

THE EVIDENCE LOG[®]

is the Official Publication of the International Association for Property and Evidence, Inc.

DISPOSING OF EVIDENCE: WHY IT'S A GOOD THING

IN THIS ISSUE

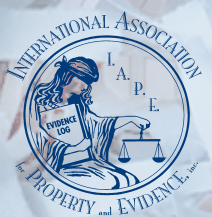
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- DISPOSITION

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OF THE DISPOSAL REVIEW PROCESS



Vol. 2022 No. 1

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*Established to further the education, training
and professional growth of
Law Enforcement Property and Evidence Personnel.
Published quarterly
as part of a continuous program of I.A.P.E., Inc.*

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by contract with ECS, Inc.*

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The objective of The Evidence Log[®] is to provide education and training related to all aspects of the handling, storage, maintenance and disposal of law enforcement held property and evidence. As with all information of a legal nature, please confer with your agency legal advisor on the applicability of any item in relationship to your specific situation.

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We invite comments on our format and the contents within. Submitted items should be mailed to the attention of the The Evidence Log[®] staff, and are subject to editorial review for appropriateness of content and length.

*Please address all inquiries concerning this publication
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Volume 2022, Number 1 - Spring
THE EVIDENCE LOG
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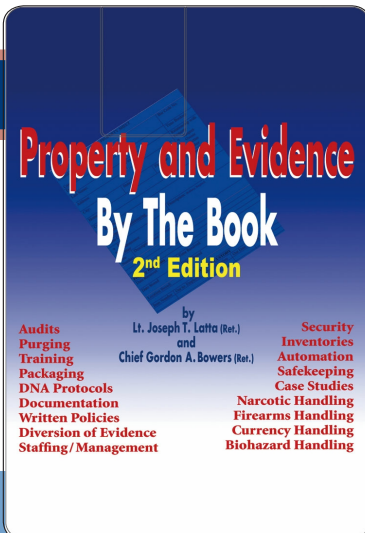
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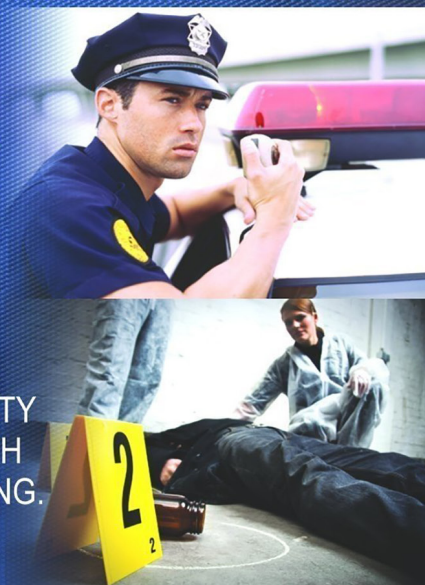
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Item #: Offense:

Of 1 N/A

Victim / Complainant: Suspect:

Recovered By: Location of Recovery:

Lobby

Lobby



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The Evidence Files

By: Joe Latta, Evidence Log Editor



SPRING CLEANING IN OUR EVIDENCE ROOMS

The last four issues of the *Evidence Log* magazine have each focused on an IAPE Professional Standard. In this issue I decided to write about the disposition of evidence from property rooms. In our survey on purging practices, we found that only about 50% of the departments surveyed have written purging policies. The survey also showed that just 25% of the responding agencies have any written protocol for detectives to follow for the disposition of evidence.

I had a conversation with my good friend, Bill Kiley (former IAPE Board President), about my thoughts on disposition policies and practices. Those of you who have been members for some time may remember Bill, our past president and frequent co-presenter of our classes. When I told Bill that I was planning to write a message on the subject of evidence disposition, in his own New York style, he said, “Fuhgeddaboutit Joe, I’ll tell you some ways to get rid of the stuff!” So here goes:

- Detectives don’t have time to deal with evidence disposition and the evidence custodians know what is best. So, if a case is closed, no need to get an approval from the assigned detective, just go ahead and dispose of it!
- If there is no owner to claim the evidence, and it is good stuff, don’t destroy it, give it to people in the department to use it. Just mark the paperwork as destroyed!
- When it comes to guns, it is sinful to destroy a working firearm and besides, your sheriff or chief can use the money from the sale of guns. Just go ahead and offer them at auction and don’t worry about it!
- If you transfer money to the financial office of your municipality, you know the people there and you trust them so there’s no need for a receipt.

WAIT...STOP...BILL IS ONLY KIDDING –

THOSE EXAMPLES ARE RIPPED FROM THE HEADLINES OF PROPERTY ROOM SCANDALS!

Whether you have been to one of our classes or have taken our video class, we’ve told you about the crucial importance of properly disposing of property and evidence. You can use our professional standards as a basis for reviewing your department’s policy and procedures on how to effectuate this disposal. Crucial to those protocols is involving the assigned officer or detective in the review and obtaining authorization for the disposal of property and/or evidence.

Do your investigators have written guidance about their responsibilities and the procedures of the disposition process? If your agency doesn’t have these directives, use our professional standards, the information from your IAPE class, and examples that you will find on the IAPE website to create those directives. It is essential that your chain of command, right up to the sheriff or chief, approve these directives and that they ensure compliance by all members of your department.

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The Evidence Files - cont'd.

THE REAL DEAL

In this issue of the Evidence Log you will find specific information regarding all facets of evidence disposition policies and practices. You shouldn't underestimate the importance of this essential component of your function as a property and evidence custodian.

Now, for Bill Kiley's (and my) real advice to you:

- Have written property/evidence directives and protocols for your department that comply with IAPE Professional Standards
- Seek chief- or sheriff-level command emphasis on compliance with directives
- Manager and supervisor oversight of officers' and detectives' adherence to protocols
- Document...document...document every step of the process

Until next time -

Joe Latta

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IAPE PROFESSIONAL STANDARDS

Authored by:

Joseph T. Latta, IAPE Executive Director and
Robert E. Giles, IAPE Board of Directors, Past President (decd.)

IAPE STANDARDS SECTION 14 - DISPOSITION

Standard 14.1: Disposition – Review

Standard: Law enforcement agencies should have a systematic review process assuring that each item of property and evidence is evaluated for possible purging on an annual basis.

Definition: Review is the assessment of whether an item may be removed from the inventory based upon an elapsed period of time, or completion of all legal and departmental mandates.

Reasoning: There is no procedure more important to keeping the inventory of a property room at a manageable level than an effective, on-going purging program. The property room inventory should be kept free of items that are no longer needed in order to avoid the need for additional storage space and staffing.

The timely and appropriate disposition of property is extremely important to the efficient management of the property room. Overcrowded evidence rooms generally require more staffing to manage simply because the size of their inventory has a tendency to slow down routine operations involving evidence storage and retrieval.

Methodology: Types of Systems

In order to establish an effective purging system, certain criteria must be established to provide guidance regarding how long property and evidence should be retained before being reviewed.

Statutes of Limitation

The most common review system used in property rooms utilizes the statutes of limitations as a review date. For example, if the time limit for a misdemeanor were one year, the assigned detective or arresting officer would receive a "Review Notice" after one year. Each agency should utilize the statutory requirements for their own respective state.

In felony cases, the review should be sent out to the investigating officer when the statutes of limitations have expired. In most states, the statutes of limitations for felony crimes is generally much longer than misdemeanors,

making the retention and review period for these serious crimes proportionally longer. An important factor in making a purging system work effectively is to apply the various statutes of limitations to cases where evidence is being retained. The review notice should request approval to release, dispose of, or retain the property or evidence.

Here are factors to consider in setting review dates based upon the statute of limitations for each particular state:

1. In many states there are fixed periods of time after which prosecution on specified types of crimes can no longer be initiated.
2. In some states the time limit is absolute, in some it does not start until a suspect is identified, and in other cases it is extended by the length of time that the suspect is out of state during the statutory period.
3. In many states, the limitation no longer applies once a warrant has been issued for the suspect, as long as the agency can show due diligence in attempting to serve the warrant.

Accelerated Review

The accelerated review is similar to the statutes of limitation system, but the review dates may be reduced to a much shorter period of time. For example, a misdemeanor case may have a review date at six months instead of one year. Felonies may be reviewed in one year instead of three.

The review date is not a purge date, it is only a date to reassess the evidence and inquire whether the case has already been adjudicated, and whether or not the evidence can be disposed of. This process may be riskier because evidence could be disposed of prior to the statute of limitations expiring, thereby limiting prosecution.

Departments that implement an accelerated review often see a large proportion of the items forwarded to the detective are in fact signed off for release or destruction before the statute of limitations has expired.

Continued from Previous Page

IAPE Standards Section 14 - Disposition - cont'd.

Administrative Kill Policy

A department whose inventory is completely out of control and lacking any staff to research all of the cases may consider utilizing an "Administrative Kill" policy. The Administrative Kill is the riskiest, but sometimes the only alternative to address the problem in a timely manner.

The chief executive officer of the agency should initiate the Administrative Kill Policy with a written executive order to dispose of certain categories of evidence. This order should be specific as to the classifications of evidence covered, e.g. "all misdemeanors over 'X' months old, without a related arrest warrant, will be destroyed/released." Another example of a written kill policy would be, "designated felony property crimes that are beyond 'X' period of time and which will never be investigated."

Special attention should be given to prevent the "Administrative Kill" of any evidence in crimes against persons and sex related crimes. These could become both a political liability as well as a civil tort against the investigator, the agency, and the umbrella organization. For this reason, the prosecutor should also review any "Administrative Kill" requests.

With recent advances in DNA technology, many states have adopted statutes that require a specific length of time that biological evidence must be retained. Department policies should ensure adherence to these statutes.

After establishing the time limits that are most suitable for the department, a system needs to be developed to add a review date to every item of evidence.

Some type of review form or memorandum should be used by the property unit to notify an investigating officer when a case is due for review. The form should include check boxes to differentiate items to be released, disposed of, or retained. The investigating officer should be required to sign the form for accountability purposes, and state why it should be retained. A supervisor should approve whenever evidence is retained beyond the respective statute of limitation. A schedule for re-review, or a second review within a year, should be set for property or evidence that is labeled as "retained."

The purging process can best be accomplished by requiring an annual review by the assigned case investigating officer. The most efficient process is for the property room to generate a review notice requiring the investigating officer to evaluate each case for potential purging. When

the property unit does not initiate the review process, departmental policy should define who is responsible, and when the review should occur.

There should be special consideration given to NOT disposing of certain evidence without prosecutorial or judicial review, such as: sex crimes, capital crimes, other serious felonies, and pending civil litigation.

Standard 14.2: Disposition – Authority to Purge

Standard: The final authority to purge evidence from the property room should be reviewed and authorized by the investigating officer. In some jurisdictions this process may also require additional approval from the prosecutor or the court. Department policy should establish whether the authorization for the purging of Found Property and Safekeeping might be delegated to the property officer.

Definition: Authorization to purge refers to the process by which evidence from a case is reviewed to determine if it has potential evidentiary value. If not, the approval may be granted to dispose of the item(s).

Reasoning: The authorization to purge and dispose of evidence should be reserved for the investigating officer, and in some states the prosecutor and courts. The investigating officer may be the only person who has specific knowledge that the evidence may be related to another case; therefore, it is imperative that the assigned case investigator be involved in the approval process.

In general, the property officer should not be making final decisions on the disposition of evidence. The property officer should be considered the guardian of the items and not the decision-maker of its final disposition. Such procedures provides for a good internal control by separating responsibilities and duties.

Homicide evidence is generally held for extended periods of time due to the statutes of limitations being open-ended and a lack of policy that governs its retention.

Absent any statute which requires otherwise, there are times when even homicide evidence may be eligible for being purged from the property system, such as when:

1. The suspect has completed their sentence
2. The suspect died while in custody
3. All appeals have been exhausted
4. The suspect waives their right to retain evidence

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IAPE Standards Section 14 - Disposition - cont'd.

In any homicide or manslaughter case, departmental policy should require some type of periodic review to determine if the case has been adjudicated, and whether or not the evidence is eligible for final disposition. Policy should require that all such cases be approved by the investigating officer in conjunction with the prosecutor. In cases where evidence has been seized pursuant to a search warrant, court approval may be necessary.

Due to the nature of recent post-conviction appeals, the statutes in various areas require that biological evidence be retained beyond the death of the defendant, and in some cases, "forever". It is incumbent upon each agency to be aware of the applicable statutes and to adhere to them.

Suicide evidence is unique in its potential for being reclassified as a homicide if new evidence is discovered. Any suicide evidence that is reviewed for possible purging should be considered on a case-by-case basis.

Standard 14.3: Disposition – Release to Owner

Standard: All property or evidence releases should document who authorized the transfer, who actually released the item, full description of the item, and complete identifying information of the person receiving the item.

Definition: A "release to owner" refers to the return of property or evidence to its rightful owner or designee.

Reasoning: The investigating officer should inform the property room in writing, giving specific instructions to whom specific items should be released. Department policy should designate who is responsible for sending or making such notification to the owner.

All release notices should have some type of "drop dead date" to initiate action if there is no response within a specified period of time. All notifications made should be documented in the property record in order to "start the clock" on any length of time provided for a response.

All releases should be signed by the receiving person along with other personal data, such as address, phone, and government issued photo ID. In addition, a photograph of the person while receiving the article should be considered when items of high value are released. The signed release should be attached to the paper evidence record, or electronically as an attachment

to the item record. The purpose of this procedure is to counter any future claims and/or allegations regarding the release of the items.

In agencies that have an automated tracking system, it may be possible to have the signature captured on an electronic signature pad, a government ID card scanned, and a digital photo attached to the file for complete documentation.

Standard 14.4: Disposition – Auctions

Standard: Law enforcement agencies should develop policies for auction sales of property that is consistent with state and local laws.

Definition: An auction is public sale where items are sold to the highest bidder.

Reasoning: Most local codes require the selling of unclaimed and surplus property at public auction. Department policy should designate who is responsible for evaluating what property is to be auctioned, and what property should be destroyed.

Agencies may choose to conduct in-house public auctions, contract with an auction company to conduct an auction, or utilize an online auction company. In-house auctions require the use of storage space for items pending auction, while outside auctioneers will routinely pick up items at the department's request. All proceeds from auction sales should be deposited in the umbrella agency's general fund to avoid a potential conflict of interest. Requests for future funds may cite offsetting revenue from auction sales as justification, thus enhancing transparency.

