and garage, ten (10) pounds would be retained from the contraband found in each of the three locations. **The representative sample(s) must be from a bale that was core sampled.**
  - (2) Core samples representing a statistically significant sample of the contraband seized shall be taken. All core samples must be taken from the same package(s) which will be used for laboratory tests.
  - (3) Photographs will be taken of the seized contraband with identifying case numbers or other means of identification. Evidence from individual seizure locations should be photographed separately.

### 2. Seizures of “Other Substances”

- a. Seizures of narcotic and dangerous drugs, peyote, prescription-only drugs, or plants from which these may be derived that are less than one (1) pound, in violation of A.R.S., Title 13, Chapter 34, shall be retained for purposes of evidence.

- b. Seizures of narcotic and dangerous drugs, peyote, prescription-only drugs, or plants from which these may be derived in excess of one (1) pound, in violation of A.R.S., Title 13, Chapter 34, the following procedures apply:
  - (1) One (1) pound minimum weight samples from each seizure location shall be packaged separately and retained for court purposes (see example above). The representative sample(s) must be from one or more of the packages that are core sampled.
  - (2) Core samples representing a statistically significant sample of the contraband seized shall be taken. All core samples must be taken from the same package(s) which will be used for laboratory tests.
  - (3) Photographs will be taken of the seized contraband with identifying case numbers or other means of identification. Evidence from individual seizure locations should be photographed separately.
3. Core Samples
  - a. Core samples shall be taken randomly and shall represent a “population” or group of items that have similar characteristics such as packaging and location of discovery.
  - b. Core samples will be packaged separately from the bulk evidence.
4. In the event there is no suspect and there will be no follow-up investigation, the assigned member shall obtain authorization for disposal of the evidence and forward an authorization for destruction to the P&E Unit.
5. Members are responsible for weighing all drug evidence before it is transferred to the custody of the P&E Unit and making arrangements to have evidence photographed.

## M. Notice of Destruction

1. Applies to:
  - a. Marijuana seizures in excess of ten (10) pounds
  - b. Seizures of peyote, dangerous drugs, prescription-only drugs, narcotic drugs, or plants from which any of these may be derived in excess of one (1) pound
2. In any drug-related probable cause arrest in conjunction with a drug seizure, a Notice of Destruction form (PCSD1329) shall be issued to all arrestees or their attorney at the time of arrest. This fact shall be documented in the case report or a supplement. A copy of the form shall be submitted with the Property and Evidence Control Form to the P&E Unit.
3. When a Notice of Destruction form has not previously been served on a defendant, detectives shall be responsible for sending the notice, by registered mail, to the defendant or their attorney within two (2) weeks of submitting any substance listed in 4.IV.L.1 above into evidence.
  - a. A copy of this form shall be provided to the County Attorney's Office.
  - b. If the suspect is unknown or unavailable, the detective will coordinate with the County Attorney's Office. The two-week time frame still applies to determine the disposition of the substance in question.
4. The defendant or their attorney shall be given twenty-four (24) hours advance notice of the time and place the evidence will be photographed. They may elect to photograph the evidence, and should they so request, will be allowed the opportunity to identify reasonable additional items for retest or random sampling. If additional samples are requested, those samples shall be retained for court purposes. An appointment to photograph the evidence is to be coordinated by the lead detective with the P&E and Forensic Units and the County Attorney's Office.

5. The lead detective shall be responsible for providing the P&E Unit with a "Notice of Destruction" form authorizing destruction within thirty (30) days of the seizure.

#### N. Transfer of Marijuana Evidence

Marijuana properly authorized for destruction may be transferred to a control case to provide the Department access to moderate or large quantities of marijuana for lawful purposes, such as reversals or training. The following procedures shall be applied when a transfer of marijuana is authorized.

##### 1. Internal Transfer of Marijuana to Control Case

- a. Marijuana currently stored at the Department's P&E Unit may be transferred to a control case after the following authorization is received by the P&E Unit:
  - (1) Written authorization to dispose of the evidence from its original case by the prosecuting attorney's office.
  - (2) A memorandum, endorsed by a commander, authorizing the transfer to a control case.
- b. When drug evidence is transferred to a control case the evidence will subsequently be tracked under the control case number until it is either authorized for disposal or is submitted as evidence under a new case number. The evidence shall never be re-entered as evidence under the case number for which it was originally seized.
  - (1) When drug evidence is authorized for transfer to a control case, P&E Unit records for the original case will reflect that the evidence was disposed of by transfer to a control case. The records shall also reflect the control case number to which the evidence was transferred.

- c. Each bale of marijuana transferred will be re-weighed, numbered, and marked according to standard evidence procedures and placed into evidence as safekeeping under the control case number.
  - d. The property sheet(s) and copies of the release letter(s), memos, and supplements shall be placed in the control case file by the control officer.
2. Transfer of Marijuana from Outside Agencies to Control Case
- a. When the Department wishes to transfer marijuana from an outside agency to a control case, a letter requesting transfer of the marijuana to the Pima County Sheriff's Department for investigative purposes shall be sent from the Investigations Bureau Chief, or their designee, to the appropriate member of the outside agency.
  - b. A minimum of two (2) commissioned members shall accompany any transfer of marijuana to or from the Pima County Sheriff's Department.
  - c. Prior to removal of the marijuana from the outside agency, the marijuana shall be weighed on scales provided by the Pima County Sheriff's Department. A copy of a receipt for the marijuana, indicating its weight, shall be provided to the outside agency. Any difference between the weight originally recorded by the transferring agency shall be noted in a supplement.
  - d. The marijuana shall then be transported to the Pima County Sheriff's Department's P&E Unit. The transferred marijuana shall be re-weighed on the same scales used at the pick-up point in the presence of P&E Unit members. Any discrepancies shall be documented by the case detective in a supplement to the control case.
  - e. The transferred marijuana shall next be weighed on the scales in the P&E Unit; these weights are to be listed on the property sheets. Any discrepancies will be documented in a supplement to the control case. The scale make and serial number shall be noted by the case detective.



- f. The marijuana shall be packaged and marked as evidence according to standard procedure. It will be submitted into evidence for safekeeping under the control case number.

Note: Due to the many different methods of packaging marijuana, it may be necessary to untie or unpack/unwrap the bundles so that each individual bale can be numbered and weighed. The excess wrap and/or packaging shall also be weighed. This excess material may then be disposed of according to Pima County Sheriff's Department policy and the procedure detailed in a supplement to the control case.

