

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject SECURITY AND RELEASE OF DECEDENT'S PROPERTY	Policy Number EA-15 Effective Date 08-05-20
Related Information EA-17, <i>Death Investigations</i> GE-3, <i>Property Management and Evidence Control</i> GJ-3, <i>Search and Seizure</i> GJ-5, <i>Crime Scene Management</i> GJ-7, <i>Criminal Investigations Operations</i> GJ-12, <i>Next-of-Kin Notifications</i>	Supersedes EA-15 (07-01-06)	

PURPOSE

The purpose of this Office Policy is to provide Office personnel guidelines and procedures for securing and releasing property belonging to members of the public who are found deceased.

Although this Office Policy refers to “employee” throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

It is the policy of the Office to ensure a decedent’s property is protected when no next-of-kin is available. The Office shall secure the decedent’s property and/or residence, until released to the next-of-kin or to the Maricopa County Public Fiduciary.

DEFINITIONS

Case Agent: The lead investigator designated for a specific investigation. The case agent is responsible for overall management of the case. This would include delegation of investigative tasks, lead tracking, collection of supplemental reports and other relevant case documentation, verifying all evidence is impounded, packaging the case for prosecution, and assisting the prosecutor with the presentation for the case in court proceedings, and providing a final disposition of property and evidence held in reference to the investigation, at the conclusion of the case.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Next-of-Kin: The person or persons most closely related to a decedent by blood or affinity. For the purposes of this policy, ARS §36-831.A, specifies the legal order of next-of-kin for the duty of burying the body or providing other funeral and disposition arrangements for a deceased person.

PROCEDURES

1. **Death Investigation:** The Office shall conduct a thorough investigation involving a person’s death, as specified in Office Policies EA-17, *Death Investigations* and GJ-7, *Criminal Investigations Operations*. The case agent, or designee, shall investigate the circumstances surrounding the manner and cause of death.
2. **Property and Evidence Handling:** All property at the scene determined by the case agent to be evidence shall be processed for evidentiary purposes and then submitted to the Property Management Division, as specified in Office Policy GE-3, *Property Management and Evidence Control*, until disposition of the case is complete.

During any death investigation, criminal or noncriminal, the decedent's property shall be secured by initiating the following procedures:

- A. If a death appears suspicious or foul play is suspected, the case agent should not remove any personal items from the body without the consent of the Maricopa County Office of the Medical Examiner (OME). During some situations, such as body recovery processes, when the safety of Office personnel and the general public may be threatened by dangerous items including, but not limited to, weapons, explosives, or toxic chemicals, the case agent, or designee, may secure these items prior to the OME's arrival and later process them as part of the crime scene.
 - 1. In situations where probable cause exists to suspect a scene contains specific items of evidentiary value related to the commission of a crime, Office personnel shall follow the guidelines and procedures, as specified in Office Policy GJ-3, *Search and Seizure*.
 - 2. All visible items of evidentiary or monetary value on the body shall be documented at the scene, prior to any movement of the body, and shall be documented in the *Incident Report (IR)*.
 - 3. OME personnel inventory and document the decedent's personal effects prior to the commencement of an autopsy. Upon completion of the autopsy, the case agent, or designee should arrange with the OME to retrieve all items removed from the decedent's body. The items shall be processed as evidence, documented in the IR, entered in the Property and Evidence/QueTel System to preserve chain of custody, and submitted to the Property Management Division for storage until disposition of the case is complete.

