

LABORATORY SERVICES BUREAU

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Subject: LSB-QAM-16 Case Evaluation Policy	Approved: Knell, John	
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1. CASE EVALUATION POLICY

- A. The purpose of this policy is to establish a protocol and criteria that will be used to select, review, evaluate, and process cases submitted to the LSB with the objective of applying the best science to the best evidence.
- B. As stewards of a limited resource it is absolutely essential that case evaluation, or evidentiary review, is utilized to improve the management of criminal cases containing forensic evidence. This is necessary so that the criminal justice system can provide justice in a timely and effective manner.
- C. Nothing in this policy is designed to suppress the use of common sense and sound laboratory practices regarding evidence policy considerations.
- D. General Guidelines
 - (1) When evaluating an applicable case, police and forensic scientists should determine what evidence is probative to the resolution of the investigation. The case review should be a collaborative effort and the participants will be referred to as the Case Evaluation Team.
 - (a) Applicable cases include, Homicide, Cold Case Homicide, Serial Offender Cases for Robbery and Sex Assaults, or any case that the Crime Lab Detective Liaison determines would benefit from a Case Evaluation Meeting.
 - (b) For cases listed above with minimal evidence to process, a lab request may be approved through email by the Crime Lab Detective Liaison. The approval will be documented in LIMS under Case Communication.
 - (c) The case evaluation team should be comprised of police investigators and LSB personnel. LSB personnel should include the Crime Lab Detective Liaison and applicable subject matter experts (SMEs).
 - (i) To limit the introduction of contextual or cognitive bias, the SMEs participating in the case evaluation should not be the analysts who are or will be assigned to conduct the analysis of evidence from the investigation.
 - (2) The review should occur as soon as possible after a crime has been discovered. The Case Evaluation Team will apply selection criteria to the items collected at the scene to determine what items have the best chance of aiding in the investigation and to establish the relationship between the crime committed and the victim and/or possible perpetrator.
 - (3) In terms of this policy, physical evidence encompasses any and all objects that can establish that a crime has been committed or can provide a link between a crime and its victim or a crime and its suspect.
 - (4) Physical evidence does not include all objects surrounding a crime scene, victim or possible perpetrator.
 - (5) The forensic testing of physical evidence will not typically determine when, how, or why a crime was committed.

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(6) If case processing has begun, but cannot be completed due to lack of standards/exemplars, lack of information from the officer or county attorney, or any other reason outside of the control of the Analyst, the Analyst may prepare a LIMS report containing the results of any examinations or analyses conducted and a statement informing the officer that further examinations will be performed once the necessary items/information, etc. are received.

E. Case Evaluation

- (1) In evaluating incoming cases, the Case Evaluation Team can identify which pieces of evidence are amenable to forensic testing, which have the most probative value to identifying the possible perpetrator and/or victim, and which items should be tested first.
- (2) A multidisciplinary case review allows all of the respective parties involved in a case to understand, document in reports, and testify accurately as to why certain items were, or were not, tested in a case.
- (3) Once a relationship between an individual and/or evidentiary item has been established with a crime/crime scene through forensic analyses, no additional examinations will be performed that only confirm or substantiate the initial conclusion.
 - (a) In cases where the decision has been made not to proceed with analyzing certain evidence, such evidence (with the approval of the prosecuting attorney) will be made available to the defense.
- (4) The Case Evaluation Team may authorize laboratory personnel to stop testing additional evidentiary items at any point during the testing process if results establish the existence of those contested elements of the charge(s) for which testing was sought. Avoiding unnecessary testing of evidence reduces the strain on limited laboratory resources and frees up those resources for more appropriate use.

F. Additional Testing

- (1) During the course of an investigation additional facts may come to light warranting an additional case evaluation meeting to review the physical evidence. The Case Evaluation Team will apply the same selection criteria to determine if any additional analyses are warranted.
- (2) If the team determines additional analyses are necessary, the LSB Administrator or designee must approve the request before any additional analyses are performed, taking into consideration operational resources and priorities at the time of the request.
 - (a) This level of approval is necessary to ensure the requirements are satisfied for completing an Affidavit according to Rule 15.6(e) of the Arizona Rules of Criminal Procedure, if necessary.
- (3) In the event that the case evaluation team is unable to be assembled to review the physical evidence prior to testing, the evidentiary review will be at the analyst's discretion with supervisor notification taking into consideration all of the information available to the analyst at that time regarding the crime. No additional analyses will be performed without approval at the Administrator / designee level.

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- (a) This level of approval is necessary to ensure the requirements are satisfied for completing an Affidavit according to Rule 15.6(e) of the Arizona Rules of Criminal Procedure, if necessary.

G. Case Priority

- (1) Cases submitted to the LSB will be prioritized based on the investigative/prosecutorial status of the case.
 - (a) Any questions or concerns regarding the status of evidence in the laboratory, prioritization, and timelines should be referred to the Laboratory Services Bureau (LSB) Liaison Detective.
- (2) Court cases, cases that are identified as having a firm trial date will be given the highest priority. The Maricopa County Attorney's Office is responsible for notifying the LSB Liaison Detective of the firm trial date in a timely manner. The LSB Liaison Detective can use information obtained from the Maricopa County Attorney's office and related resources such as the Superior Court website to determine firm trial dates.
- (3) Rule 15 cases, cases involving an arrest, will be given the next highest priority.
 - (a) The LSB Liaison Detective will coordinate extensions when required with the Maricopa County Attorney's Office.
 - (b) If, upon receipt of notice of the scheduled trial setting or deadline for discovery, laboratory staff determines that the requested testing, examination or analysis cannot be completed by the scheduled trial date or deadline for discovery, the LSB Liaison Detective shall immediately notify the assigned prosecutor and case agent, and advise of the facts and reason.
- (4) On-going investigations, where a suspect has not been arrested, will be processed as requested based on contact with the case agent to include utilizing the LSB's Priority Request Form, Form 80-556D.