- g. The following paperwork shall be provided to the P&E Unit by the transferring detective:
- (1) A copy of the letter from the Pima County Sheriff's Department requesting transfer of the marijuana, including the signature of the person releasing, date of release, and the name of the originating agency.
  - (2) A copy of the letter from the outside agency transferring the marijuana to the Pima County Sheriff's Department, when available.
  - (3) A copy of the property sheet(s) from the outside agency, when available.
  - (4) Copies of any release signed by either or both agencies.
  - (5) A memorandum, endorsed by a commander, authorizing placement into a control case (with the appropriate case number noted).
  - (6) Completed property sheets showing weights of individual bundles or packages.
- h. The property sheet(s) and copies of the release letter(s), memos, and supplements shall be placed in the control case file by the control officer.

### 3. Release from PCSD to Outside Agency

Marijuana held by the Pima County Sheriff's Department may be released to outside agencies utilizing the following procedures:

- a. A letter from the requesting agency to the Pima County Sheriff's Department shall be given to the P&E Unit.
- b. A memorandum endorsed by the Investigations Bureau Chief authorizing the transfer to the outside agency shall be given to the P&E Unit. The memo shall indicate the case number from which the marijuana is to be released and a description of the items to be released.
- c. Any marijuana that was held as evidence requires a letter authorizing release from the County Attorney. The letter shall be given to the P&E Unit.
- d. Should marijuana be released from a control case, a copy of the requesting letter, authorizing memo, and any other correspondence shall be maintained in the control case file by the control officer.
- e. P&E Unit records shall show that the evidence was disposed of by transfer to an outside agency. The evidence shall not be resubmitted as evidence under the original case number.

## O. Control Cases

### 1. Control Officers' Responsibilities

- a. Account for drug evidence assigned to the control case. One (1) commissioned member shall be assigned as the control officer for each individual control case.
- b. Maintain case files
- c. Shall make monthly reports to their supervisor detailing all transfers and current status of drug evidence inventory under control case numbers.

## 2. Removal of Marijuana from Evidence

- a. Any time marijuana is removed from the P&E Unit under the control case number for purposes of a narcotics investigation, a memo endorsed by a commander shall be given to the Technical Support Section commander. The memo shall indicate the approximate amount to be released and designate a person to receive the marijuana.
- b. A minimum of two (2) commissioned members shall be present during the removal of marijuana.
- c. Each bale shall be weighed prior to removal and the scale make and serial number noted on the memo. The original memo for removal shall be given to the P&E Unit and a copy to the control officer.
- d. A new memo shall be required each time marijuana is to be checked out.
- e. At least every six (6) months, the control officer or designee shall screen marijuana in the control case and authorize for destruction any marijuana no longer suitable for investigations.
- f. Should a sample be given or shown during an investigation, a supplement to the control case shall be completed indicating the date of removal, the item number from which the sample was removed, the approximate weight of the sample, and the case number it was used for.

3. Disposition of Control Case Marijuana Evidence
  - a. Marijuana used in a narcotics investigation can be resubmitted as evidence in either of the following ways:
    - (1) Under a new relevant case number
      - (a) When items are submitted as evidence in a new criminal case, the control officer will submit a memorandum to the P&E Unit identifying the items that have been removed from the control case. P&E Unit records shall reflect these items as “disposed” in the control case.
    - (2) Under the control case; previous item number(s) is retained.
  - b. Each individual bale of marijuana shall be re-weighed.
    - (1) If a single item is broken down into smaller separate items, new sequential item numbers shall be obtained from the control officer for each item. The property sheets shall indicate that the original item number has been abandoned and shall list the new item numbers obtained.
    - (2) The combined weight of all new items should equal or exceed (because of new wrapping) the original item weight. This breakdown shall be documented in a supplement to the control case.
  - c. A supplement shall be completed and a copy given to the control officer. A copy of the removal memo shall be returned to the control officer.

#### 4. Transfer of Narcotics

The procedures for marijuana control shall be followed for narcotics control with the following additions:

- a. In all circumstances, narcotics transferred into a control case must be submitted for analysis to an approved lab prior to entry.
- b. Release of narcotics from the P&E Unit requires the same paperwork as marijuana but must be authorized by a captain or above.
- c. Narcotics removed and subsequently returned to a control case shall be submitted for analysis to an approved lab, if the original packaging was broken.
- d. Except for release of a small sample for suspects to test in the presence of the investigating member, narcotics shall not be released as samples during investigations. Any part of samples not destroyed during the testing process must be returned to the master case or placed into evidence. This shall be documented in a supplement to the master case.
- e. Narcotics shall not be stored outside of the P&E Unit in anticipation of a transaction without the express authorization of the Special Investigations Division commander or above.
- f. All narcotics transfers shall be weighed to within minus or plus 0.1 gram accuracy.

#### P. Marijuana Dehydration

Marijuana will inevitably dehydrate at varying rates dependent on a number of different factors, including but not limited to the following:

1. Size of bales
2. Type of wrapping around bales

3. Storage climate, including relative humidity and temperature
4. Length of time stored
5. Length of time between harvest and packaging
6. Quality and type of marijuana

These factors should be considered when evaluating any weight discrepancies.

Q. Drug Evidence Destruction Procedures

1. Upon receipt of a signed Sheriff's Department Disposition Form and a copy of the Notice of Destruction, the P&E Unit shall request authorization from the Special Investigations Division commander to carry out the destruction of drug evidence.
  - a. The request shall be made by memorandum.
  - b. Upon verification that the prescribed procedures have been followed and completed, the Special Investigations Division commander may order immediate destruction.
2. Upon receiving the order from the Special Investigations Division commander to destroy drug evidence the destruction shall be conducted as soon as possible.
  - a. The P&E Unit supervisor shall be responsible for making arrangements for lawful incineration of the evidence.
  - b. The P&E Unit shall be responsible for identifying, weighing, and photographing drug evidence that is cleared for destruction.

- c. Two (2) or more commissioned members shall accompany P&E Unit members during the transport of materials to be destroyed – from storage location to destruction point. They shall remain with the material until it is rendered totally useless as a drug or narcotic.
  - (1) If circumstances dictate, the P&E Unit supervisor may request a SWAT escort.
- d. Proper health and safety rules in handling and disposing drug evidence as well as chemicals and components used in the manufacture of same, e.g., gloves, protective clothing, face shields, glasses, respirators, first aid materials, fire extinguishers, and any other safety devices deemed necessary shall be followed.
- e. Disposal or destruction of material that is classified "hazardous" shall be done under the direct supervision of the Bomb Squad.
- f. The P&E Unit supervisor will ensure that a case report is completed documenting the following:
  - (1) Transportation method
  - (2) Location of destruction or disposal
  - (3) Method of destruction or disposal utilized, e.g., gas-fired incinerator, open burning with diesel fuel, etc.
  - (4) Name, badge number, agency affiliation, and function of everyone present
  - (5) Description of evidence destroyed

## V. CORRECTIONS BUREAU CRIMINAL INVESTIGATIONS

- A. Patrol shall respond to reports of criminal acts occurring at Pima County correctional facilities.
- B. Follow-up investigations of crimes committed by inmates occurring at Corrections Bureau facilities shall be conducted by the appropriate investigative unit.
- C. Procedures
  - 1. Criminal violations occurring at the Corrections Bureau shall be reported to Communications by the facility involved.
  - 2. A patrol member shall respond to the facility, conduct a preliminary investigation, and prepare an initial incident report.
  - 3. Corrections Bureau members shall protect and preserve the scene while awaiting the arrival of Patrol.
  - 4. The responding patrol member shall notify the investigative unit supervisor.
- D. Escapes

The Sheriff's Department shall investigate all incidents of escape of booked prisoners and obtain arrest warrants no matter who had actual custody of the prisoner at the time of the escape.