More people are likely to bid on items at a professional auction or online service, often resulting in a higher return than an in-house auction. The goal of the auction should not necessarily be to garner the greatest return for the city or county, but should be to control the property room's inventory and recapture needed space.

The property unit managers should thoroughly familiarize themselves with the specific state and local statutes regarding the sale of property. Policy should prohibit any departmental employees from bidding on auction items due to the appearance of, or an actual conflict of interest.

Continued on Page 12



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Continued from Page 10

IAPE Standards Section 14 - Disposition - cont'd.

Standard 14.5: Disposition – Diversion

Standard: Law enforcement agencies should develop written policy and procedures that enable the diversion of unclaimed property for public use.

Definition: Diversion is the process by which a public agency may transfer ownership of unclaimed property in its possession for public use. Law enforcement agencies may generally divert property for public use when the rightful owner is either unidentified, or has failed to claim the item within a designated time frame.

Reasoning: Most states provide statutory approval to transfer unclaimed property for city, county, or state use. If there is no authorizing state statute applicable, the development of a municipal or county ordinance may legally permit the process and insulate the agency from any civil litigation.

Agencies should have a written policy and procedures to guide department personnel on the requirement to divert the requested property. The procedures should include a request for the retention of a specific item and the justification should originate with the person in charge of the area where the item is to be used. The approval process should include approval by the requesting person's direct chain of command, including the chief executive officer or designee.

Once the departmental approval process has been completed, consider including a third-party approval from outside the agency for items of designated value. This could be the city or county's purchasing director, city manager, county executive, mayor, or any other disassociated official. The property unit should maintain a permanent record of all property diversions. Refer to Standard 11.7 for the diversion of firearms.

Use of any property so retained must be for official purposes only; the practice of allowing employees to retain property for personal or non-governmental purposes should be prohibited.

Standard 14.6: Disposition – Destruction

Standard: Evidence items that are not released to owner, diverted for government use, or sold at auction should be destroyed.

Definition: Destruction is the act of breaking apart, melting, crushing, or making an item of property unusable prior to discarding.

Reasoning: When property has been authorized for destruction it should be rendered unusable and placed in a secure holding area until it is transported to the disposal site. This action prevents the items being removed from the trash for personal gain. Having a witness to the destruction of items that are of a sensitive nature, such as pornography, is always a good idea.

Items consisting of drugs and firearms require specialized destruction techniques to guarantee the items cannot be retrieved and used illegally. Refer to Standard 11 for destruction of firearms and Standard 9 for the destruction of drugs.

Recycling of component materials, batteries, metals, plastics, glass, paper, and electronics is the preferred method of disposal.

Small quantities of regulated waste may fall under a "household waste exemption"; however, commercial and government waste management is probably not exempt. The term "Universal Waste" is regulated and defined as batteries, mercury thermostats, fluorescent lights, cathode ray tube devices, and other products containing mercury or other heavy metals. It is also illegal to dispose of hazardous waste in the garbage. Examples of hazardous waste include: oil and paint, anything coated with blood, and materials that could potentially spread diseases. The federal universal waste regulations are found in Title 40 of the Code of Federal Regulations (CFR) in part 273 and apply to four types of universal waste.

To properly dispose of biohazardous waste, one should be collecting it in a red bag or red plastic bin specifically meant to handle biohazardous waste. This collection should continue until there is sufficient quantity to justify calling a hazardous waste disposal company. Disposing biohazardous waste in a common general waste container exposes the agency to expensive fines for such violations.

Biohazard items should be disposed of in a manner consistent with OSHA rules regarding bloodborne pathogens.

Biohazard regulated medical waste (RMW) is known as biohazardous, biomedical, infectious, sharps waste, and clinical medical waste. This waste is defined as waste containing infectious materials or potentially infectious substances such as blood. Other examples include blood products, animal waste, microbiological waste, and pathological waste.

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IAPE Standards Section 14 - Disposition - cont'd.

Standard 14.7: Disposition – Sexual Assault Evidence

Standard: Law enforcement agencies should have a systematic review process assuring that each item of evidence in sexual assault cases is evaluated at least annually to:

- Aid in the submission or resubmission of investigator identified evidence to a forensic lab in unsolved or appealed cases
- Aid agency investigators assigned to “cold case” investigations
- Allow purging of unneeded items as regulated by federal or state statute
- Assist in the tracking of evidence directly by a sexual assault victim

Definition: Diversion is the process by which a public agency may transfer ownership of unclaimed property in its possession for public use. Law enforcement agencies may generally divert property for public use when the rightful owner is either unidentified, or has failed to claim the item within a designated time frame.

Reasoning: The systematic review process is the assessment of whether an item related to sexual assault is:

- Still needed in the inventory after all legal and departmental mandates have been satisfied
- Should be submitted for forensic analysis for prosecutorial or defense purposes
- Needed for current criminal case prosecution or appeal
- Legally available to be returned to a victim after proper notification is made per federal or state statute

The timely and appropriate handling of sexual assault evidence for criminal case prosecution and appeals is extremely important to maintaining the criminal justice system for those involved in these cases and the communities that the criminal justice system serves.

Sexual assault evidence must undergo a thorough disposition process before any items are destroyed, transferred, or released, and the case investigator must be involved in the process. No evidence in sexual assault cases should ever be disposed of without the approval of the case investigator and compliance with state statutes. The following requirements come from federal statutes* and should be considered by the agency responsible for sexual assault evidence:

A sexual assault survivor has the right to:

1. Have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter.
2. Be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of any medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit.
3. Be notified by the law enforcement agency, no later than 60 days prior to the date intended for destruction or disposal of the items.
4. Upon written request, be granted further preservation of the sexual assault kit or its probative contents.

* Title 18, USC §3772 Sexual Assault Survivor’s Rights Act

UPDATED IAPE STANDARDS FOR 2022

*The foregoing reflected a number of changes to our Professional Standards...
Check our user-friendly website for real-time updates at:*

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You can also download PDFs of the complete Standards and commonly used property room forms.

WHAT'S IN A DISPOSITION POLICY?

By: Joe Latta

Over the years I have conducted nearly 100 property room audits across the United States and Canada. Part of the process is always to review the department's policies and procedures for the property room.

Ideally, a property room procedural manual should be available for all employees to provide step-by-step guidelines on how to do every single task, so that these practices can be handed down between retiring employees and new property officers. If a task is not memorialized, any incoming property officer or supervisor will have no idea how to accomplish the task – or even know they were supposed to do it.

Following is a list of topics that should be defined in your property room procedural manual, as they relate to the disposition of property. You might use this as a checklist to make sure your policy has all the proper components, and then add content or other subjects to suit your department. Also included are the applicable IAPE Professional Standards and several notes as a backup philosophy on why it should be in the policy.

DISPOSITION OF PROPERTY DOCUMENTATION

BEST PRACTICES

DISPOSITION OF PROPERTY & EVIDENCE

The ideal scenario for the review and purging of evidence is to have the department's property and evidence computer system automatically generate notices to the case officer or submitting officer on a scheduled basis to determine if the property and evidence can be disposed of or released.

1. NOTIFICATION TO ASSIGNED CASE OFFICER/ INVESTIGATOR FOR DISPOSITION REVIEW

REMINDER

REVIEW AND PURGING SYSTEM

The only way a department can control its inventory is to have a proactive review and purging system in place. The property officer/evidence custodian must periodically review cases and send out review notices, either written or electronic, requesting the assigned case officer/ investigator/submitting officer advise if an item is eligible for disposition. That approval begins the purging process.

Essential Policy Elements

- 1.1. Protocols should be in place concerning the responsibility of the property officer/ evidence custodian to query submitting officer/case officer/investigators for their approval to release property evidence back to the rightful owner, destroy, auction, or divert it to department use/city use.

2. DISPOSITION REVIEW DATES (SCHEDULE)

REMINDER

REVIEW AND PURGING SYSTEM

Some agencies opt for a more aggressive system referred to as an "accelerated review". This distributes purge review notices on an accelerated basis like: all felonies are reviewed after one year, all misdemeanors after six months, etc. The key to the process is the case has to have been adjudicated during the accelerated timeframe.

It is not uncommon to find evidence in our property and evidence units from a case where court proceedings may take place within days of the arrest. Consider asking the following questions: If the person has pled guilty, served time, and/or paid their fine, can the department get rid of the evidence? Has the suspect in the case passed away? Is the victim still desirous of prosecution? Is the victim still residing in the state? Answers to these questions can aid in identifying many items that may be eligible for purging.

REMINDER

SENDING RETENTION REVIEW NOTICES - SCHEDULES

In order to establish a smooth operating review and purging system, this task must be broken down into small parts, i.e. you don't want to send out large quantities of retention review notices at one time. Rather, by forwarding the notices in smaller amounts, e.g. some are sent each month rather than annually, you will get much better results in response to your requests.

Essential Policy Elements

- 2.1. Define a specific timeframe in which notices are to be distributed from the property officer/evidence custodian (property and evidence unit).
- 2.2. Review dates can be policy-driven or based upon the statute of limitations

Continued from Previous Page

What's in a Disposition Policy? - Cont'd.

2. DISPOSITION REVIEW DATES - cont'd.

- 2.3. Mandate annual review of all evidence.
- 2.4. Develop a system that ensures that every item of evidence is reviewed for release or disposal on at least an annual basis.

REMINDER

ACCELERATED REVIEW

The goal of any property and evidence unit inventory is to maintain a one-to-one ratio: one item in and one item out. The only way to achieve this efficiency is to proactively review a case in such a manner that evidence is purged shortly after the case is adjudicated.

Instead of inquiring about cases after the statute of limitations, change the review date to a shorter period of time for an accelerated review. If the statute of limitations is one year (misdemeanor), review the case after 6 months. If the statute of limitations in a case is 3 years (felony), the defendant could have been arrested, pled, sentenced, and served 6 months in county jail. In that instance, there may be no justification for retaining the evidence any longer.

- 2.5. Define a specific time frame that notices are to be distributed through the property officer/evidence custodian (property & evidence unit).

REMINDER

REVIEW AND PURGING SYSTEM

Dependent upon the size of the department, the submitting officer could very well be the investigating officer. In departments where incident reports are reviewed by an investigations-division supervisor and the case is not assigned, those review decisions need to be sent to the unit's supervisor for review.

3. RESPONSIBILITY TO SEND NOTIFICATION TO ASSIGNED CASE OFFICER / INVESTIGATOR

REMINDER

REVIEW NOTICE DISTRIBUTION

When review notices are sent to the case officer/investigating officer, it is always recommended that the notice be sent from the highest ranking person in the property and evidence unit (sergeant, lieutenant). This practice will generally see a much higher level of return from the case officer/detective.

Essential Policy Elements

- 3.1. Define how the review notices are generated and how they are distributed.
- 3.2. Define how the distributed forms are tracked to ensure the case officer/investigators are responding within a prescribed time.

REMINDER

REVIEW NOTICES - UNASSIGNED CASES

If the case was never assigned, or the previously assigned case officer/investigator is no longer an employee of the department or if he/she is on extended absence, the review notice will be sent to the supervisor of the unit to which that person was assigned when they were given the responsibility for this case.

- 3.3. Develop processes that define who is the recipient of cases that have not previously been assigned to a case officer/investigator.

4. DISPOSITION NOTICES - RESPONDING BACK TO PROPERTY AND EVIDENCE UNIT

- 4.1. Develop standards and memorialize in the general orders the need for any review/purge notices to be responded to in a specified period of time.
- 4.2. Develop standards that outline what processes are to be followed whenever the case officer/investigator fails to respond to the notice.

5. DISPOSITION NOTICES - MANDATE TO RESPOND WITHIN TIME LIMIT

- 5.1. Develop policy and memorialize in the general orders the requirement that review notices must be responded to within a specified period of time.

6. DISPOSITION NOTICES - TICKLER FILE AND FOLLOW-UP ON NOTIFICATIONS

- 6.1. Describe a location for a copy of the review/purge notices to be filed to enable routine monitoring of the notices to ensure they are being returned by the specified time.

Continued from Previous Page

What's in a Disposition Policy? - Cont'd.

6. DISPOSITION NOTICES - TICKLER FILE AND FOLLOW-UP ON NOTIFICATIONS - cont'd.

- 6.2. Outline the responsibilities of the property and evidence unit to follow up on the established time requirements.

7. DISPOSITION NOTICES - FAILURE TO RESPOND

REMINDER

WHO SENDS OUT RETENTION REVIEW NOTICES?

Experience has demonstrated that the higher the rank of the person who sends the Retention Review Notice, the greater the compliance. Therefore, it is suggested that these notices be sent by, at a minimum, the supervisor of the property and evidence unit.

- 7.1. Define processes by property officer/evidence custodian of what will occur when review notices are not responded to.
- 7.2. Outline the duties of the property and evidence unit supervisor on their responsibilities to follow up on purge review notices.

8. REQUIREMENTS IF CASE OFFICER/ INVESTIGATOR DIRECTS "RETAIN"

REMINDER

AVOIDING THE "RETAIN, RETAIN, RETAIN" SYNDROME

To avoid doing the required research, some case officers/ investigators merely mark "retain" on a Retention Review Notice. Establishing a system that requires a justification for evidence retention – such as court appeal, warrant issued, case pending, civil litigation, as well as mandating the justification must be approved by a supervisor – will result in a more reliable Retention Review.

Essential Policy Elements

- 8.1. Develop guidelines that discourage the case officer/investigator from returning the property review notices solely checked "retain", without any proper accompanying justification.

9. REASON FOR RETENTION AND SUPERVISOR'S APPROVAL

- 9.1. Develop processes stating that the justification for retention of evidence must be approved by the officer's immediate supervisor and provide a specific reason. Acceptable reasons might be: arrest warrant issued, civil litigation, case continued, etc.

10. ANNUAL RE-REVIEW OF RETAINED EVIDENCE

REMINDER

ANNUAL RE-REVIEW OF EVIDENCE FOR RETENTION

After the initial Retention Review Notice has been returned and marked "retain," there will be an automatic re-review of the evidence on an annual basis, assuring a new Retention Review Notice will be sent out each year. This is a very doable task with the proper evidence tracking and management software.

- 10.1. Departmental protocols need to be in place which require that every case in the department's inventory be reviewed on an annual basis.