- B. When circumstances surrounding the death do not appear suspicious or foul play is not suspected, and the OME is not required to investigate, any items of apparent monetary value found on the decedent, should normally be removed from the decedent, inventoried by Office personnel, and turned over to the next-of-kin, if present at the scene.
 - 1. If no next-of-kin is available, items found on the decedent shall be entered in the Property Management Division for safekeeping. The case agent, or designee, shall document the inventory and disposition of property in the IR.
 - 2. If no next-of-kin or responsible party residing in the decedent's home is available at the scene, Office personnel shall conduct a reasonable search of the residence, make an inventory of the residence for any items of monetary value, and document any such items observed in the IR. The case agent, or designee, shall photograph the interior of the residence, and exterior if applicable, to document the condition and contents of the residence at the time of the investigation.
 - 3. With approval of the case agent, the Property Management Division may release the decedent's property to the next-of-kin, or other authorized person such as an estate trustee or executor, after first verifying their identity and authorization documents, including, but not limited to, court orders, executed wills, and/or estate trusts, and documenting the release in the QueTel system.
 - 4. Property shall not be released to any person who cannot provide valid identification or authorizing documents. In cases where there is any doubt or dispute as to the appropriate next-of-kin, Office employees should contact the Maricopa County Attorney's Office for advice.

5. In cases where more than one party claims to be the next-of-kin, they shall be referred to the Maricopa County Superior Court to obtain a court order for release of the decedent's property. Pending such order, the property shall remain secured, as specified in this Office Policy.
- C. Any recognizable items of value found at the residence, such as monies, negotiable instruments, jewelry, or firearms which cannot be reasonably secured at the residence, shall be documented in the IR and impounded in the Property Management Division for safekeeping. Other large items such as safes or secured firearms cabinets should be documented in the IR and left at the residence.
- D. Any property found at the scene, prohibited by law, which may or may not be considered evidence, shall be impounded in the Property Management Division.
- E. Any residence and/or vehicle keys found at the scene, but not released to a next-of-kin or responsible party, shall be impounded in the Property Management Division for safekeeping.
- F. Care and safekeeping of pets and livestock:
 1. Office personnel shall make every effort to arrange for the care of the decedent's animals to include, but not limited to, releasing them to the next-of-kin, a resident, a shelter, or to a responsible neighbor who is capable and willing to do so.
 2. If the next-of-kin, a resident, or a responsible neighbor is unable to be located, Office personnel shall notify their supervisor to arrange for the care of the animals. The shift supervisor shall contact the Office Animal Crimes Investigation Unit.
 3. The Office Animal Crimes Investigation Unit Supervisor shall assign a detective to assist Office personnel in securing the decedent's animals at the residence, and/or make arrangements for their care.
 4. All actions regarding the care and safekeeping of a decedent's pets and livestock shall be documented in the IR.
3. **Next-of-Kin Identification:** As specified in Office Policy GJ-12, *Next-of-Kin Notifications*, the case agent, or designee, involved in a death investigation shall ensure every effort is made to identify and locate a next-of-kin, utilizing any open resource or database available to them.
 - A. Open resources in attempts to identify and locate a next-of-kin include, but are not limited to, detectives, neighbors, posse members, and social media. Databases include, but are not limited to, Sheriff's Inmate Electronic Database (SHIELD), Sheriff's Information Management Services (SIMS), or LexisNexis Accurint.
 - B. When a next-of-kin cannot be located or contacted, then the closest person of affiliation should be sought. Roommates, non-committed intimate partners, and close friends are not acceptable contacts for next-of-kin notifications.
 - C. All attempts to identify and locate a next-of-kin, whether notification was successful or unsuccessful, shall be documented in the IR.
 - D. If, after a reasonable amount of time, a next-of-kin cannot be located, Office personnel shall contact the Maricopa County Public Fiduciary and request they assume responsibility of the decedent's property. A copy of the IR and all property of the decedent shall be released to the Maricopa County Public Fiduciary for disposition.

4. **Securing the Residence and Conducting Welfare Checks:** Office personnel shall use reasonable means to secure the residence and any vehicles at the residence registered to the decedent.
 - A. Deputies should, when able, make periodic welfare checks on the decedent's residence to ensure the residence and vehicles are secure.
 - B. Welfare checks shall be documented by advising the Communications Division to log an appropriate entry into the Office Computer Aided Dispatch (CAD) system.
 - C. Welfare checks shall continue until the property is released to the next-of-kin or until the Public Fiduciary assumes responsibility of the property.