  - 1. The Sheriff's Department shall assist other Pima County area agencies upon their request in the event a prisoner escapes prior to booking.
  - 2. If the escapee was being held in the Pima County Adult Detention Center on federal charges in addition to state charges, the U.S. Marshals Service shall also be notified.
- E. When the Sheriff's Department is notified of an escape of a person who has been booked into any Pima County Corrections Bureau facility, Communications shall dispatch Patrol to the scene to make an initial report.



- F. An attempt-to-locate shall be broadcast as soon as possible to all Arizona law enforcement agencies.
- G. The Patrol Division shall conduct an initial search utilizing appropriate resources.
- H. The FIST supervisor shall be notified and take responsibility for the investigation, ensuring the following:
  - 1. An investigation is underway
  - 2. An attempt-to-locate has been broadcast
  - 3. An arrest warrant is obtained

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**VIII. REQUEST FOR PRESERVATION OF COMMUNICATIONS TAPES****A. Procedure for Department Members**

1. Sheriff's Department members who request copies of Communications tapes must submit a memorandum to the Communications manager, via chain of command.
2. Memoranda shall include the following information:
  - a. Call number
  - b. Date and time period of the incident
  - c. Determine if the request is for telephone conversations or radio transmissions or both
  - d. Reason for the request
  - e. Nature of the incident
3. The Communications manager must receive the requesting memoranda within nine (9) months of the date of the incident.

**B. Procedure for Request from Persons Outside the Department**

1. Requests from outside the Department for copies of Communications tapes shall be addressed in the following manner and the requests shall be forwarded to the Communications manager.

If the request does not contain sufficient information, Communications shall contact the requestor and obtain the additional information.

2. The member preparing the tape shall notify the requesting party when the tape is ready for pick up.
3. In the event the identifiers on the request do not match the incident recorded on the tape or the tape has been recycled and erased, the Communications manager shall document the fact and advise the requestor in a letter.

4. Tape-copying requests from outside parties, excluding the County Attorney's Office, shall be processed utilizing the following steps:
  - a. Private citizen requests, excluding any from criminal defendants, shall be in writing to include:
    - (1) Case number
    - (2) Date of incident
    - (3) Address and telephone number of the incident
    - (4) Intended use for the tape

A fee will be assessed for copies, which will be forwarded to the Business Office for processing.
  - b. Defense Attorney Requests

All requests from defense attorneys will be referred to the assigned County Attorney.
- c. Court ordered tape copies shall be supplied as ordered.

#### IX. MOBILE DATA COMPUTERS (MDC)

- A. The Pima County Sheriff's Department will utilize a Mobile Data Computer (MDC) system. The MDC system will allow access to the Arizona Criminal Justice Information System (ACJIS) and afford an opportunity for Department members to run ACJIS queries. The MDC system will allow the dispatch of calls for service to members.
  1. Department members shall adhere to all security and access guidelines applicable for ACJIS access.
  2. Prior to utilizing the MDC system, members must attend appropriate training and have current Terminal Operator Certification.
  3. Members shall not share log-in names or passwords.
  4. Members shall use only their assigned login for access into their MDC.

5. Members shall be cognizant of the potential of unauthorized viewing and take appropriate preventative steps.
  6. Members shall not allow personnel from other agencies or departments to utilize the MDC system.
  7. Members are expected to maintain security of the equipment at all times, to include locking the equipment down when possible.
  8. Members shall not divulge any sensitive medical information included in a call, nor shall members allow the knowledge of such information to adversely alter their response to a call for service.
- B. The MDC system is for official use only.
1. Department and County rules, as well as State and Federal laws, regarding the use of electronic mail, messaging, system access, and the dissemination of information shall be followed while using the MDC system.
  2. Unauthorized access and/or misuse of the MDC system, or the information contained in the system, may result in disciplinary action and/or criminal prosecution.
  3. Portable MDC use is authorized for Department purposes only. Personal use is strictly prohibited.
- C. Procedures for Use
1. Department members shall not handle MDC equipment in a rough or careless manner.
    - a. Except for normal operating controls, only authorized Pima County personnel may adjust or repair MDC equipment.
    - b. Members are required to immediately report any damage or loss of MDC equipment to their on-duty supervisor. This report must be followed with written documentation of the damage or loss.

- c. The supervisor shall notify Material Management of the damage or loss and forward the written documentation to Material Management via the chain of command.
2. While off duty, Department members shall store and secure the portable computer away from their assigned patrol vehicle.
3. Department members shall not install software, modify hardware components, or attach peripheral devices to the portable computers without authorization from the Technical Services Division Commander.
4. Use of MDC Radio Log
  - a. The MDC should be used to check on and off duty at the beginning or end of each shift, and to check out at **ordinarily low-risk** locations such as sub-stations, dinner breaks, etc.
  - b. The MDC shall not be used to check out anywhere there is a reasonable potential for law enforcement action to be taken, including—but not limited to—traffic stops, suspicious people or vehicles, bar checks, or abandoned vehicles.
5. Call Dispatch via MDC
  - a. The MDC will be used to dispatch all calls except for priority one (1) and two (2) calls. All calls, regardless of priority, may display on the MDC and members are cautioned about reacting prematurely to a call on input. Priority one (1) and two (2) calls will continue to be dispatched via voice radio.
  - b. Units dispatched to a call via MDC shall utilize the MDC to indicate they are en route.
  - c. Upon arrival at the call location, the unit shall utilize the MDC to indicate such.
  - d. Only the unit assigned the call as the responsible member shall clear the call. Upon request, the dispatcher can reassign the call.