11. SELF-INITIATED AUTHORIZATION FOR DISPOSAL BY ASSIGNED CASE OFFICER/INVESTIGATOR

Essential Policy Elements

- 11.1. Department protocols need to be in place when the case officer/investigator provides information to the property officer/evidence custodian that a case has been adjudicated and that certain property or evidence can be released or destroyed.
- 11.2. Guidelines need to be in place when a Property Release Form is received in the property and evidence unit from the case officer/investigator.
- 11.3. When the Property Release Form is received, the property officer/evidence custodian needs to verify that the information received from the case officer/detective corresponds with the property record and/or the property and evidence management system.



SPOTLIGHT ON THE IAPE BOARD: WELCOMING NEW MEMBERS

The IAPE would like to introduce the newest members of our Board of Directors for 2022.

CARYN BARAB



Caryn Barab comes to the IAPE from the Eugene, Oregon Police Department from which she is a retired sergeant. While at the Eugene P.D., she was a member or supervisor of many special teams including Crisis Intervention, Hostage Negotiation, Major Collision Investigation, and Peer Support.

Caryn was assigned to the property room as a working supervisor after an audit revealed significant issues that needed immediate attention. She worked to improve the facilities, policies and procedures, as well as the staffing and training of department personnel. Her mission was to increase the reliability of the property and evidence function being managed by the police department.

After Caryn's retirement from the Eugene P.D., she began working for FileOnQ, an evidence management company, as a subject matter expert. Her responsibilities included training personnel from a variety of agencies in the use of the physical and digital evidence software provided by FileOnQ.

Caryn's formal education includes a Master's Degree in Counseling Psychology from Washington State University and a Bachelor of Science in Computer Science from California State University at Chico.

HOPE WILLIAMS

Hope Williams has a 17-year law enforcement background, spending the last eight years in the evidence room. She began her career as a police officer with the City of Greensboro, North Carolina, and eventually took over the evidence room function in Reidsville, NC following theft, mishandling, and a state

investigation. Although new to the evidence world, she understood very quickly the crisis in Reidsville could have been prevented. It became her passion to one day educate the law enforcement community on how to properly manage their evidence rooms to prevent theft and mishandling.

Hope became an IAPE Certified Evidence Specialist in 2015. She wrote policy and procedures for her agency and completely revamped how officers collected, documented, and packaged evidence. She oversaw a construction addition to the evidence room and also developed an organizational system that would ensure evidence was not only stored according to standards, but could quickly be located when needed. Since October 2021, Hope is has been tasked with accomplishing those same goals in the role of Evidence Specialist at her new agency, the Eden, North Carolina, Police Department.

Additionally, she has served as the Conference Chairperson for the North Carolina Association for Property and Evidence since 2016. In 2018, Hope developed a course called "Evidence Room Supervision and Administration", and she has been teaching that course since 2019 at the North Carolina Justice Academy as well as Cape Fear Community College. She is also a General Instructor for the State of North Carolina and teaches Basic Law Enforcement Training at Rockingham Community College. Hope has a Bachelor's Degree in Criminal Justice from Gardner-Webb University and is also trained in crime scene investigations through Central Piedmont Community College. She has presented at the North Carolina Association of Chiefs of Police Conference, and at the North Carolina Police Executives Conference.



We are pleased to welcome Caryn and Hope – along with their many talents – to the IAPE Board!

DISPOSITION & PURGING

By: Joseph T. Latta, IAPE Executive Director

There is nothing more important than having well-defined purging policies to control our inventories. Unfortunately, these policies are often minimized as the processes are so overwhelming, capturing everything succinctly in a written policy proves a challenge.

The following article is an excerpt from my Property and Evidence By the Book and will hopefully give guidance to help you develop best practices.

Disposition and purging are among the most important functions of a properly managed property room. To illustrate and emphasize the significance of those tasks, we present you with a very logical mathematic formula, namely:

Current Inventory equals Original Inventory *plus* the difference between our Yearly Item Intake and your Yearly Purged Items

The critical part of the formula is that it is cumulative, so each annual total is added to the previous totals.

Let's say at the start of the year you have 1,000 items, and during the year you bring in 200 items and purge 100 items. That increases your total by 100 items to 1,100, which is only a 10% increase. However, if you continue at the same rate, by the end of just five years your inventory would be up by 50%, and you would need half again as much space as you started with.

In reality, the norm is that each year the Yearly Item Intake goes up as the department expands and gets busier, and the Yearly Purged Items go down because the property officer has less time for purging. For example, if your five-year intake increases were 200, 250, 300, 350, and 400, then your five-year purging figures might be 100, 80, 60, 40, and 20. In this scenario, by the end of five years your inventory would have increased by 120%, requiring more than twice as much storage space as you previously had.

NOTE: *Inadequate purging is the primary cause of insufficient space, missing items, and higher labor costs.*

History/Commentary

It is generally agreed by most property officers that only one to two percent of all evidence booked into the property room ever makes its way to court as an exhibit. This could easily be rephrased to say that over 98% of our space and labor costs are related to items that are not essential to the prosecution of a criminal case. Yet they take increasing amounts of our time to retain and reduce time available for purging, so that inventories grow exponentially as we get rid of less and less each year.

In 2020, IAPE surveyed almost 30 law enforcement agencies throughout the United States regarding the amount of evidence being submitted and purged. The departments ranged in size from 300 to 4,000 officers, and in every case *except two*, those departments had taken in more evidence than had been purged. One of those departments had no statistics but estimated that they decreased inventory by 2.5%, and the other estimated they were 3% down on inventory. Almost every department indicated their biggest issue was lack of personnel to stay abreast of the purging. When asked how many more full-time employees they would need in order to purge the same number of items as they brought in, the average answer was almost five additional full-time employees.

In the past, many departments assumed that the solution to space problems was to add another room. Actually, that is the least desirable method, and probably the most costly. The only way to effectively manage the inventory is to formulate a proactive "review and purging system" with sufficient staffing. A properly designed purging system will consistently remove as many items as are received each year. This process may also be affected by increases in crime, more officers on the street, staffing shortages, or statutory changes that impact the amount of evidence a department is required to retain for a specified time, but all of those also directly relate to the need for additional property room purging.

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DISPOSITION & PURGING – Cont'd.

One of today's greatest property room challenges is the science of DNA and its relationship with wrongful convictions. The scientific community is now able to solve crimes that are decades old, and to free innocent people who are serving time in prison for crimes they didn't commit.

NOTE: As of 2020 the Innocence Project reports that over 375 people have been exonerated after having been wrongfully imprisoned.

The laws of the United States and Canada have changed over the years, requiring property rooms to retain evidence for prolonged periods. As of 2021, more than 40 states have laws mandating certain evidence be retained for specified lengths of time. Most of the statutory changes are related to sexual assaults and homicides. Two examples are Illinois, where homicide evidence now must be retained "forever," and Colorado, where evidence from capital crimes must be retained until the defendant dies.

Every one of these statutory changes will require law enforcement to evaluate their purging practices with an emphasis being put upon retaining evidence as mandated by statute, case law, appeals, and warrants. At the same time, property units must continue to institute practices for storing evidence more efficiently. Law enforcement has several choices: to build larger warehouses, rooms, or lockers, or to develop review and purging practices that can help manage the evidence. Systems must be implemented that require continuous review and evaluation of cases that have been adjudicated and/or have reached their statute of limitations.

During this author's tenure as a police officer from 1970-2001, there several types of crimes that challenged our investigative talents while tremendously impacting our property rooms. In the early '70s, officers across the country typically responded to thefts, burglaries, robberies, sexual and other assaults, homicides, possession of marijuana and pills, and a variety of lesser misdemeanor types of cases. In addition to these, today's property rooms must also contend with the following types of crimes – and the resulting evidence – each of which impact how that evidence is stored and managed.

- Terrorism
- Biological evidence
- Fentanyl
- Catalytic converter thefts
- Child pornography
- Red Flag laws
- Legalization of marijuana
- SAK (rape kit) tests
- Smash and grab arrest

With every one of these "new" crimes or requirements on law enforcement, new resources were developed and/or transferred from other assignments to solve and/or work these cases. Unfortunately, every one of these new types of issues contributes to our property room inventories. At the same time, it is rare that staffing increases in correlation to crime trends, leaving property rooms understaffed to handle the influx of evidence resulting from these types of crimes, as exemplified in the news excerpt below about a large-scale retail theft bust.

Millions of dollars' worth of stolen goods recovered in 'organized retail crime' bust

Chicago, IL

December 3, 2021

An unrelated arrest by the Chicago Police Department on Sunday led to a state task force this week seizing millions of dollars' worth of goods stolen from retailers in what Attorney General Kwame Raoul described as an organized retail crime operation.



The task force seized four semi-truckloads of goods found after a search warrant was served on eight storage units at two separate locations.

While Raoul said a complete inventory was ongoing, the task force seized **tens of thousands** of items, including apparel, beauty products, furniture, food items, and electronics from multiple nationwide retailers. Raoul said they're worth millions of dollars.

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DISPOSITION & PURGING – Cont'd.

Written Policies

Of all law enforcement agencies across the country, the vast majority lack adequate purging and review policies, which in turn create significant space and staffing problems. Written policy on effective evidence systems must fully explain the responsibilities and tasks of all parties involved in the review and purging procedures. The policies need to thoroughly document how the system works, and who is responsible for each task in the disposition process.

If specific review and purging guidelines are not in place, inventory can easily increase exponentially. The table below outlines some of the issues that need to be incorporated in any disposition policy statement and procedures manual.

Data Collection

To monitor the activities of the property room and to provide adequate resources for any property room operation, management must routinely collect and evaluate data from the property room records. Evaluating monthly, quarterly, and yearly data is an extremely important tool for measuring the unit's productivity, determining the need for additional personnel, and assessing whether or not purging policies are working adequately. Without the collection and analysis of this data, the property room's inventory can easily grow out of control in a relatively short time without the knowledge of the department's administration. There is a direct positive correlation between the size of the inventory and the labor costs of the operation.

Review and Purging	Property Manual Elements
Responsibilities	<ul style="list-style-type: none"> • Necessity to define the Property Officer's tasks and responsibilities in the purging process • Necessity to define the Investigating Officer's task and responsibilities in the purging process • Identify other persons in the process, such as a court liaison officer, court personnel and prosecutors, and define their purging responsibilities
Research	<ul style="list-style-type: none"> • Necessity to define who is responsible for researching the status of the case • Necessity to define the prosecutor's role in the review and purging process
Sign Off Process	<ul style="list-style-type: none"> • Necessity to define who has authority to sign off property • Necessity to require they review cases and take appropriate action
Special	<ul style="list-style-type: none"> • Necessity to define any special handling and documentation requirements for cases with narcotics, money, or firearms
Time Limits for Review	<ul style="list-style-type: none"> • Necessity to define the timeline for review of cases • Necessity to review Statute of Limitations, upon issuance of court disposition sheets, or direction of the Investigating Officer
Notification Methods to Investigating Officer	<ul style="list-style-type: none"> • Necessity to define the methods by which the Investigating Officer is to be notified by the Property Officer of the need for case review, such as e-mail, memo, or formal purging request form via supervisor
Time Limits for Return	<ul style="list-style-type: none"> • Necessity to define the amount of time the Investigating Officer has to return the review forms • Necessity to define what role the supervisors have in the return
Retention Guidelines	<ul style="list-style-type: none"> • Necessity to define what reasons an Investigating Officer needs to retain the evidence, i.e. Warrant Issued, Case Pending, Civil Case Pending, Appeal, other

NOTE: Law enforcement routinely compares data on calls for service, crime rates, jail bookings, traffic accidents, etc. This data usually compares the current year's numbers against last year's crimes and is used as a way of measuring law-enforcement activities, frequency for budgetary purposes and planning. Property room data should also be compared for a minimum of five and up to as many as 10 years in order to accurately analyze inventory levels and workload. However, it is rare to find departments that require this type of information, as most law-enforcement agency administrators have no training and little practical knowledge of property and inventory control.

The tables on the following pages illustrate five years of data collected from a department of approximately 300 officers. They show several possible scenarios based upon projected disposal rates compared to the intake each year. In a five-year period, over 110,000 items were submitted while only 70,000 were purged, resulting in a net increase of 40,000 items in inventory.

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DISPOSITION & PURGING – Cont’d.

General Evidence Data 2017 - 2021						
	2017	2018	2019	2020	2021	Total
Submitted	19,874	21,478	22,101	23,142	23,654	110,249
Removed	9,168	11,000	17,022	24,320	9,184	70,694
Difference	10,706	10,478	5,079	(1,178)	14,470	39,555
% Retained	54%	49%	23%	-5%	61%	36%

Even though the collected data is only for the last five years, the linear projection of those figures may illustrate that during the next five years the inventory could grow by more than 40,000 items if purging doesn't keep up with intake. This does not even take into consideration an increase in calls-for-services and/or increases in the crime rates, which are practically givens.

NOTE: Law enforcement agencies collect crime statistics, calls for service, response times, etc. to be able to react to problems and direct resources where they are needed.

Questions to Ask

Management must routinely evaluate annual data and ask questions. It is always advantageous to evaluate annual property room data and compare its own trends with calls for service, incident reports, and any other type of department data that will show general trends. At the end of the year comparisons must be drawn between the property intake data and other activities of the department. The tables shown here represent the types of data that should be available, and some of the questions that managers need to be asking.

General Evidence

During the last five years the number of evidence items submitted has increased pretty consistently at a

rate of about 5% per year, which is about five times the increases in calls and reports shown in the previous chart. What could account for that? More DNA evidence due to technology increases? Detectives urging patrol officers to bring in more evidence? Investigations supervisors rotated into patrol?

At the same time, the number of items purged annually increased 20%, 65%, 43%, and then dropped 62%. Getting rid of more evidence than was brought in during 2020 is dramatic, and a goal that all property rooms should strive for. However, dropping from that to purging less than half of what was brought in the next year (2021) is not only a direction reversal in the middle of a trend, it is a dramatic one.

If property room staffing was increased in 2017, and again in 2018, and then a substantial cutback occurred in early 2020, it might be understandable, but otherwise, an inquiry is needed.

Calls for Service

During the same period, the number of calls for service and the number of reports taken have both gradually but steadily declined at a rate of a little less than 1% per year, with just a slight uptick for 2021. The changes seem to parallel each other, which seems reasonable and more likely than the data depicted in the general evidence table.

Calls For Service 2017 - 2021						
	2017	2018	2019	2020	2021	Total
Calls	65,230	64,236	63,214	62,125	62,587	317,592
Reports	35,874	35,471	34,985	33,698	33,954	173,982

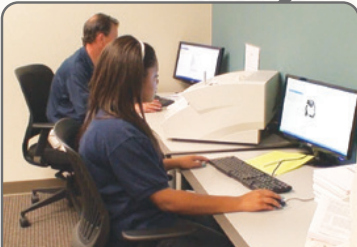
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DISPOSITION & PURGING – Cont'd.