- e. Calls shall be cleared via the MDC as soon as practicable.
6. Traffic Stops
- a. Commissioned members shall not conduct traffic stops via their MDC. Radio procedures for traffic stops shall be followed, including periodic status checks by the dispatcher.
  - b. The MDC should be used whenever feasible to conduct ACJIS queries such as warrant, license, and registration checks.
  - c. Unless an MDC call is issued for the traffic stop, the voice radio shall be utilized to advise when the traffic stop is completed.
7. Warrant Hits
- a. User should realize that other members of the Department will not see warrant information received on any MDC other than his/her own. Therefore, it is the responsibility of the user to immediately notify the dispatcher via voice radio of any warrant hits.
  - b. The dispatcher shall facilitate the deployment of back-up units.
  - c. The dispatcher, upon receiving the necessary information from the member, will follow current practice for identifying and confirming the warrant.
8. On-Sight Activity
- a. Members are required to follow established procedures for handling on-sight activity.
    - (1) This includes using the voice radio to advise other personnel and the dispatcher of the on-sight activity.
    - (2) The MDC may be used to run ACJIS queries.

- b. Communications may issue an on-site call via the MDC for the on-sight activity, if requested.
  - c. Unless an on-sight call is issued via MDC, the voice radio shall be utilized to advise when the on-sight activity is completed.
9. Officer Safety
- a. Although members are encouraged to utilize their MDC as much as possible, they are not required to utilize the MDC when good officer practices dictate the use of voice radio.
  - b. When situations do not allow for MDC use because of safety concerns, a back-up unit should be requested or dispatched.
  - c. Caution must be exercised while utilizing the MDC and controlling the vehicle. Members are obligated to drive safely and are not protected from the consequences of reckless driving or disregarding the safety of others. Policies regarding the operation of Department vehicles remain in full effect while utilizing the MDC.
10. Attempts to Locate (ATL)
- a. Priority will be established by the Communications on-duty supervisor.
  - b. Depending upon the priority of the ATL, it may be conveyed via voice radio and MDC or MDC only.
  - c. A retention schedule for ATLs shall be developed by the MDC/Radio User Committee. A Communications supervisor or any commander may temporarily override a particular retention plan for an ATL, as circumstances warrant.



## 11. Unit Failure

- a. In the event of a unit failure, the problem must be immediately reported to the on-duty supervisor and Communications.
- b. If the failure can be isolated to either the vehicle apparatus or the computer, steps may be taken to deploy a pool vehicle or another computer.
- c. Affected members should advise their on-duty supervisor. Consideration should be given for the member to ride with another unit equipped with a functioning MDC.
- d. If the MDC is not operational, no spares available, and staffing consideration will not allow the member to team up with another unit, voice radio will be utilized for communications with the affected member(s).
- e. A memorandum documenting the problem must be completed by the end of the shift and forwarded to Material Management via the member's chain of command.

## 12. System Failure

- a. In the event of a system failure, voice radio will be utilized for all communications normally handled by the MDC system.
- b. The Force Commander or District Commander shall coordinate this activity via on-duty supervisors.

- X. TACTICAL CALL-OUT AND ELECTRONIC MESSAGING PROCEDURE
- A. All commissioned members are issued cell phones, which they shall be required to carry while on duty. The primary use is for official Department communication.
1. On-call pay is not authorized unless approved by a chief.
  2. The cell phone may be worn during off-duty status; however, deputies and sergeants will not be expected to respond to Department calls or texts during non-work hours unless they are “on-call.”
  3. The cell phone is available for personal use, but shall not interfere with normal duties or job performance.
- B. Group Call-Outs
1. In the event of a significant incident, any commander may direct a Tactical Alert Procedure (TAP) be initiated.
  2. The requesting commander will direct either Communications or a designee to initiate the TAP.
  3. Information for a Tactical Alert is delivered to the appropriate group(s) via an electronic message and will contain incident, staging area, number of officers needed, off-duty members required (if necessary), radio talk group to utilize, etc.
  4. On-duty members receiving a TAP message will respond as directed.  
  
Off-duty members receiving a TAP message will not take action unless directed and authorized by a supervisor.
  5. Once the incident or event is Code 4, an electronic message will be sent canceling the TAP response.
- C. Command/Supervisory Use
1. Supervisors and commanders may use electronic messaging to disseminate notices, announcements, or information.
  2. Electronic messaging is for official use only.

## XI. EQUIPMENT

- A. Department equipment, vehicles, and facilities shall only be used by Department members acting in their official capacity. Equipment may be loaned to other agencies with the approval of the Sheriff.
- B. Violation of Department rules and regulations, and procedures, as well as violations of the Pima County Personnel Policies, related to care and use of County equipment may result in disciplinary action, including loss of the use of County equipment.

## XII. COMPUTER ENTRIES

- A. Department members who receive reports on stolen vehicles, missing persons, runaway juveniles, or lost or stolen license plates shall, upon completion of the appropriate form, contact Terminal Operations and provide necessary information for a computer entry. The terminal operator, upon receiving the information, shall enter it into the computer system.
  - 1. Members taking the report of a missing person or runaway juvenile shall contact Terminal Operations and provide the necessary information pertaining to the missing person when computer entry requirements are met.
  - 2. Missing persons may be entered into NCIC only if criteria established by NCIC have been met. These criteria are as follows:
    - a. The missing person is a juvenile (un-emancipated), age seventeen (17) or younger.
    - b. He/she is a person of any age who is missing after a catastrophe.

- c. The missing person is eighteen (18) years of age or older or an emancipated juvenile, and the reporting member has supporting documentation in his/her possession stating the conditions under which the person is declared missing. The documentation must be a written statement from a physician, parent, legal guardian, next of kin, or other authoritative source stating one of the following:
  - (1) Disability: A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.
  - (2) Endangered: A person of any age who is missing and in the company of another person under circumstances indicating that his/her physical safety may be in danger.
  - (3) Involuntary: A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, e.g., abduction or kidnapping.
  - (4) Other: A person over the age of 18 not meeting the criteria for entry in any other category who is missing and for whom there is a reasonable concern for his/her safety.
3. If NCIC criteria cannot be met, the missing person will be entered into the local criminal justice database only, thereby making the information available to local law enforcement agencies.
4. All stolen vehicle reports that fall under ARS § 13-1813 (Unlawful Failure to Return Motor Vehicle) will be forwarded to the Auto Theft Unit for further investigation. Any vehicle stolen under this statute will **only** be entered into ACIC/NCIC by the Auto Theft Detail.

- B. Department members who receive reports of recovered vehicles, found persons, returned runaway juveniles, or found license plates shall contact Terminal Operations and determine if the information has been entered into the computer system.
  - 1. If the information has been entered, the terminal operator shall clear the data from the computer upon request of the reporting member. The reporting member shall make the appropriate reports under the original case number indicating that the person or property has been found and the computer entry has been cleared.
  - 2. If data on a person or property have not been entered into the computer, the reporting member shall record that fact.

### XIII. VICTIMS' BILL OF RIGHTS - DEPARTMENT OBLIGATIONS

- A. Commissioned members completing initial contact with victims of all crimes shall:
  - 1. Notify victims of their rights by completing and distributing to each victim an "Information for Victims of Crime" brochure.
  - 2. Ascertain if the victim wishes to waive or invoke applicable rights to which the victim is entitled.
  - 3. Determine whom the victim wishes to designate as a lawful representative.
  - 4. Presume that the victim wishes to invoke applicable rights if the victim is physically or emotionally unable to request or waive applicable rights.
- B. If the member is unable to contact the victim after reasonable attempts, the member shall contact the Terminal Operations Unit to request that the victim be notified of his/her victim's rights.
- C. For reports taken by the Telephone Reporting Center, the "Information for Victims of Crime" brochure shall be mailed to the victims, and it will be so noted on the case report.

## D. Probable Cause Arrests

1. The arresting member is responsible for notifying the victim of the arrest and the time and location of the initial appearance.
2. If the member is unable to contact the victim after reasonable attempts, the member shall contact Terminal Operations to request that the victim be notified of the arrest.
3. Terminal Operations shall notify victims who have not previously been contacted.
4. For in-custody arrests, members shall submit a "Victims' Rights Information Card" to the custodial agency for each victim at the time of booking.
5. A victim, as defined by Arizona Revised Statutes, is not eligible for victims' rights information while in custody for any offense or if they are the person accused of the criminal offense initiating victims' rights applicability.

## E. Mutual Combat Domestic Violence In-Custody Arrests

1. In situations involving arrestees without a legal guardian relationship, an individual "Victims' Rights Information Card" must be completed for each adult involved. Completed cards are to be given to the Adult Detention Center.

Additionally, a Victims' Rights Pamphlet must be completed for each in-custody person, who would otherwise be considered a victim. The pamphlets are to be given to the booking staff for placement in the inmate's property. Once released, the individuals will be given the pamphlet, thus obtaining their victims' rights information.

2. In situations involving arrestees with a legal guardian relationship, such as parent-minor child or guardian-vulnerable adult, the procedure outlined above must be amended. In this circumstance, victims' rights cannot be given to the accused legal guardian on behalf of the juvenile/vulnerable adult. The juvenile/vulnerable adult will need to assert their own victims' rights, designate another person to assert victims' rights on their behalf, or have a lawful representative appointed for them. Appropriate steps must be taken to ensure an individual "Victims' Rights Information Card" is completed for each arrestee, and that victims' rights information is available for all inmates eligible for victims' rights upon release from custody.
- F. In cases of arrests on Sheriff's Department-initiated warrants, Terminal Operations shall notify victims. (Civil, FTA, and other contempt warrants are excluded.)
  - G. For arrests on other local (within Pima County) law enforcement agencies' warrants, the Corrections Bureau shall notify the investigating agency of the arrest.
  - H. The Corrections Bureau's Records Unit shall provide notification of an inmate's release to victims who have requested it.
  - I. The Corrections Bureau's Records Unit shall provide immediate notice to the victim(s) and the prosecutor's office of an escape and subsequent re-arrest of an incarcerated person accused or convicted of committing a criminal offense against the victim.

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**XIV. VICTIMS OF TRAFFICKING AND VIOLENCE PREVENTION ACT**

- A. It is the policy of the Pima County Sheriff's Department to support the Victims of Trafficking and Violence Prevention Act (VTVPA) of 2001, as appropriate. VTVPA encourages victims to report crimes and contribute to investigations and prosecutions regardless of immigration status, and supports law enforcement efforts to investigate and prosecute crimes committed against immigrant victims.
- B. VTVPA provides for immigrant victims to apply for a U visa. This is an immigration benefit that can be sought by victims of certain crimes who are currently assisting or have previously assisted law enforcement in the investigation or prosecution of a crime or who are likely to be helpful in the investigation or prosecution of criminal activity. The U visa provides eligible victims with nonimmigrant status to temporarily remain in the United States while assisting law enforcement. Any Department member who receives an inquiry about the U visa application process shall direct the inquirer to the appropriate victims' service provider.
- C. U visa applicants are required to submit law enforcement certification, United States Citizenship and Immigration Services (USCIS) form I-918 Supplement B (U Nonimmigrant Status Certification), along with USCIS form I-918 (Petition for U Nonimmigrant Status). The Criminal Investigations Division (CID) commander will determine law enforcement certification for U visa requests.
- D. All USCIS I-918 Supplement B forms received by the Department for certification shall be forwarded to the CID commander. The CID commander will forward the forms to the appropriate CID Unit supervisor, via chain of command, for review and recommendation. The forms shall be returned to the CID commander for certification or denial of certification. Each certification request will be reviewed on a case-by-case basis.

**XV. NO SMOKING POLICY**

The use of tobacco products is prohibited in County facilities and vehicles and on County owned or leased property. Tobacco products include, but are not limited to, cigarettes, cigars, pipes, smokeless tobacco, water pipes, hookah, e-cigarettes, chewing tobacco, and snuff.



**XVI. CONFLICT OF INTEREST POLICY**

All Department members who recommend or approve purchase of goods or services are required to review and be familiar with Pima County Administrative Procedure 3-26 regarding conflict of interest.

Department members who have, or whose relative has, a substantial interest with a company or service that is being recommended or approved must disclose that interest to the Department and refrain from participating in any manner in the recommendation and/or decision process. Disclosure shall be made by completing a “Notice of Substantial Interest in a Pima County Contract, Sale, Purchase, Service, or Decision” form. This form is available from the Department’s Financial Services Section. Completed forms shall be turned into the Financial Services Section.

**XVII. EXPOSURE CONTROL PLAN**

A detailed Exposure Control Plan containing all elements required by OSHA Standard 29 CFR 1910.1030 and Pima County Administrative Procedure 30-16 is available at each District, Section, from Personnel or the Department Risk Manager, and is also on the portal. All affected members shall read and remain familiar with the Exposure Control Plan.

**A. Definitions**

1. **BLOOD-BORNE PATHOGENS:** Microorganisms that are present in human blood and can cause disease in humans. These pathogens include—but are not limited to—hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
2. **CONTAMINATED SHARPS:** Any contaminated object that can penetrate the skin, including—but not limited to—needles, scalpels, broken glass, etc.
3. **EXPOSURE INCIDENT:** A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral (piercing) contact with blood or other potentially infectious materials that results from the performance of duty.