Narcotics Data 2017-2021						
	2017	2018	2019	2020	2021	Total
Submitted	2,587	2,684	2,871	3,150	3,401	14,693
Removed	1,275	1,425	2,241	3,254	1,055	9,250
Difference	1,312	1,259	630	(104)	2,346	5,443
% Retained	51%	47%	22%	-3%	69%	37%

In 2017 and 2018 the property room was only purging about 50% of what was being submitted. In 2019 and 2020 the purge rate increased dramatically. But then in 2021 the number of items purged dropped dramatically. Why? It is notable that the narcotics data mirrored the general evidence data, so more than likely the same issues affected both statistics.

Considerations for Money

The previous table citing for narcotics data should also be compiled for money (and also firearms). When it comes to evaluating currency purging by the property room, it is best to *also monitor the number of evidence items* instead of just dollar amounts. Bringing in \$1,000 may not seem like a big deal, but if you have brought in 50 similar seizures over the previous year without making a bank transfer, that needs to come to your attention.

Also, some type of financial review should be required on an annual basis. In the currency chart below, it shows that the inventory has grown to \$144,679.57 in five years. Is anyone in the organization even aware that the property room is sitting on this much money?

The collected data raises many issues that should have been addressed long before the following questions are asked.

- Are there personnel shortages?
- Is someone not following through in the review and purging process?
- Has the property officer fallen down on his or her job?
- Is purging being avoided because the items cannot be located?

Considerations for Firearms

See data chart below. During the past five years the gun inventory has increased by over 600 guns.

Why? What happened in 2019 and 2020, and why was the purge rate so much higher than previous years? If 2019 and 2020 had been the same rates as the other years, they would have had about 1,000 guns.

The question needs to be asked as to why 2019 and 2020 were so much more successful.

Firearms Data 2017 - 2021						
	2017	2018	2019	2020	2021	Total
Submitted	354	321	238	297	325	1,565
Removed	175	155	201	301	125	957
Difference	179	166	67	(4)	200	608
Retained	51%	52%	25%	-1%	62%	39%

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DISPOSITION & PURGING – Cont'd.

Purging Process – Types of Systems

There are basically five types of notification systems that alert departments to review and purge their inventories:

- Court/Prosecutor Disposition Reports
- Space Needed System
- Statute of Limitations
- Accelerated Review
- Employee Review

Court/Prosecutor Disposition Reports

The most common practice used in law enforcement is essentially a reactive system, as both the investigating officer and/or property officer wait until they hear from the court and/or prosecutor. When some type of Disposition Notice is received, then some type of action may be taken. Unfortunately, in most departments, the prosecutor and/or court may not automatically forward the status of the case or the disposition report. Further, if the case was never filed, or the case has no suspect, the prosecutor or court may not have any jurisdiction over the property, and may not even know it exists. This system is probably the least effective method, since a large portion of the inventory may never be under the jurisdiction of the court or prosecutor.

NOTE: For any of review system to be effective, there must be an established dialogue between the department and the prosecutor and/or courts.

Space Needed System

Another common, but ineffective, process is for the property officer to continuously search for items or cases that may have been adjudicated, or ones that are taking up an inordinate amount of space, or for packages or containers that look very old, and then trying to get the investigating officer to sign off for release or disposal. Even though this system sounds somewhat archaic, it is quite common, and it rarely brings the inventory under control.

Statute of Limitations

In most states the term “statute of limitations” refers to the amount of time in which the prosecution

must file charges against a suspect. Most states have a statute of limitations (SOL) limiting the length of time following a crime for which criminal charges may be filed. In many states, issuing an arrest warrant stops the running of that time limit. Typically, misdemeanor case SOLs are one to two years, while felony case SOLs range from three to ten years. Certain sexual assault crime SOLs have been extended in some states, to ten years or even forever. Fortunately, these types of crimes are far fewer in number than other crimes.

NOTE: It is not unusual for a property room’s inventory to be comprised of 65% - 90% misdemeanor evidence. This inevitably prompts the question of how much of our misdemeanor evidence has been held longer than the statute of limitations? In some states the statute of limitations does not begin until the perpetrator is better than a five, which makes a review system more difficult to manage.

The basic premise is to affix a “review date” on every item or case that enters the property room at the time it is checked into the system. For example, on January 3, 2022 a suspect is arrested for petty theft (a misdemeanor). The property report/property record is stamped (recorded) January 3, 2023 for review, or it is automatically computed.

It is recommended that the property officer be linked to the court disposition process and receive copies of all court disposition sheets and/or updates from the prosecutor’s office as a part of the purging process.

NOTE: More often than not the courts and prosecutors may be transmitting information to the department about the status of the case, without also informing the property room.

If the case has been adjudicated, then the review process can easily be accelerated by having the property officer send the investigating officer the Disposition Review Notice and a copy of the Court Disposition Form. When the investigating officer has received a Court Disposition Form or case status information from the prosecutor, it may be possible to purge some of the evidence.

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Continued from Page 24

DISPOSITION & PURGING – Cont'd.

Accelerated Review

The only long-term solution to inventory control is to maintain rigorous purging criteria that ensures a routine and regular review of a select portion of the inventory is conducted on a scheduled monthly basis. This regular review can only take place once the inventory is under control.

Many police managers would agree that by using this method, most (not all) cases will be concluded (cleared, closed, suspended, or reclassified) within a lesser time frame than abiding by the statute of limitations. A valuable tool in a well-designed, computer-based purging system is that the review time can be increased or decreased at the discretion of the local agency. Some departments have lowered the review times (accelerated review) to as low as one year on felonies and six months on misdemeanors. This can always be considered if the inventory continues at its average rate of increase.

ACCELERATED REVIEW DATES

Felonies	1 Year
Misdemeanors	6 Months
Found Property	90 Days <i>(or statutory minimum)</i>
Safekeeping	60 Days

With an aggressive review and purge system, caution always must be exercised when grounds for potential or anticipated civil claims arise, or when there are appeals to the case. For example, if a criminal case is adjudicated but there is a possible false arrest claim being considered, keep the evidence until the deadline for filing a civil action has expired. If not, a civil claim may be made, and a lawsuit filed at the very end of the limits and all exculpatory evidence for the department may have already have been disposed of.

Included in the review dates for cases with convictions should be considerations of any statutory appeal times after the case has been adjudicated.

However, numerous cases are never prosecuted, and therefore the investigating officer never gets case disposition information from the court. This

usually results in the property/evidence remaining in inventory for years, and sometimes forever. In such cases, the investigating officer needs to evaluate the need to retain the evidence any longer than necessary. An additional factor that must be added to any purge system is the ability to “re-review” the property (one year or six months later) if the item is retained at the first review date.

NOTE: *The key word is review, not purge.*

Employee Review

The “employee review” system files all property records or reports in a file folder in the property room by submitting employee. Within a few days the property room receives a list of all assigned cases from the investigations division. This list includes the case number and name of the assigned investigating officer. With this information, property room personnel move each property record to a file folder for the assigned investigating officer. If the case isn’t assigned, the property records or reports remain in the submitting officer’s file folder.

On a scheduled basis (monthly, quarterly, or semi-annually) investigating or booking officers are directed (by policy) to go to the property room and review their associated property records or reports in the file folders. This can be an extremely effective review process for purging non-assigned cases as long as it occurs on a scheduled basis.

NOTE: *When the submitting officer sees property records or reports in his/her folder at the end of the year it may be because the case was not assigned to an investigating officer. This may suggest that the case was not workable and the items may be eligible for purging.*

Administrative Kill

An administrative kill process is a severe measure that may be needed to save a system that has become so dysfunctional that this is the only possible method for recovery. It involves the CEO (chief executive officer) making an executive decision to purge a particular group of property and evidence. This process should always be discussed with the local prosecutors prior to implementation.

Continued from Previous Page

DISPOSITION & PURGING – Cont'd.

Researching the Case

Regardless of what system is used to review and purge the evidence, it must be remembered that the research of the case is the most time-consuming element of the entire purging process. In those departments where the property officer is doing the research, the level of property room staffing may need to be double that of a like-sized department where the investigating officer is responsible for the research.

As a rule, when the property officer identifies a case to be reviewed and purged, there are several tasks that must be accomplished.

These tasks all take small bits of time that add up to a tremendously large amount of time in the overall purging process. As a general rule of thumb, it takes the property officer approximately 30 minutes per case to follow through on the described tasks.

In many cases, when a department wants to get control of the inventory it may seem impossible because no purging has been done for years.

"What could be so involved about getting rid of property?" you may ask. Below are some of the individual tasks that are associated with the action.

Prior to Scheduling Destruction

- o Research cases that can be reviewed
- o Contact courts for status of case
- o Contact prosecutor for status of case
- o Prepare paperwork to request investigating officer to respond to inquiry
- o Retrieve information from investigating officer
- o Obtain approval from investigating officer to destroy or return
- o Send notification to owner when applicable
- o Document the notification
- o Locate item on shelf
- o Return item to owner
- o Obtain government ID and document
- o Obtain signature from owner
- o Document transaction
- o File paperwork
- o Update computer record

Destruction - General Evidence

- o Obtain approvals
- o Locate item on shelf
- o Find witness for actual destruction
- o Actual destruction
- o Remove trash from building
- o Transport or follow trash to landfill, etc.
- o Document transaction
- o Update computer record

Destruction – Narcotics/Firearms

- o Obtain approval from investigating officer
- o Obtain court order for destruction
- o Locate item on shelf
- o Stage item for destruction
- o Schedule destruction
- o Complete destruction paperwork
- o Document all (narcotics or firearms) on a Destruction List
- o Obtain witness for the final action
- o Obtain witnesses for inventory of items to be destroyed
- o Audit items prior to destruction
- o Transport items to destruction site (may require several employees)
- o Document destruction on an Incident Report
- o Update the Property Record
- o Update applicable computer records

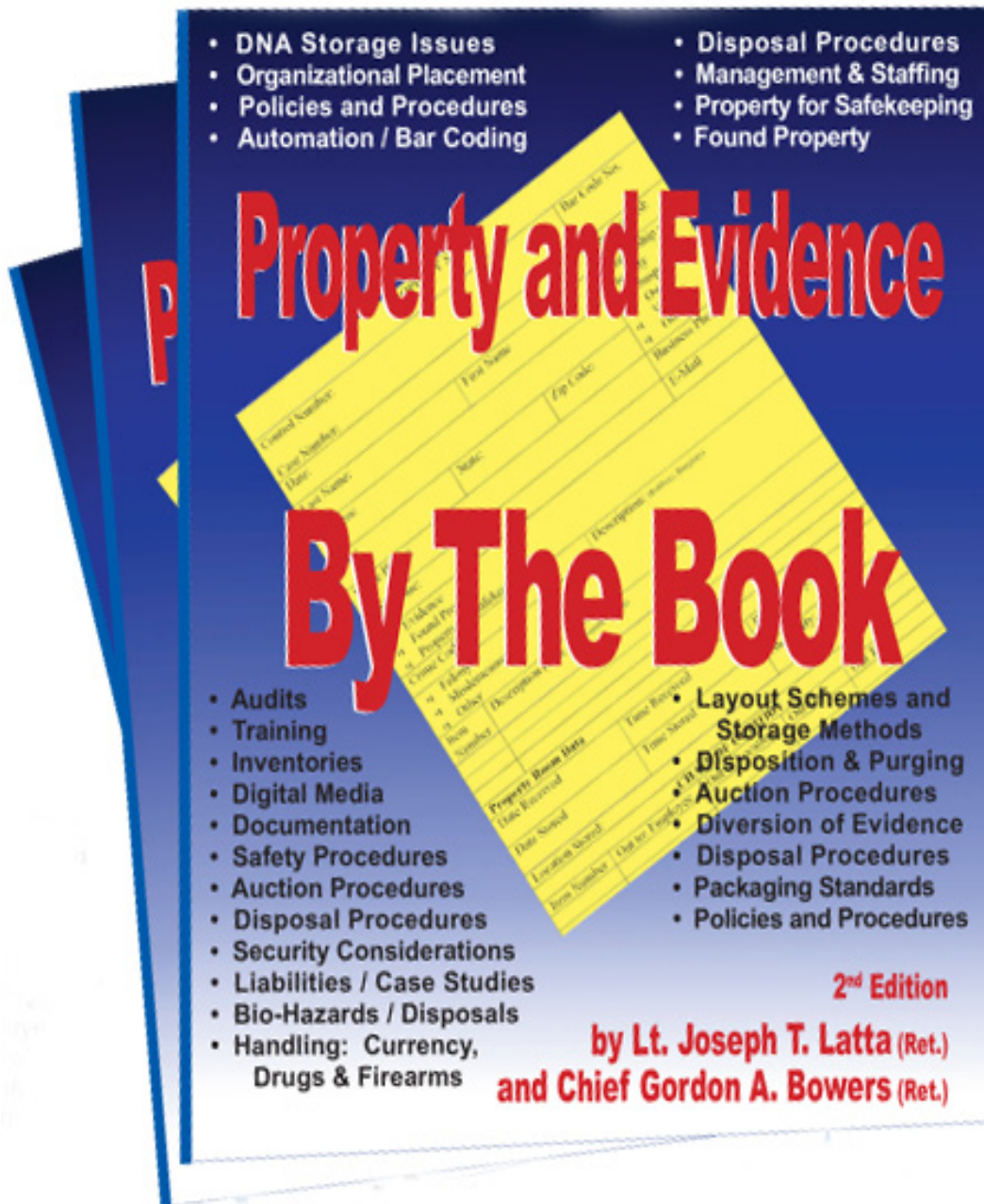
Diversion of Property for Departmental Use

- o Process request for item
- o Obtain approval from investigating officer
- o Obtain approval from manager
- o Obtain approval from chief or sheriff
- o Obtain approval from outside party
- o Locate item on shelf
- o Release to requesting party
- o Obtain signatures for final user
- o Document action on the Property Record

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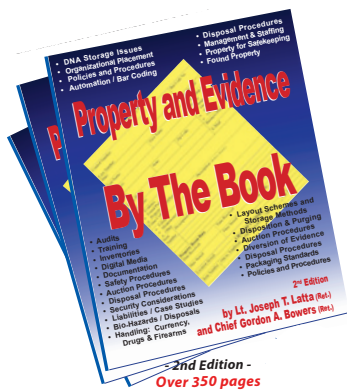
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DISPOSITION & PURGING – Cont’d.

In order to calculate the amount of time a department must allocate to get control of an inflated inventory, one must first determine the number of cases (not items) that are in the property room. Next, a goal must be set for how many cases are desired to be purged, and then multiply the two numbers. Calculating the actual man-hours will reveal the magnitude of the actual task. Check out the following sample calculation we did:

Example: Department A has 2,000 cases in the inventory and has established a goal of purging at least 50%, which equals 1,000 cases. One thousand times 30 minutes per case equals 500 hours, which equates to 3 months or ¼ of an employee-year.

In this scenario it is clear that it is unlikely for the assigned property officer to have enough time to

do the purging. The bottom line is that additional personnel, or substantial extra work hours on overtime will be necessary to research, purge, and ultimately control/manage the inventory.

For reference on greater numbers for larger property rooms with more employees, the following chart estimates the approximate number of employee-years necessary to significantly reduce inventory based on estimates of 20, 30, 40 or 60 minutes of time “per case,” and several inventory levels.

NOTE: When the research is being performed, the property officer is researching cases, not items. It takes the same amount of time to research a case that has 100 items as one that only has 10 items.

Review and Purge Times			
Cases	Minutes	Hours	Years
1,000	20	333	0.16
5,000	20	1,667	0.80
10,000	20	3,333	1.60
25,000	20	8,333	4.01
50,000	20	16,667	8.01
100,000	20	33,333	16.03
Cases	Minutes	Hours	Years
1,000	30	500	0.24
5,000	30	2,500	1.20
10,000	30	5,000	2.40
25,000	30	12,500	6.01
50,000	30	25,000	12.02
100,000	30	50,000	24.04
Cases	Minutes	Hours	Years
1,000	40	667	0.32
5,000	40	3,333	1.60
10,000	40	6,667	3.21
25,000	40	16,667	8.01
50,000	40	33,333	16.03
100,000	40	66,667	32.05
Cases	Minutes	Hours	Years
1,000	60	1,000	0.48
5,000	60	5,000	2.40
10,000	60	10,000	4.81
25,000	60	25,000	12.02
50,000	60	50,000	24.04
100,000	60	100,000	48.08

Continued from Previous Page

DISPOSITION & PURGING – Cont'd.

In the event the investigating officer has a different disposition for each item, then individual decisions can be made for each identified item. The decisions could be to dispose, release, and/or retain, with a reason required justifying further retention.

In any purging system that embraces a proactive review system, a process needs to be established for notifying the investigating officer about the items to be reviewed. The most effective method for a manual system is to send monthly Review Notices to the investigating officer on those cases that have reached the pre-established review date. The notice can be as simple as a Disposition Review Notice (manual or automated) attached to a copy of the original Property Report or Record with prompts on the form to allow the Investigating officer to just check boxes and sign to direct the property officer on what action to take.

The entire review and purging process can be automated with the proper software. The notices can be sent electronically or printed out and forwarded to the investigating officer. The Disposition Review Notice (see following sample) should be easily generated by a predetermined time and/or a schedule based on the statute of limitations.

This version of the Disposition Review Notice illustrates how beneficial a well-designed automated review can be, indicating the case number, type of crime, and suspect's name on the form. When the investigating officer receives the form, he or she is prompted to choose "Dispose All" or "Retain All". It is quite likely that the investigating officer, by seeing the suspect's name and type of crime, may be aware of the status of the case and can easily make a decision.

NOTE: In order for the system to be effective, it is advised that the investigating officer always receive a review notice, including name, crime, and description of the evidence to be reviewed. At no time should a list of crimes with case numbers only be sent to the investigating officer, as this will discourage any effective review of the cases. Also, the notices need to be sent out at frequent intervals, such as once a month. Sending out notices on an annual basis can be very frustrating for the investigating officer, based on the quantity.

Review Notes (Manual or Paper System)

Date _____

Investigating Officer _____

Case Number: _____

Control/Item Number: _____

Type of Crime: _____

Suspect's Name _____

Description of Item/s:

1 _____

2 _____

3 _____

4 _____

RELEASE/DISPOSE

- Release All Items to: _____
- Send Letter to Owner
- Dispose of Evidence

RETAIN

- Retain Evidence
- Case Pending
- Warrant Issued #
- Civil Claim Pending
- Pending
- Other

Signature: _____

Date: _____

Supervisor's Signature: _____

Continued from Previous Page

DISPOSITION & PURGING – Cont'd.

**Disposition –
Review Notes (Automated)**

EXHIBIT 14-2 — Automated Version

PROPERTY DISPOSITION AND REVIEW FORM

Employee: Detective R. Wallace, 4215 Review Date: August 7, 2009

Case Number - 08-12345 DISPOSE ALL RETAIN ALL
 Suspect: Crook, Albert Crime: 11376 H & S Title: Poss Meth
 Approved By: _____ Date / Time: _____

Item Number: 1 Bar Code Number: 123456 78910 
 Description: One Apple IPOD Serial Number: 12332144
 Dispose Storage Location: 3C
 Release To: Owner Suspect Finder Other
 Name: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Retain
 Case Pending Appeal Civil Litigation Warrant
 Other: _____

Item Number: 2 Bar Code Number: 123456 78911 
 Description: One Motorola cell phone Serial Number: 489849384398
 Dispose Storage Location: 3C
 Release To: Owner Suspect Finder Other
 Name: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Retain
 Case Pending Appeal Civil Litigation Warrant
 Other: _____

Item Number: 3 Bar Code Number: 123456 78912 
 Description: One San Diego Padre blue baseball cap
 Dispose Storage Location: 3D
 Release To: Owner Suspect Finder Other
 Name: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Retain
 Case Pending Appeal Civil Litigation Warrant
 Other: _____

It is an accepted fact that some investigating officers are reluctant to dispose of or release any evidence, even if the case has been adjudicated or there are no leads. When requests for review are sent to the investigating officer and the Disposition Review Notices are continuously marked hold, retain, keep, etc., it should be pointed out to the investigative supervisor. Written policies need to be in place to ensure that reasons for extended holds are a necessary part of the documentation. Another approach is to have the investigating officer complete the following questions (which can be printed on the Disposition Review Notice) if you will be retaining the item!

Supervisor's Retention Approval

Is there a known suspect(s)? Yes No

Are there any workable leads? Yes No

If both answers are NO - please explain the necessity to retain any longer and forward to your supervisor for final approval to retain.

Investigating Officer Signature Date

Supervisor Signature Date

If both questions are answered "No", the investigating officer is required to give a written justification for retaining the item(s) any longer. If both "No" boxes are checked, the policy should require that the investigating officer's supervisor approve the retention. This may discourage long-term storage of property and evidence that is of no prosecutorial value. By requiring the investigating officer to conduct sufficient research to document their reason for retaining evidence, it is quite possible there will be an increase in the percentage of cases wherein property is signed off for disposition.

NOTE: *It is not unusual for an investigating officer to return a property review notice to the property room with instructions to "Hold Indefinitely." This must be discouraged so a future property officer who runs across the review notice will not read the instruction and never take any action to review the case. There is a good likelihood that the case could have been adjudicated, the victim declined prosecution, and/or the suspect may have died in prison. Could the case now be eligible for review?*

It is crucial that supervisors and managers regularly review the Disposition Review Notice forms that are being returned to the property room. The purpose of these reviews should be to ascertain the justification for retaining items for additional periods of time.

One suggested method to accomplish this review is to modify the form to require the investigating officer to select the reason for retaining the evidence longer.

Continued from Previous Page

DISPOSITION & PURGING – Cont'd.

Purging Notifications – Re-Review

An additional factor that should be included as a review element for any purging system is the ability to “re-review” the property (one year or six months later) if the item has been retained at the first review date.

An issue that arises with older cases is that the Disposition Review Notice goes to Investigations and is designated for an investigating officer who has been promoted, retired, or changed assignment. There is a natural hesitancy for other people to assume responsibility for the Disposition Review Notice, and no one wants to make a decision regarding the evidence handled by another officer. One option that works is to send the Disposition Review Notice form to the submitting officer who was originally assigned the case. In cases of retirements, it is common for the supervisor of the detail to make the determination or reassign the case to a current investigator or detective.

Notifications Non-Response

It is not unusual for the property officer to send out the Disposition Review Notice for the investigating officer's

action only to have the notices ignored and put aside by the investigating officer to be reviewed later. In order to have notices returned in a timely manner, some departments will send the notices from the commanding officer of the property room to the commanding officer of the investigating officer, who in turn disseminates the notices. Having the notice coming from a commanding officer often generates a higher return rate. It should be the property room's responsibility to maintain a log of all outstanding review notices that have been distributed. Thereafter, those notices that have not been returned by the required date need to be addressed through the respective supervisors and managers.

A slightly more direct approach is to send the Disposition Review Notice with a “drop dead date” included. That is a deadline or an end date for reply, stating that if the notice isn't responded to by that date that an action maybe taken, such as destruction. An example might be to write, “It is your responsibility to review the items on the attached Disposition Review Notice by a XX date. Failure to respond to the notice by then will allow the items to be disposed of without further action in accordance with department policy.”

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REQUIREMENTS & PROCEDURES
www.iape.org

CERTIFIED PROPERTY AND EVIDENCE SPECIALIST

Requirements

There are 5 criteria that must be met in order to become a Certified Property & Evidence Specialist (CPES):

1. Applicant must have attended and completed the IAPE two-day "Property & Evidence Management Course", or completed the web-based video course.
2. Applicant must have served in Property function for:
 - a. One year as a full time assignment, **OR**
 - b. A total of 2,080 hours (one year equivalent) as a part time assignmentNOTE: The applicant's Police chief, Sheriff, CEO or his/her designee must sign the application
3. Submit application and testing fee.
4. Achieve a satisfactory grade on the CPES online test.
5. Be a current dues paid member of IAPE and must remain a member during the period of certification.

Procedures - Here are the steps to apply:

1. Complete the CPES Application.
2. Ask your Chief, Sheriff, or CEO to sign the application verifying your experience in the Property function.
3. Send the completed application along with your payment (personal check or U.S. Postal Service Money Order) payable to "IAPE" in the amount of \$175.00. A credit card can be used for payment. Mail the form to the address on the application.

CPES Online Test Once your application and testing fee have been received, and your job experience verified, you will be sent an e-mail that will give you your login information and the time frame for your Online Certification Test. You will need a computer that has access to the Internet for sixty (60) minutes. You will be immediately notified of the outcome of your test once you complete it. Should you be unsuccessful in your first attempt, you will be given one more opportunity to take another version of the test, included in your initial fee. After successful completion of your test you will be mailed your official IAPE Certified Property and Evidence Specialist certificate within several weeks.

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Requirements - There are 5 criteria that must be met in order to become a Corporate Certified Property & Evidence Specialist (CCPES):

1. Applicant must have attended and completed the IAPE two-day "Property & Evidence Management Course", or completed the web-based video course.
2. Applicant must have served in Property function for:
 - a. One year as a full time assignment,, **OR**
 - b. A total of 2,080 hours (one year equivalent) as a part time assignmentNOTE: The applicant's CEO or his/her designee must sign the application
3. Submit application and testing fee.
4. Achieve a satisfactory grade on the CCPES online test.
5. Be a current dues paid member of IAPE and must remain a member during the period of certification.

Procedures - Here are the steps to apply:

1. Complete the CCPES Application.
2. Ask your CEO to sign the application verifying your experience in the Property function.
3. Send the completed application along with your payment (personal check or U.S. Postal Service Money Order) payable to "IAPE" in the amount of \$225.00. A credit card can be used for payment. Mail the form to the address on the application.

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- Corporate Certified Property and Evidence Specialist (CCPES) (for Private Industry)

Applicant's Full Name _____

Please print legibly

Employer _____ Police Sheriff Other

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CPES RECERTIFICATION REQUIREMENTS

CPES initial certification is valid for a period of 5 years. To maintain certification, CPES designees must complete continuing training during the five year period. The IAPE Board of Directors has established the following criteria for recertification:

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 2. Completion of On-Line Video Training (equivalent to class attendance) Found at: http://iape.org/pdfFiles/20081129_CPES_Online_Class_Registration_Form.pdf
- Submission of a Recertification Application along with payment (\$100) and proof of completion of required training.

NOTE: Recertification is for another 5 year period.

(Recertification application can be found at: <http://www.iapevideo.com/learnmore.php>)

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• Training Format

The class is an intensive 16 hour classroom-style course designed to maximize learning of sound property room concepts. Extensive PowerPoint and video collections illustrate properly designed facilities and systems.

• Keeping Up and Staying Ahead

Training has been designed to help recognize and avoid the pitfalls that can lead to court challenges, lawsuits, poor press relations, disciplinary action, termination, and indictments.

• Instructors

Instructors are recognized experts in the field, with both professional and academic credentials.

• Certification of Attendance

Students will receive a Certificate of Attendance, in addition to the class materials and valuable knowledge received in the class.

• Class Composition and Size

Limited-size classes of both sworn and civilian personnel involved in the operation, supervisors, managers, and administrators of the property function. Classes fill up quickly - Sign Up Early!

• Tuition Fee

Course fee includes tuition, membership, student workbook, CD of forms, and property manuals. Discount tuitions are available to returning members and when additional students from the same agency attend the same class.

• Transportation and Lodging

Training is usually held at hosting department's training facility or at the listed hotel. Transportation, food, and lodging are the responsibility of each participant.

• Exchange Ideas

Network with property room professionals from agencies across the United States and Canada.

IAPE is once again offering in-person classes!

We are following all CDC protocols and regularly posting class up-to-dates online.

For latest class information, check: <https://home.iape.org/classes.html#all-classes>

If you are in need of immediate training, consider two-day online courses. Visit <https://www.iapevideo.com/cart/list2.php>



BOLO

BE ON THE LOOKOUT

UPCOMING CLASSES

2022

*
WAIT LIST

*
LIMITED
SEATS LEFT

PROPERTY & EVIDENCE

- May 16 & 17 - Commerce City, CO
- June 6 & 7 - Roanoke, VA
- June 14 & 15 - Burbank, CA
- August 1 & 2 - Hillard, OH
- August 9 & 10 - South San Francisco, CA
- August 24 & 25 - Burlington, NC
- August 30 & 31 - Columbia, MO
- September 8 & 9 - Roanoke, VA
- September 12 & 13 - Massillon, OH
- September 20 & 21 - Rosemont, MN
- September 26 & 27 - Palm Bay, FL
- October 11 & 12 - Harris County, TX
- October 18 & 19 - Mesa, AZ
- December TBA - Burbank, CA

SUPERVISORS

- May 18 - Commerce City, CO
- September 14 - Massillon, OH
- September 28 - Palm Bay, FL

ONLINE CLASSES

We also offer the full management course, plus four other modules online.