4. OCCUPATIONAL EXPOSURE: Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of duty.
  5. SIGNIFICANT EXPOSURE: This type of exposure in an occupational setting is when actual physical contact occurs. Fluid contact with clothing or unbroken skin is not generally recognized as a significant exposure.
  6. OTHER POTENTIALLY INFECTIOUS MATERIALS:
    - a. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.
    - b. Any unfixed tissue or organ (other than intact skin) from a human being (living or dead).
    - c. HIV-containing cell or tissue cultures, organ cultures, and HIV or HBV-containing culture media or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV or HBV.
  7. PERSONAL PROTECTIVE EQUIPMENT: Specialized clothing or equipment worn for protection against a hazard. General work clothes, e.g., uniforms, pants, shirts, or blouses, not intended to function as protection against a hazard are not considered to be personal protective equipment.
- B. The following job classifications within the Pima County Sheriff's Department may risk occupational exposure to blood-borne pathogens.
1. Commissioned classifications: lieutenant, sergeant, and deputy
  2. Corrections classifications: lieutenant, sergeant, specialist, and officer

3. Forensic and evidence technicians and supervisors
  4. Janitorial classifications (all)
- C. Universal precaution is the best approach to infection control. All human blood and body fluids are, therefore, to be treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.
- D. The Occupational Safety and Health Administration (OSHA) requires all members to adhere to the following:
1. Use personal protective equipment when the potential exists for contacting blood or other potentially infectious material.
  2. Wash hands and any other skin with soap and water or flush mucous membranes with water immediately, or as soon as feasible, following contact with blood or other potentially infectious materials.
  3. When hand-washing facilities are not immediately available, utilize an appropriate antiseptic hand cleaner in conjunction with clean cloth, paper towels, or antiseptic towelettes. Hands shall be washed with soap and running water as soon as feasible.
  4. Wash hands immediately, or as soon as feasible, after removal of gloves or other personal protective equipment.
  5. All procedures involving blood or other potentially infectious materials shall be performed so as to minimize splashing, spraying, spattering, and generation of droplets of these substances.
  6. All equipment that becomes contaminated shall be decontaminated as necessary in accordance with established County policy.
  7. Appropriate containers shall be used for the disposal, storage, and transportation of blood or other potentially infectious materials, contaminated personal protective equipment, any contaminated needles or sharp objects, and any other contaminated waste.

8. There shall be no eating, drinking, smoking, applying cosmetics or lip balm, nor handling of contact lenses in work areas where there is a reasonable likelihood of occupational exposure.
  9. Food and drink shall not be kept on or in refrigerators, freezers, shelves, cabinets, countertops, or benchtops where blood or other potentially infectious materials are present.
  10. There shall be no mouth pipette/suctioning of blood or other potentially infectious materials.
- E. Some job classifications and assignments may require more extensive workplace controls. Division commanders are required to evaluate such classifications and assignments and ensure that additional workplace controls are implemented as necessary. All operational procedures, including those established by a Division commander, regarding exposure to blood and other potentially hazardous materials shall be followed. If a member identifies an occupational exposure not previously recognized by the Department, it shall be that member's responsibility to immediately report the occupational exposure to their supervisor.
- F. Personal Protective Equipment
1. Material Management shall make available the appropriate personal protective equipment.
  2. The appropriate personal protective equipment shall be used when the potential for exposure to blood or other infectious material exists. Exception: The use of PPE would prevent the delivery of public safety services or pose an increased hazard to the safety of any person.
- G. All contaminated waste, contaminated protective equipment, and contaminated laundry shall be properly containerized, labeled, and stored in accordance with all federal, state, and local laws and rules and regulations

1. All contaminated waste shall be placed in leak-proof, sealed containers labeled with an appropriate BIO-HAZARD warning label. Waste items, such as contaminated personal protective equipment, may be disposed of at Department corrections facilities and most fire stations and hospitals. Utilize fire and EMS personnel for waste disposal when such personnel are present.
  2. Contaminated laundry shall be transported in containers that are marked with the appropriate BIO-HAZARD labels. Contaminated laundry shall not be sorted or rinsed at the location of use.
  3. The Department will ensure that the disposal of all regulated waste is in accordance with all federal, state, and local laws.
- H. In the event a uniform, item of clothing, piece of equipment, or vehicle becomes contaminated with blood or bodily fluids belonging to another individual, the following actions will be taken:
1. Personal clothing or uniform items that have become contaminated should be removed immediately. Place the uniform/clothing in a red BIO-HAZARD bag and label the bag with the member's name, badge number, and district/section assignment.
  2. Directly notify the on-duty supervisor or the district/section Public Safety Support Specialist (PSSS) to ensure appropriate measures have been taken for cleaning.
  3. The PSSS will notify the designated cleaner to pick up the uniform/clothing the next business day. The clean uniform/clothing will be returned to the district/section within three (3) days after pick up.
  4. Green Valley members will leave properly packaged contaminated uniforms/clothing with Material Management. Material Management will arrange for vendor pick-up. The clean uniform/clothing will be returned to Material Management within three (3) days. Material Management will notify the district/section PSSS that the uniform/clothing is available for pickup.

5. Ajo District members will send properly packaged contaminated uniforms/clothing to Material Management by members traveling to Tucson or by mail courier. Material Management will arrange for vendor pickup. After the clean uniform/clothing is returned to Material Management, the mail courier will deliver to the Ajo District.
  6. Corrections Bureau members will deliver properly packaged contaminated uniforms/clothing to the Fire/Life-Safety Office, with a copy of the incident report, for dry cleaning and return.
  7. Shoes and leather gear may be scrubbed with a brush in soap and hot water. All other non-disposable equipment item (such as flashlights, batons, handcuffs, etc.) should be disinfected with a ten (10) percent bleach/water solution.
  8. Vehicle seats or other exposed areas should be scrubbed with a ten (10) percent bleach/water solution.
- I. Pima County Risk Management will provide the Hepatitis B vaccination series to all members with an occupational exposure and to field qualified search and rescue volunteers. Exceptions: Member has previously received the complete vaccination series, antibody testing has revealed immunity, or the vaccine is contraindicated for medical reasons.
1. Any member who declines participation shall sign a declination form.
  2. If a member initially declines, the option to participate at a later date is still available.
  3. Members who terminate from Pima County prior to completing the vaccination series shall be responsible for completing and paying for the series.