(See Page 3 for ONLINE TRAINING and Page 6 for all VIDEO titles.)

Hotel Reservation Information

- When making reservations, ask the hotel for the *International Association for Property and Evidence, Inc.* participant's special discount rate.
- To be guaranteed a room at the discount rate, make reservations 30 days in advance.
- Training sessions from 8 a.m. - 4:30 p.m. daily.
- Questions ??? Call (800) 449-IAPE (4273)

Registration Information

Complete registration form online a minimum of 2 weeks prior to the training session, and pay electronically.

If not paying online, you will be invoiced; remit a check, money order, or purchase order, payable to IAPE Training, and send to the following address:

International Assn. for Property & Evidence, Inc.
Attn: Training Division

7474 Figueroa St., Suite 125 • Los Angeles, CA 90041

- Refunds will be made with 14 days notice.
- Substitutions may be made at any time.

TUITION RATES FOR 2022

- \$ 395 Non-Member Rate *
- \$ 370 Additional Attendee *
- \$ 345 IAPE Current Member Rate (1st time attending)
- \$ 320 IAPE Current Member Rate (Previously attended)
- \$ 320 IAPE Current Member, Add'l. Attendee

*(includes IAPE 1 year membership & Evidence Log)

\$65 Annual Membership
for new members attending classes

Please click here for [IAPE Membership / Registration Form](#)

WE GET MAIL...

Editor's Note: We try to respond to as many letters as we can, with information that may be relevant to the broadest audience possible. We thank you for your continued participation in this process.



Purging Data



Hi Joe,

I need some help. I'm writing an award for the property techs in my property room. I have a question in reference to what constitutes superlative performance in purging numbers across property rooms in the U.S..

My property room purged 171% of all property this past calendar year. This is a new record for us; the last production index we had was 133%.

I wanted to make a note in the award recommendation of how they compare to other departments across the country. I know size of the department matters – ours is 120 officers and our input ranges between 60-140 per week. Our current inventory is 24K and last year it was 32K after the annual inventory.

New changes have been incorporated in order to generate higher purge numbers. We don't use a stand-alone system that triggers review dates for eligible candidates for disposal, it's all manual – we have Spillman RMS.

Thank you for your time and help –

Rosa McNeely
Property and Equipment Manager
Technical Services Division
North Richland Hills Police Department

Rosa,

The norm around the country is 100 in and 60 - 70 out which is not so good.

Anytime you are at a 1:1 ratio (100 in and 100 out) you are light years ahead of 99% of other departments, so I would have to say:

Sounds like you're doing great!

*Best -
Joe*



Continued from Previous Page

WE GET MAIL...

Audits & Inventories

Hi Joe –

I have a question regarding audits and inventories. When doing either of these, I have some evidence staff who are reluctant to open up evidence packaging (if it is necessary to verify the contents). This is typically in cases when a non-see through bag has been used. During these audits/inventories, our evidence staff are accompanied by a sergeant who is outside the evidence chain of command and not assigned to the office under audit, so that we have an independent third party involved.



Some of my evidence staff believe opening these items may be considered tampering, if not done in the presence of the detective assigned to the case.

I disagree as we are following branch policy and only visually verifying an aspect of the item. Also, we can document the reason for opening the evidence in our evidence software system. The initials, dates/badge number documented on the re-sealed evidence would reconcile to the notes in the evidence software system.

Anyway – please let me know your thoughts on this.

Steve Smith, CFE
Chief, Enforcement Branch Support & Compliance
California Department of Insurance

Hi Steve,

I have never seen anything written on whether or not packages should or shouldn't be opened. I would say that the vast majority of inventories that are conducted around the country are inventorying sealed packages. Volume drives a lot of this discussion. For agencies with 10s or 100s of thousands of items the task is impossible.

Having said that, the opening of packages during inventories has sometimes been related to a theft and making it essential. In 95% of these cases, the reported issues (problems) concern guns, drugs, and money. Opening these items in your agency may be doable, due to smaller quantities, but typically in any property room theft (internal) the crook is usually focusing on one type of evidence, so during an inventory if that type of item is not packaged or initialed properly, it might become one to open... but, if you have staff and time, opening all is great!

My thoughts -

Joe

Continued on Page 43



SAY IT AIN'T SO, JOE

5,000 Criminal Cases Collapsed Last Year as Evidence Goes Missing

Jon Robins - TheJusticeGap.com February 3, 2022

More than five thousand criminal cases collapsed last year because crucial evidence has been lost by the police, according to a BBC investigation. A retired police officer from a force in the north of England told the BBC Radio 4's File on Four programme about the failure of forces to preserve key evidence. 'Exhibits are strewn all over the place, just left,' he told the presenter Michael Cowan. 'It is endemic.'

According to data obtained from the Crown Prosecution Service for the program which broadcast earlier this week, 5,806 cases collapsed last year because of evidence going astray including items lost by the police. The officer identified as 'Ryan' had photographs of a desk 'littered with evidence bags, CDs and DVDs piled high' without being labelled and items of clothing 'strewn all over the floor'.

The programme argued that the growing problem was fuelled by the huge growth of digital evidence, budget cuts as well as an increasing cultural problem towards the preservation of evidence. 'You can see a marked deterioration in evidence-gathering, the seizure of exhibits and the securing of exhibits,' Ryan said. 'It's a blasé attitude. In the 1980s when I joined everything had to be done right but as time marched on standards dropped. A lot of exhibits were going missing.'

The programme featured two cases where it was claimed vital evidence had been lost: 'Maya' (not her real name) who alleged that she was raped and whose original police interview was lost; and Andy Malkinson who claims to have been wrongly convicted of rape and whose case has featured on the Justice Gap.

Dr Carole McCartney, professor of law at Northumbria University spoke about research

she had done with the investigative charity Inside Justice into how evidence goes missing. 'Police officers very often talk about evidence stores being full up, creaking, and storing evidence in their desks and lockers,' she said. 'Very often there is confusion. There is no way officers could attest to a chain of continuity with exhibits being secure at all time. Contamination is a particular issue.'

Almost three-quarters of officers interviewed worked on cases where exhibits had been lost. McCartney added: 'Over half said that that they did not believe it had an impact on a case. The problem is how do we interrogate what they mean by that.' She reported that 'over the course of a couple of years, we are talking of up to 12,000 criminal cases including homicides, rapes and sexual assaults, collapsing and being attributed to problems with evidence either not being produced or not being disclosed'.

Budget cuts were identified as a problem with officers working on 20 investigations at one time. 'Exhibits are coming in and officers are having to maintain the security and continuity of all those exhibits when there aren't systems in place,' McCartney said. 'You could have a situation where chaos reigns.'

In Maya's case, the force (not identified) told the programme that it processed 600,000 pieces of evidence every year but claimed that 'approximately 0.04%' of items went missing.

[LINK TO STORY HERE](https://www.thejusticegap.com/chaos-reigns-more-than-five-thousand-criminal-cases-collapsed-last-year-as-crucial-evidence-went-missing/)

<https://www.thejusticegap.com/chaos-reigns-more-than-five-thousand-criminal-cases-collapsed-last-year-as-crucial-evidence-went-missing/>

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WE GET MAIL...



Archived Evidence Inventory

Hello -

I am writing regarding our process for inventorying archived evidence. We have a number of crates, sealed with a secure and numbered tie. They contain evidence on serious past crimes that is highly unlikely to be needed, but we can't dispose of it for decades.

Going forward, I'd like our inventory process for these crates to consist of a check on each crate's seal. We keep a record of the listed number on the tie securing each crate. That makes it easy to tell if someone has entered or tampered with the crate. If a crate has been entered, our process will be to inventory every item inside. If the crate is not entered, we would document that and opt not to open the crate. Every five years, even if a crate hasn't been opened, we would enter it and completely inventory the contents.

Can you see any problems with this process? We want to be security-focused while making the most of our time and still adhering to IAPE standards.

Just so you know, this is in addition to our normal inventory process. We inventory all our 330,000 items each year.

Thank you for your help.

Andrea Nelson
Property Evidence Division
Evidence Control Supervisor
Portland, OR



Andrea,

*I really like the process...
you are definitely on the right path.*

Sounds perfect to me -

Joe



Continued on Page 57

Supervisory Oversight of the Disposal Review Process

By: Robert Martin, IAPE Board

During an IAPE Evidence Management Course, there is a very important concept stressed throughout the entire two days: if purging does not occur, one will run out of space. The consequences of running out of space are obvious; it is going to cost money to create space. Further, managing the on-hand volume becomes cumbersome and increases liability and the likelihood that something will end up missing. IAPE therefore stresses disposing of property in a regular cycle, with a goal of achieving at 1:1 ratio, meaning one item is removed out for every item that is taken in. When this writer first heard this "goal," I scoffed and thought, this sounds impossible. Then I learned of very large agencies and some small agencies who achieve and maintain this ratio, and it has now become a goal to not only strive for, but actually attain.

Once a leader has experienced a significant error in releasing something that should not have been, the tendency may be to become very restrictive in what can go out the door. This is a natural reaction, closely tied to career preservation. Maybe the case was severe enough, where notifications to the prosecutor, investigator, and defense attorney had to be made because this error could compromise the prosecution of a case. This error may have made headlines in the news; maybe even garnering national attention. Certainly the temptation to "hold everything" indefinitely would be given serious consideration. However as previously noted, that option is not sustainable.

After having been the evidence manager now at two major sheriff's offices, the initial resistance in pursuing this goal was that I did not believe it was attainable while maintaining strict quality control. My previous agency's Evidence Section was within an ANAB accredited Forensic Laboratory, and accountability for quality always trumped accountability for quantity. What I did not realize fully, was with proper systems planning, training, oversight, and documentation of the process, it is very possible to make progress toward and eventually achieve these lofty goals. Not just to purge effectively, but also reassure exceptional quality through the process. One does not have to

be sacrificed for the other; and it is imperative that leaders of this discipline ensure accountability on both fronts.

For those who have a background in forensic disciplines, especially within an accredited laboratory, the practices of peer review and verification of analysis are stressed in day-to-day work. It was while working in an evidence section within this framework, that it clicked that similar practices could be implemented within an evidence management system. This would help ensure that the quality of work remains outstanding, while production is increased. My former colleagues and I developed a working process, and tools to guide the process to accomplish the goal of improving both quality and quantity in our evidence section. Implementing the process and utilizing the tools that were created also provided for documentation that was more easily reviewable for supervision, or even assessors during audits and inspections.

There are four primary tools utilized to guide and document the process. The first tool is actually obvious: our electronic evidence management system. The disposal process begins during the intake process as we perform several key tasks.

The first task is confirming that the item(s) submitted are classified appropriately: found property vs. safekeeping vs. evidence vs. for disposal, etc. Ensuring items are classified properly drives the rest of the process. For instance, safekeeping items' protocols are established through policy, driving how they are handled. A "tickler" (which is a reminder created in the system), is established to check on the item at a certain interval, to see if it was abandoned with us or still needs to be claimed; notifications to the owner by mail and/or email are made and ultimately, if abandoned with us, policy will dictate procedures for their timely removal. The same protocols are established by policy for the handling of found property items: they are placed on the advertising list, and a "tickler" is established at a certain interval past the required advertising and hold period. If no claims are made, the items are disposed of. That brings us to tool number two.

Continued from Previous Page

Supervisory Oversight of Disposal Review Process - Cont'd.

A spreadsheet is utilized to track the documentation of found property items and is an expedited way of documenting and reviewing their disposal process. (See *Sample Spreadsheet on Page 46.*) Requirements of statutes and policy are listed on the spreadsheet and check boxes to ensure processes have been completed are present. A reviewer (a senior evidence person specialist or supervisor) then reviews the spreadsheet and determines if it can be signed off on as approved for disposal. If *finder wishes to claim* is checked, an attempt is made to fulfill their claim. Policy also dictates who is responsible for checking items against stolen-item bulletins and ensuring items have been posted for investigators/officers to review and match against any open cases. The same sheet is used for bicycles and all found items that are not otherwise prohibited from being handled this way – specifically contraband and firearms.

The third tool is also an obvious one: Microsoft Outlook. The calendar should be utilized to schedule tasks in the disposal review system. Things are more likely to be handled in a timely and routine fashion if they are scheduled as tasks, and if someone is assigned the responsibility for the said tasks' completion. Supervisors can use a shared calendar to schedule things like: bicycle list printed, bicycles staged for disposal per current list, found property lists generated and appropriate advertising occurred, etc. For those who do not have an evidence management system to allow for tickler files to be established, Microsoft Outlook tasks and calendars can perform that this function for you. You will have to manually document the accomplishment of the tasks, but files can be established, even within Outlook, to keep up with work toward effective purging.

For criminal evidence, firearms, and contraband, the fourth tool is utilized. It is a Disposal Review Form that documents and guides a decision maker or evidence specialist through the process of making a decision on the disposal of items in a particular case. (*Sample Form begins on Page 47.*) Each case to be reviewed is assigned a primary reviewer. The primary reviewer (which could be an evidence specialist or investigator), fills out the form questions that will guide them to the appropriate disposal decision. After the form is completed and documentation is attached (electronically or physically), a secondary reviewer will concur, partially concur, or deny the disposal. Our agency began with supervisors as the secondary reviewers, but trained others to review them so that eventually any qualified

evidence specialist could review another's work (a.k.a. peer review). This is the concept similar to working in a forensic analysis discipline. It puts a second set of eyes on the problem set and sees if the same conclusion is reached. This quality control measure has caught many mistakes and prevented the inadvertent release of items that were required to be held for various reasons. For instance, a case that is otherwise approved for disposal, as it is no longer needed for the court system, could contain compact discs, photographs, and other documents that cannot be disposed of, because those specific items fall within the definition of a public record, and must therefore be retained pursuant to the public record statutes. In that case, the secondary reviewer approves the items that can be disposed of, but mandates a hold on the record items and assigns a retention date. Another tickler is then established for the ultimate disposal of the records.

The disposal process should become a calendared routine. It should be as natural a flow as the daily intake process. With proper planning, organization, and oversight, the property and evidence "brass ring" 1:1 goal is within grasp.

Document Credits

Evidence Manager/Director Robert Martin
Volusia County Sheriff's Office, Deland, FL
– Former Seminole County Sheriff's Office, Sanford, FL
– I.A.P.E. Board of Directors

Former Assistant Manager Lara Hoechst, Volusia County Sheriff's Office / Seminole County Sheriff's Office

Evidence Specialist Victory Campbell
Oviedo Police Department, Oviedo FL
– Former Seminole County Sheriff's Office

Evidence Specialist Cheryl Fields
Seminole County Sheriff's Office, Sanford, FL

Former Evidence Specialist Tiana Timmons
Seminole County Sheriff's Office, Sanford, FL

Senior Evidence Specialist Lauren Mandese
Volusia County Sheriff's Office, Deland, FL

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Supervisory Oversight of Disposal Review Process - Cont'd.

SAMPLE

ABANDONED PROPERTY DISPOSAL FORM

(Firearms)

Researched/Submitted By:

	Case Number	Tag / Item Number	Description	Status verified via report or submitter [If NO, verify status before proceeding]	Owner identified? [If YES, move to Personal Property disposal form]	If finder can claim, were all attempts made to notify / release to finder?	If there's a serial number, was it re-run through FCIC/NCIC during disposal research?	If valued over \$100, was it advertised appropriately? [If NO, advertise appropriately and extend retention]	Regardless of value, was it advertised appropriately? [If NO, advertise appropriately and extend retention]	Has the retention period expired? [If NO, hold until retention expires]	Added to PULL LIST	Initials of approving supervisor
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												

Effective: MONTH DD, YYYY
Approved by: Evidence Manager

Continued from Previous Page

Supervisory Oversight of Disposal Review Process - Cont'd.

The following sample form is provided for you to use as a template in creating a version that is suitable for your department.

SAMPLE

EVIDENCE DISPOSAL REVIEW

Date Review Initiated: _____

Case Number: _____

Related Case Number: _____

Are there Stolen & Recovered items?

Yes No If yes, complete this section. If no, SKIP this section.

1. Was the Investigator or officer emailed? Yes No

2. Did Investigator or officer grant permission? Yes No

Is there Case Evidence?

Yes No If yes, complete this section. If no, SKIP this section.

1. If there is a firearm, were ATF & NCIC/FCIC checks done? Yes No N/A No Firearm -If yes, CONTINUE to the next question. -If no, complete the checks & CONTINUE to the next question. -If N/A CONTINUE to question #4.

2. Is the firearm NIBIN eligible? Yes No -If yes, CONTINUE to the next question. -If no, SKIP to question #4 and make sure Crime Scene has been notified and an email is in the case file indicating that it will not be tested.

3. Has NIBIN been completed? Yes No -If yes, CONTINUE to next question. -If no, STOP and wait until the test is complete.

4. Was it determined that a crime was NOT committed? (this includes suicides) Yes No -If yes, SKIP to question #23. -If no, CONTINUE to the next question.

Continued from Previous Page

Supervisory Oversight of Disposal Review Process - Cont'd.

EVIDENCE DISPOSAL REVIEW - cont'd.

Date Review Initiated: _____

Case Number: _____

Related Case Number: _____

5. Is this a Homicide? Yes No -If yes, requires court order to dispose. -CONTINUE to the next question.
6. Life Felony? Yes No -If yes, requires court order to dispose. -CONTINUE to the next question.
7. Sexual Assault under age 12? Yes No -If yes, may not be able to purge. -If no, CONTINUE to the next question.
8. Was an arrest made? Yes No -If yes, complete chart on the next page and SKIP to question #18. -If no, CONTINUE to question 9. (**Note**If multiple defendants and not all have been arrested, complete chart below, listing all defendants, charges and disposition if one exists. Then CONTINUE to next question for those not arrested.)

Defendant(s)	Charge(s)	Disposition (include Date)

If No File, prosecutor or investigator must be emailed for permission

9. Has the Statute of Limitations expired for all offenses? Yes No CONTINUE to the next question.
10. Was a suspect identified? Yes No -If yes, CONTINUE to the next question. -If no, SKIP to #13.
11. Was a capias filed? Yes No -If yes, CONTINUE to the next question. -If no, SKIP to #13.
12. Is there an active warrant? Yes No CONTINUE to the next question
13. Was the evidence tested for DNA? Yes No -If yes, CONTINUE to the next question. -If no, notate why below and CONTINUE to question #16.

Notate why the evidence was not tested for DNA

Continued from Previous Page

Supervisory Oversight of Disposal Review Process - Cont'd.

EVIDENCE DISPOSAL REVIEW - cont'd.

Date Review Initiated: _____

Case Number: _____

Related Case Number: _____

14. Was a DNA profile developed? Yes No -If yes, CONTINUE to the next question.
 -If no, SKIP to question #16.
15. Was the profile entered into CODIS? Yes No CONTINUE to the next question.
16. Do any of the following offenses apply? Yes No -If yes, consider if a prosecution can begin if a hit is received
 If yes consider extended retention requirements
 If no Then SKIP to question #23.
 -If no, SKIP to question #23.
- a. Capital Felony
 - b. Life Felony
 - c. An offense of Sexual Battery or Assault
 - d. Other crime or circumstances where extended retention pending CODIs results are necessary.
17. Enter notation here if the answer to #16 was yes.

18. Has 60 days past since disposition? Yes No -If yes, CONTINUE to the next question.
 -If no, any items that belong to the suspect cannot be disposed of at this time unless a court order supersedes.
19. Has the defendant attempted to claim any items? Yes No CONTINUE to the next question. (If yes, notate in the notes section below why the items were not returned to the defendant/owner.)
20. Has the appeal time expired? Yes No Remember to account for the 3.85 motion.
 CONTINUE to the next question.
21. Was the prosecutor emailed? Yes No CONTINUE to the next question. (If no, explain in the notes section below.)
22. Did prosecutor grant permission? Yes No CONTINUE to the next question. (If no, explain in the notes section below why they want the evidence to be held.)
23. Was the Investigator or officer emailed? Yes No CONTINUE to the next question. (If no, explain in the notes section below.)
24. Did Investigator or officer grant permission? Yes No

Continued from Previous Page

Supervisory Oversight of Disposal Review Process - Cont'd.

EVIDENCE DISPOSAL REVIEW - cont'd.

Date Review Initiated: _____

Case Number: _____

Related Case Number: _____

Is there Found Property? Yes No If yes, complete this section. If no, SKIP this section.

- | | | | |
|--|--|---|--|
| 1. <u>If there is a firearm</u> , were ATF & NCIC/FCIC checks done? | Yes <input type="checkbox"/> No <input type="checkbox"/> | N/A No Firearm <input type="checkbox"/> | -If yes, CONTINUE to the next question.
-If no, complete the checks & CONTINUE to the next question.
-If N/A SKIP to question #4. |
| 2. Is the firearm NIBIN eligible? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, CONTINUE to the next question.
-If no, SKIP to question #4 and make sure Crime Scene has been notified and an email is in the case file indicating that it will not be tested. |
| 3. Has NIBIN been completed? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, CONTINUE to next question.
-If no, STOP and wait until the test is complete. |
| 4. Does the item(s) qualify as abandoned property? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, SKIP to question #13.
-If no, then CONTINUE to the next question. |
| 5. Has an owner been identified? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, CONTINUE to the next question.
-If no, SKIP to question #10. |
| 6. Is there proof the owner has been notified? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, SKIP to question #8.
-If no, CONTINUE to the next question. |
| 7. Is there documentation to show due diligence has been made to notify the owner? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, SKIP to question #13.
-If no, STOP and make further attempts to notify the owner. |
| 8. Did the owner call to schedule an appointment? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, CONTINUE to the next question.
-If no, SKIP to question #13. |
| 9. Did the owner schedule an appointment and not show or give permission to dispose of the item? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, SKIP to question #13.
-If no, ensure due diligence is documented before skipping to question #13. |
| 10. Are any of the found items valued at \$100 or more? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, CONTINUE to the next question.
-If no, SKIP to question #12. |
| 11. Has the item(s) been advertised by In the newspaper or other means? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | -If yes, CONTINUE to the next question.
-If no, the item needs to be advertised in the paper and wait another 45 days to review again. |

Continued from Previous Page

Supervisory Oversight of Disposal Review Process - Cont'd.

EVIDENCE DISPOSAL REVIEW - cont'd.

Date Review Initiated: _____

Case Number: _____

Related Case Number: _____

12. Has the item(s) been advertised on the agency website (if available)? Yes No -If yes, CONTINUE to the next question.
-If no, the item needs to be advertised and then wait another 45 days to review again.
13. Has it been 60 days or more since the item(s) was recovered? Yes No -If yes, submit for review.
-If no, wait until the 60/ 90days has expired or 45 days after the advertisement (whichever is longer) and then submit for review.
(Consider required minimum retention Requirements)

Is there Safekeeping Property?

Yes No If yes, complete this section. If no, SKIP this section.

1. If there is a firearm, were ATF & NCIC/FCIC checks done? Yes No N/A No Firearm -If yes, CONTINUE to the next question.
-If no, complete checks and CONTINUE to next question.
-If N/A, SKIP to question # 6.
2. Was a certified letter mailed to the owner explaining how to retrieve the firearm(s)? Yes No -If yes, CONTINUE to the next question.
-If no, STOP and make sure the letter has been sent and wait ample time for the owner to respond.
3. Did the owner receive the letter? Yes No -If yes, SKIP to question #5.
-If no, CONTINUE to question #4, and describe due diligence to notify owner.
4. Please describe efforts to notify the owner. Then, CONTINUE to the next question.
5. Have the firearms been held for one year? Yes No -If yes, SKIP to question #8.
-If no, STOP and wait until the weapon(s) has been held for one year (recommended) (UNLESS the owner requested items to be destroyed. If so SKIP to question #9.)
6. Was a 10 day (respond or else) postcard or 10 day certified letter sent? Yes No -If yes, CONTINUE to the next question.
-If no, STOP and mail the notification. Wait 15 days and continue to the next question.
7. Was the postcard or 10 day letter returned unclaimed? Yes No -If yes, STOP and see if another address can be found. GO BACK to question #6. Once due diligence is completed CONTINUE to question #8.
- If no, CONTINUE to question #8.
8. Did the owner acknowledge receipt of notification either by phone, mail or in person? Yes No -If yes, CONTINUE to the next question.
-If no, ensure that due diligence has been completed and SKIP to question 13.

*Continued from Previous Page***Supervisory Oversight of Disposal Review Process - Cont'd.****EVIDENCE DISPOSAL REVIEW - cont'd.**

Date Review Initiated: _____

Case Number: _____

Related Case Number: _____

9. Did the owner grant permission to dispose of the item(s) or schedule an appointment and not show? Yes No -If yes, CONTINUE to the next question and complete the narrative.
- If no, SKIP to question #11.

10. Please notate the owner's permission to dispose or if the owner had an appointment and did not show, explain the efforts made to reschedule appointment. CONTINUE to next question.

11. Is the owner prohibited from possessing the property? Yes No -If yes, CONTINUE to the next question.
-If no, SKIP to question #13.

12. Explain why the owner cannot possess the item then CONTINUE to the next question.

13. Has it been 60/90 days or more since the item(s) was recovered? Yes No -If yes, submit for review.
-If no, wait for 90 days before submitting.

Notes

Hours spent on research/review/pulling: _____

Research completed by: _____ Date: _____

Electronic Signature: _____

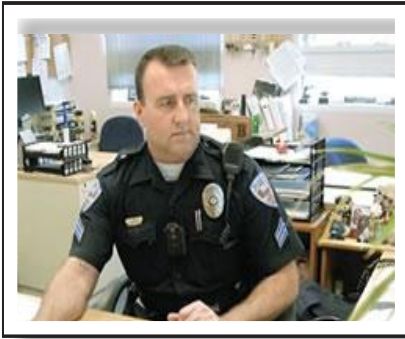
2nd party review completed by: _____ Date: _____

Electronic Signature: _____

Disposal Approved: Yes No Pending



Evidence Management for Supervisors



This one-day Property and Evidence Management training class is tailored specifically for supervisors and managers in the property and evidence room. However, the course was developed for anyone assuming the responsibility of the property and evidence room. The focus is to provide guidance and best practices in order for supervisors and managers to significantly improve and enhance their expertise and overall confidence in managing and maintaining both the evidence room personnel and the overall success of their property room units processes and procedures.

2022 CLASS SCHEDULE Dates & Locations

SUPERVISORS and also
POTENTIAL SUPERVISORS!

May 18
Commerce City, CO

September 24
Massillon, OH

September 28
Palm Bay, FL

CHECK ONLINE
for all updates and
additional classes!

NOTE: *There is no prerequisite required to attend these classes.*

KEY BENEFITS & TOPICS (One-Day Class)

- **SUPERVISOR FOCUSED:** Find out how to a successful property room supervisor manages both people and evidence. Interact with classmates to solve problems, deal with a non-productive employees, and more.
- **CRISIS PREVENTION:** Prevent crises before they happen. Learn how to audit and evaluate your operations and systems for continued success.
- **CRISIS MANAGEMENT:** You will learn how to prevent crisis, as well as be given tools and skills to consider when you're in the middle of a crisis.
- **INVESTIGATIVE PROCESS:** Use proper investigative processes in dealing with missing guns, drugs and money (criminal vs administrative clearing of UTL).
- **STAFF MANAGEMENT AND ETHICS:** Learn about personality types, leadership traits, emotional intelligence, and how to deal with performance management issues to improve employee performance.
- **FREE** Property & Evidence by the Book - 2nd Edition (electronic version).

COST: Members: \$215 / Non-Members: \$265

ONLINE REGISTRATION:

<http://home.iape.org/classes.html#supervisor-class>

INTERNATIONAL ASSOCIATION for PROPERTY and EVIDENCE, Inc. IAPE MEMBERSHIP APPLICATION

7474 Figueroa Street • Suite 125 • Los Angeles, California 90041 / Tel. 1-800-449-4273 • Fax 1-818-846-4543

www.iape.org



I am applying for IAPE membership - Fee: \$65 USD

For accounting purposes, our Federal ID # is 88-0296739

OFFICE USE

Amount _____

Date _____

Check # _____

Member # _____

Evidence Log 2022-1

*Applications submitted January 1st through October 31st will be applied for the current year.
Applications submitted in November and December will be applied to the following year.*

Name of Applicant: _____
Please print legibly first middle last

Title / Rank _____ E-Mail _____

Name of Agency _____ Business Phone (____) _____

Business Address _____
Street City State / Zip

Residence Address _____
Street City State / Zip

Signature of Applicant: _____ *Please send mail to:*

Name of Sponsor: _____ Business Residence
Please print legibly Active IAPE Member

I don't currently know an active IAPE Member. Please accept my application.