- J. When a significant exposure occurs, the supervisor will be notified immediately to ensure that all circumstances of the exposure are fully documented and forwarded, to include the Supervisor Incident Analysis and Prevention Report and Report of Significant Exposure to Bodily Fluids, to the Department's Risk Manager within twenty-four (24) hours. It is in the member's best interest to report all occupational exposures to protect any future industrial claims that may arise from such exposure.
1. The exposed member shall seek immediate medical treatment.
    - a. If the exposure occurred between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, treatment shall be sought from the designated Pima County Occupational Health Physician.
    - b. If the exposure occurred after normal business hours, or on a weekend or holiday, call the Pima County Occupational Health Physician, speak with the on-call physician, and follow the physician's instructions.
    - c. All post-exposure evaluation and follow-up will be conducted by the prescribed occupational health provider in conjunction with Pima County Risk Management. Evaluations and follow-up care are available to any member who has a significant exposure to blood or potentially infectious bodily fluids.
  2. The exposed member shall have blood drawn as soon as possible after the significant exposure. When indicated, prophylactic medications will be offered to decrease the risk of contracting HIV or Hepatitis B or C. A baseline blood test will be offered with a subsequent test offered up to eighteen (18) months after exposure. The initial test will indicate any or all of the following:
    - a. Hepatitis B (HBV) Immunity
    - b. HIV Status
    - c. Hepatitis C (HCV) Status

3. If testing is refused, the refusal shall be documented and signed by the member. The member shall be informed that, if not tested, future benefits may be jeopardized.
4. The healthcare professional will provide a written opinion evaluating the exposure incident. Such medical information, including the findings and diagnosis of any exposure incident, shall remain confidential.
5. When a member receives a significant exposure to bodily fluids from a person who: (see A.R.S. § 13-1210 a-d)
  - a. Is charged in any criminal complaint and the complaint alleges that the person interfered with the official duties of the public safety member or volunteer; **OR**,
  - b. Interfered with the official duties of the public safety member or volunteer and is now deceased; **OR**,
  - c. Significantly exposed a member to bodily fluids and probable cause exists that the person is responsible for the exposure; **OR**,
  - d. Is arrested, charged, or in custody, and the public safety employee or volunteer alleges, by affidavit, that the person interfered with the official duties causing the exposure.
6. An on-scene supervisor will attempt to obtain consent from the subject for a blood test. Blood should be drawn immediately after the incident. If the subject refuses a blood test, the detective or supervisor may seek a petition or court order to obtain the needed sample, or contact the jail detective for assistance. The on-scene supervisor or detective will decide on the following actions:
  - a. A search warrant may be requested on the basis that the seriousness of the assault will rest on the seriousness of the exposure, in that risk of death is a more serious offense.
  - b. A petition for court ordered testing may be requested based on probable cause (see A.R.S. § 13-1210). Consent shall always be sought prior to requesting a court order.



- c. The detective or supervisor may request the blood sample be obtained in the field by a Department phlebotomist utilizing an authorized blood kit.
- d. If a Department phlebotomist is not available, the subject may be taken to the Pima County Physician or to an authorized medical facility for a blood sample.
- e. The detective may request a court-ordered blood sample at the initial appearance. (See A.R.S. § 13-1210.)

K. Communication of Hazards

Warning labels shall be affixed to all containers of regulated waste, refrigerators or freezers containing potentially infectious materials, and all containers used to store and transport potentially infectious materials.

- L. The Pima County Sheriff's Department shall provide training in blood-borne pathogens to all members.
1. Training shall be conducted at the time of initial assignment and at least annually thereafter.
  2. Training records shall be maintained by the Training Unit. Sheriff's Auxiliary Volunteer (SAV) training records shall be maintained by the SAV. Training records shall contain, at minimum, the following information:
    - a. Date of each training session
    - b. Content and summary of the training session
    - c. Names and qualifications of all instructors
    - d. Names and job titles of all attendees
  3. Training records shall be maintained in accordance with state and federal law and Department records retention policy.

## M. Record Keeping

1. Pima County Risk Management, in conjunction with the approved occupational health carrier, shall establish an appropriate record for each member who has been subjected to an occupational exposure.
2. These records shall be confidential.
3. Each member's record shall be made available to that member or their representative.
4. These records shall be maintained for the duration of employment plus thirty (30) years.

## XVIII. NOTIFICATION OF EXPOSURE TO POTENTIALLY LIFE-THREATENING DISEASES

- A. Members have a risk of exposure to potentially life-threatening diseases during the course of duty. Members are provided a mechanism to determine if they have been exposed to any of the following diseases:
  1. Airborne Diseases
    - a. Infectious Tuberculosis (TB)
  2. Blood-Borne Diseases
    - a. Hepatitis B
    - b. Hepatitis C
    - c. Human Immunodeficiency Virus (HIV)
  3. Uncommon or Rare Diseases
    - a. Diphtheria
    - b. Hemorrhagic fevers
    - c. Meningococcal disease

- d. Plague
  - e. Rabies
- B. If a member has contact with a person who is transported to a medical facility and is diagnosed with Infectious Tuberculosis, the medical facility is required to immediately notify the member of this exposure.
- C. The Sheriff or their designee shall appoint a Designated Officer who will be responsible for investigating exposure incidents and notifying members who were exposed.
- 1. The Designated Officer shall serve as the conduit for information between the member and the medical facility. All communications shall remain confidential.
- D. An exposed member may submit a written request regarding determination of exposure for diseases listed in XVIII.A.2 and XVIII.A.3.
- 1. Submit a memorandum, to the Designated Officer, requesting determination with a copy of the appropriate completed exposure form.
- E. Upon receipt of the written request, the Designated Officer must:
- 1. Collect the facts relating to the circumstances under which the member may have been exposed to an infectious disease
  - 2. Evaluate the facts to determine if the member could have been exposed to the potentially life-threatening disease
- F. If the Designated Officer determines that the member may have been exposed, the Designated Officer shall submit the request for determination, with the facts collected, to the appropriate medical facility.
- G. If the Designated Officer receives a determination of possible exposure from the medical facility, the affected member shall be notified immediately. Such notification shall include:
- 1. The fact that the member may have been exposed and the name of the disease involved

2. Date of the possible exposure
  3. Any recommended medical action
- H. If the Designated Officer receives a response that no exposure has occurred or that insufficient evidence exists to make a determination of exposure, the member shall be notified immediately.
- I. Medical facilities are responsible for notifying the Designated Officer as soon as practicable, but no later than forty-eight (48) hours after the determination has been made.
- J. The submittal of a written request for determination does not preclude any of the reporting requirements of exposures mandated by the Pima County Sheriff's Department Rules and Regulations.

XIX. PROCEDURES FOR NOTIFYING CRIME VICTIMS OF THEIR POSSIBLE EXPOSURE TO COMMUNICABLE DISEASES

- A. Communicable disease may include any of the following:
1. HIV (AIDS) virus
  2. Venereal disease (gonorrhea, syphilis)
  3. Hepatitis
  4. Tuberculosis
- B. Notification
1. DO NOT communicate to the victim if an arrestee is known to be or is claiming to be HIV positive or claiming to be infected with other communicable disease(s) and has committed an offense during which such disease(s) could have been transmitted to the victim. Notify the Pima County Health Department and provide the necessary information.
  2. Notification to the Health Department must be made promptly upon discovery of the risk of infection.
  3. The reporting member shall document, in the case report, notification of the Health Department and information provided.

4. Should a question regarding communicable disease arise during the initial contact with the victim, the investigating member may call the after-hours referral line and request a Disease Control Counselor.
5. The Health Department will assume all responsibility for notifying crime victims of their possible exposure and will provide appropriate support and follow-up services.
6. All information regarding communicable diseases is to be kept strictly confidential. Case reports are to be classified "limited access."

## XX. TUBERCULOSIS (TB) EXPOSURE CONTROL PLAN

### A. Classifications Affected

The following classifications within the Sheriff's Department have been determined to be affected by this policy:

Sergeant, Lieutenant, Captain, Bureau Chief  
Corrections Sergeant, Corrections Lieutenant, Corrections Captain  
Deputy Sheriff  
Corrections Specialist  
Corrections Officer  
Forensic Technician  
Fingerprint Technician  
Intake Support Supervisor  
Intake Support Specialist  
Public Safety Support Specialist  
All Health Care Workers

Division commanders shall be responsible for determining work areas and/or member functions where there is a risk of exposure to TB.

Division commanders shall review work areas and member functions at least annually to determine employee risk status.

## B. Engineering and Work Practice Control

Division commanders shall be responsible for modification of any work practice or physical structures to minimize exposure to TB.

1. Engineering and work practice control methods of exposure minimization shall be secondary to administrative controls. This may include, when practical, the installation of negative pressure ventilation systems in areas designated for isolation.
2. Division commanders may submit their engineering and work practice control policies to the Safety Officer. The Safety Officer will be available to advise each Division on its engineering and work practice control policies and facility risk assessment.
3. Some job classifications and assignments may require more extensive workplace controls. Division commanders are required to evaluate such classifications and assignments, and ensure additional workplace controls are implemented as necessary. All operation procedures, including those established by a Division commander, regarding TB exposure and exposure to other potentially hazardous materials shall be followed. If a member identifies an occupational exposure not previously recognized, it shall be that member's responsibility to immediately report the occupational exposure to their supervisor.
4. Personal protective equipment, as defined by Section C, must be used in conjunction with engineering and work practice controls.

## C. Respiratory Protective Devices

1. Approved respiratory protective devices must be utilized whenever there might be a potential exposure to TB in settings where administrative and engineering controls and/or work conditions may not provide adequate protection.
  - a. Division commanders shall determine those work conditions or environments where respiratory protective devices are indicated.

- b. Whenever possible, members will be notified of the need for respiratory protection in a given area.
  - c. Division commanders shall report, via the Department's Risk Manager, to Pima County Risk Management their determination where respiratory protective devices are indicated and provide a list of members who may be required to utilize respiratory protective devices.
2. The Respiratory Protection Program shall be conducted under the authority of Pima County Administrative Procedure 30-3.

D. Medical Assessment

1. New hires who will be working in an identified risk classification shall have a baseline medical assessment conducted by the Pima County Occupational Physician. (Refer to Pima County Exposure Control Plan for TB testing procedures.)
2. Affected incumbent members will be evaluated on an annual basis as defined in the Pima County Respiratory Protection Program.
  - a. Corrections Bureau members in "at-risk" classifications (as described in Section A) shall be tested annually at on-site clinics scheduled specifically for this purpose.
  - b. All other members in "at-risk" classifications (as described in Section A) shall be tested annually by the current occupational health physician designated by the Pima County Risk Manager.
  - c. Proof of compliance shall be submitted to the Personnel Unit for placement in the member's medical file.

3. When an exposure occurs, the member's supervisor shall be notified immediately. The supervisor will ensure that all circumstances of the exposure are fully documented and forwarded, to include the Supervisor Incident Analysis and Prevention Report, to the Department's Risk Manager within twenty-four (24) hours. It is in the member's best interest to report all occupational exposures to protect any future industrial claims that may arise from such exposure.
4. The exposed member shall be evaluated and treated by the Pima County Occupational Health Physician.

E. Training and Education

1. The Training Unit shall be responsible for training and educating members, appropriate to their work function, about TB.
2. Training records shall be maintained by the Training Unit. The Sheriff's Auxiliary Volunteer (SAV) training records shall be maintained by the SAV. Training records shall contain, at minimum, the following information:
  - a. Date of each training session
  - b. Content and summary of each training session
  - c. Names and qualifications of all instructors
  - d. Names and job titles of all attendees
3. The Training Unit shall provide a list of attendees and a list of members not in compliance with the training and education program to Risk Management. The SAV shall provide information on volunteers to the Training Unit.
4. Training will be conducted prior to initial assignment and annually thereafter in accordance with the Pima County Respiratory Protection Program.
5. Training records shall be maintained in accordance with state and federal laws and Department records retention policy.



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**XXI. HAZARDOUS MATERIALS AWARENESS PROGRAM**

- A. The Hazardous Materials Awareness Program is a federal regulatory standard that requires employers to inventory and label hazardous chemicals in the workplace, and to inform and train workers about the chemical hazards that may be encountered on the job. The program is designed to help workers protect themselves from injuries and illnesses that might occur with chemical use.
- B. Program Information
1. The Hazardous Material Awareness Standard requires that containers of hazardous chemicals in the workplace be labeled. The label must include:
    - a. Identity of the contents
    - b. Appropriate hazard warnings
    - c. Name and address of the chemical manufacturer
  2. The hazard warning may be in words, pictures, or symbols as long as the warning informs users of the hazards of the product.
  3. The Department's responsibility in labeling must ensure that:
    - a. Existing labels contain required information
    - b. Labels remain intact
    - c. Labels are affixed to smaller containers into which hazardous materials are transferred
  4. A Material Safety Data Sheet (MSDS) is an identity document for a chemical or chemical product. Federal regulations require that every chemical product have an MSDS. The MSDS explains all necessary information about the chemical, lists its physical and health hazards, and describes how to handle the chemical safely in emergency situations.
    - a. The MSDS is the cornerstone of the Hazardous Materials Awareness Program. It provides the information needed to train employees to handle chemicals safely.

- b. Divisions must have an MSDS for every hazardous chemical used in their workplace. The MSDSs must be readily available during all work shifts to all members in the work area.
  - c. MSDSs are available from the suppliers of the chemicals.
5. Training shall include:
- a. Instructions on how to read and interpret the information in the MSDS on container labels as well as how to obtain and to use chemical hazard information
  - b. Specific information about chemicals in use in the member's work area
  - c. Information on how members can protect themselves from on-the-job chemical hazards
6. Safety practices shall include information on where chemicals are stored.