Have you previously been a member of IAPE? No Yes If "Yes", when? Date: _____

REQUIREMENTS FOR MEMBERSHIP

Active Members - (a) The following persons shall be eligible for active membership: (1) Property/evidence officers, technicians, specialists, clerks, or custodians directly assigned to the property/ evidence function, or supervisors having actual supervision of the property/ evidence function, and receiving salaries from any legally constituted national, state, provincial, county, municipal, or other duly constituted law enforcement agency/ jurisdiction including railroad police system, or public police or sheriffs department. Active members retain their active status upon retirement, provided there is no interruption in membership.

Associate Members - (a) Any person not eligible for active membership, but qualified by training and experience in law enforcement activity, or by professional attainments in police science or administration, shall be eligible for associate membership in the association. (b) Associate members shall have all the privileges of active

membership, except for holding office and voting. (c) The following classes of persons are eligible and qualify for associate membership: (1) Personnel employed by a public law enforcement agency. (2) Employees of city, county, state, provincial, and national agencies with technical responsibility for law enforcement related storage of property/evidence. (3) Prosecuting attorneys and their deputies of city, county, state, provincial, territorial, and national governments. (4) Employees of accredited colleges and universities engaged in teaching, research and other phases of criminal justice. (5) Staff or employees of crime institutes, governmental research bureaus, coordinating councils, law enforcement associations, and similar agencies engaged in research involving the property/ evidence storage function. (6) Persons who have made a significant contribution to the field of law enforcement property and evidence. (7) Any retired member of a law enforcement agency.



GOOD NEWS !

IAPE Receives "Happy Mail" !

The following note was sent to Nancy Latta, who does much of IAPE's behind-the-scenes paperwork.

Hello Nancy!

I have completed all the modules of the Video Refresher course. As always, I found the class very informative and extremely beneficial. Joe did a wonderful job! IAPE never disappoints in the information provided, quality and service.

Thank you for all your help along the way – you have been wonderful!

Best regards,
Alyssa S. Plachta
Florence, NJew Jersey

And just one more...

Mr. Latta!

Thank you for all the valuable information you shared with us – not only will it help me, but I will also be working with my sergeant and command staff to improve our evidence division.

Your experience and way of touching almost every aspect and areas of evidence have been by far the best training I've had so far. Will take the knowledge you shared to strive to become even better and teach others what I learned.

Gissell Frazier

We also recently received this short, but much-appreciated email:

Good morning Joe,

This is a short notice for you to remove my name from your contacts list.

I am happy to inform you that I have retired after 21 years as Property and Evidence Technician/Clerk at Greenwich Police Department, Greenwich, CT.

I want to thank you Joe, your staff and IAPE for many years of assistance and training. Your organization was instrumental in the setup of our "new" police headquarters and a major contributor to the operations of our evidence room.

Cordially,
Charles Pennella

IAPE wishes you all the best in your well-deserved retirement, Charles!

We would like to say
Thanks to all of you
for taking the time to reach out -
it's always good to hear from members!

IAPE always appreciates hearing from our members - especially when they share positive experiences! Too often we only hear negative things about our industry, and we're grateful to our many members for their continued loyalty and support!

Check out our **KEEPER OF THE KRAPOLA** merchandise!

SHOP IAPE | COLLECTION LIST



Check out the new items in our online shop at: <https://shopiape.com/>

Spring is in the air...
... time to for a refresher
with some new "stuff"!

Treat yourself to that merch you've had your eye on!

SPRING SAVINGS!

Save 25% using the code "Krapola"
(\$25 minimum purchase)

ATTENTION IAPE MEMBERS:

If you have a custom design idea or want to see the Krapola logo on a specific item, please let us know.

We can also include your name, your agency's name, shield, etc.!

Please send photos, ideas, remarks, along with your name and agency to amanda@iape.org

Your local Evidence Room techs appreciate your support!

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WE GET MAIL...



Requests for Evidence

Hello Mr. Latta,

I have a question for you. We are working a robbery case and a few months ago a private investigator walked into our lobby and asked me to turn over all the evidence for this case. I asked him to please follow proper steps for requesting any type of evidence and he replied "Thought I'd give it a try."

Now he is trying to get evidence through the DA's office after everything has been submitted electronically and through our body cams.

My question is, doesn't he need to subpoena this evidence the proper way?

I've never had someone request anything verbally, we have always received a subpoena or some type of written request, and it's usually for the DAs.



Thank you for your help -

Gissell Frazier #496
Police Services Officer II
Imperial Police Department
Imperial, CA



Gissell,

You are correct. But there may be more than just a subpoena. The case officer/detective should be involved in the process.

For example: you received a subpoena, it's legitimate, but the case officer may have a reason for not giving it to the person who has a subpoena. At this time they would be going to the prosecutor and getting approval from them as well.

The bottom line is: prior to any release the case officer/detective needs to be aware of the transaction.

Joe

Continued on Page 68

IAPE WANTS TO KNOW...

HOW ARE YOU DOING?

TOPIC: PURGING AND DISPOSITION

In the last few issues of the *Evidence Log*, IAPE has published online surveys to test your department's policies and procedures against our industry's best practices and IAPE Standards. In this issue we're publishing the results related to the purging of evidence from inventory, or disposition. We hope this data will be useful for comparison to your own agency, and potentially affect changes within specific areas that might need attention. We look forward to hearing from you and responding to your feedback!

MULTIPLE CHOICE

1. Policy – Property Room – does your agency have a policy that provides a step-by-step procedure on the various tasks to be taken to purge evidence from your property room?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			236	52%
No			210	47%
Total Responses			446	100%

MULTIPLE CHOICE

2. Policy – Case Officer – does your agency have a policy that defines the duties of the case officer (detective) in the purging and disposition process?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			203	45%
No			241	54%
Total Responses			444	100%

MULTIPLE CHOICE

3. Policy – Does agency policy define who is responsible for authorizing the transfer, release, destruction, or removal of evidence from the property room?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			355	79%
No			92	20%
Total Responses			447	100%

MULTIPLE CHOICE

4. Policy – Property Room Staff Can Property Room staff make decisions to purge an item(s) without the case officer's approval?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			195	43%
No			251	56%
Total Responses			446	100%

Continued from Previous Page



HOW ARE YOU DOING?

TOPIC: PURGING

IAPE SURVEY RESULTS CONT'D.

MULTIPLE CHOICE

5. Policy – Property Room Staff Can Property Room staff make decisions with regards to Found Property without any external approval process?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			301	67%
No			142	32%
Total Responses			443	100%

MULTIPLE CHOICE

6. Policy – Property Room Staff Can Property Room Staff make decisions with regards to Safekeeping Property without any external approval process?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			282	63%
No			163	36%
Total Responses			445	100%

MULTIPLE CHOICE

7. Does your computer system provide reporting tools that identify evidence that may be eligible for review and purging?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			257	57%
No			189	42%
Total Responses			446	100%

CHECKBOXES

8. If yes, what is the criteria based on:

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Statute of Limitations			144	53%
Calendar date before Statute of Limitations has expired (accelerated review)			95	35%
Notices sent from Case Officer or courts			91	33%
Unknown			23	8%
Other			51	18%
Total Responses			271	100%

Continued from Previous Page

HOW ARE YOU DOING?

TOPIC: PURGING

IAPE SURVEY RESULTS CONT'D.



MULTIPLE CHOICE

9. Who generally does the research to determine if a case has been adjudicated?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Property Room personnel			279	62%
Property Room supervisor			63	14%
Answer Submitting officer			10	2%
Case Officer			89	20%
No one			4	0%
Total Responses			445	100%

MULTIPLE CHOICE

10. If Property Room personnel generally do the research what is the reason the task is assigned to the Property Room?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Past Practice (always done this way)			215	56%
Case Officer declines their obligations			25	6%
Lack of command support for Case Officer doing the research			56	14%
Other			85	22%
Total Responses			381	100%

MULTIPLE CHOICE

11. Does agency policy provide guidance in the review and purging of aged homicide evidence?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			217	48%
No			226	51%
Total Responses			443	100%

MULTIPLE CHOICE

12. Does agency policy provide guidance in the review and purging of biological evidence?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			246	55%
No			198	44%
Total Responses			444	100%

Continued from Previous Page



HOW ARE YOU DOING?

TOPIC: PURGING

IAPE SURVEY RESULTS CONT'D.

MULTIPLE CHOICE

13. Does agency policy provide guidance in the review and purging of sexual assault kits?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			261	58%
No			182	41%
Total Responses			443	100%

MULTIPLE CHOICE

14. When Property Room personal are researching a case, can they easily access court records?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			337	76%
No			103	23%
Total Responses			440	100%

MULTIPLE CHOICE

15. When Property Room personal are researching a case, can they easily access the prosecutors' records?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			128	29%
No			310	70%
Total Responses			438	100%

MULTIPLE CHOICE

16. When Property Room personal are researching a case, does the court send agency the case status without asking. (Pushes data to agency)

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			116	26%
No			321	73%
Total Responses			437	100%

MULTIPLE CHOICE

17. When Property Room personal are researching a case, does the prosecutor agency the case status without asking. (Pushes data to agency)

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			95	21%
No			337	78%
Total Responses			432	100%

Continued from Previous Page



HOW ARE YOU DOING?

TOPIC: PURGING

IAPE SURVEY RESULTS CONT'D.

CHECKBOXES

18. How are Case Officers notified about review or disposition requests?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Notifications not sent / case officer not involved			89	20%
Notification sent from computer software			85	19%
Emails			219	49%
Printed notices			144	32%
Verbal			49	11%
Telephone			28	6%
Other			14	3%
Total Responses			444	100%

MULTIPLE CHOICE

19. If the Property Room sends purge request notification to the Case Officer is there any type of policy that mandates, the Case Office responds to the request to review and authorize the purging of the item(s)?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Notifications not sent / Case Officer not involved			96	21%
Yes			163	36%
No			183	41%
Total Responses			442	100%

MULTIPLE CHOICE

20. If the Property Room sends any type of purge request notification to the Case Officer, is there any type of time limits the requests must be returned by?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			169	38%
No			169	38%
No Applicable			104	23%
Total Responses			442	100%

MULTIPLE CHOICE

21. If the Property Room sends any type of purge request notification is there any formal policy that requires the Property Room staff to follow-up?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			103	23%
No			260	58%
Not Applicable			82	18%
Total Responses			445	100%

Continued from Previous Page



HOW ARE YOU DOING?

TOPIC: PURGING

IAPE SURVEY RESULTS CONT'D.

MULTIPLE CHOICE

22. If Property Room staff does the research to purge evidence – Is there a policy stating the steps property room personnel should take to research an item. This question should be added somewhere.

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			146	34%
No			277	65%
Total Responses			423	100%

MULTIPLE CHOICE

23. If the Case Officer does the research to purge evidence – Is there a policy stating the steps that should take to research an item. somewhere.

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes			103	24%
No			318	75%
Total Responses			421	100%

IAPE SURVEY COMMENTARY

IAPE has recently been emailing short surveys about the topic being highlighted in the current issue of the Evidence Log. After reviewing the collected data, we use this as an opportunity to determine what we need to emphasize in our training classes and/or our Professional Standards.

After reviewing all of the results we have opted to respond to the following survey questions that appeared to have some challenging responses.

SURVEY QUESTIONS - PURGING

Survey Question 1 – The most significant issue in most property room is the lack of space which translates to inadequate purging policies. This survey question fully supports that fact. Nearly 50% of the survey agencies have no guidelines on how to purge!

ISSUE: *How does the new property office know how to purge evidence when there are no written guidelines? The majority of property rooms across the country are only one-person operations. Management has the responsibility to provide property room staff with very specific guidelines on how the entire purging process should work.*

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HOW ARE YOU DOING?

TOPIC: PURGING

IAPE SURVEY COMMENTARY - CONT'D.

Survey Question 2 – Professional Standards suggest that the case officer/detective be responsible for the approval to purge evidence in his or her case. The responses to this question found that 54% of surveyed agencies have no guidelines for the case officer/detective to follow.

ISSUE: *It is unclear how a case officer/detective can make a decision on the purging of the case items in a given case when there is no policy in place. Without a policy, the department may be this exposed to possible liabilities when purging too soon or retaining too long.*

It is imperative that law enforcement agencies provide guidance on this most important element of the purging process.

Survey Question 4 – One of the most important rules of property room management related to purging is that the property officer is the “guardian” of the property and evidence and *not* the decision maker.

ISSUE: *For example: the property officer researches a case with the courts and finds that the defendant plead guilty, so they make the decision to destroy, etc. Unfortunately, the property officer wasn't aware the evidence in one case may be an important piece of evidence in another case, which only the case officer/detective may be aware of. (Lesser crimes, Found Property, and Safekeeping may be an exception.)*

Survey Question 7 – Law enforcement spends millions of dollars annually on software that helps them manage evidence, yet nearly half of the surveyed agencies don't have or utilize one of the most important tools needed to control their inventory.

ISSUE: *Property and evidence software needs to have the ability to routinely evaluate aged evidence up for review. The review period may be based on time, the statute of limitations, or other criteria developed by the agency.*

Survey Question 9 – In most instances (62%) the property officer is researching cases for a final disposition. In a majority of these, policy does not provide direction; it's done according to “the way we've always done it.”

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HOW ARE YOU DOING?

TOPIC: PURGING

IAPE SURVEY COMMENTARY - CONT'D.

Survey Question 9 – cont'd.

ISSUE: *The preferred method is for the case officer/detective to be sent information about the case and have them do the research, then respond back to the property room. In those instances where the property room is responsible, it must be remembered that the research of any cases is the most time-consuming element of the overall purging process. In those agencies that do the research in the property room, they will need twice the allocation of staff as compared to a department where the case officer/detective is responsible for that task.*

Survey Question 11 – In some cases, the retention of homicide evidence is governed by specific time frames, or open-ended with no time frame, or until the death of the defendant, or in some states, the retention is forever. Our survey shows that over ½ have no policy that governs this type of evidence. For some agencies this may mean they could be retaining evidence much longer that necessary.

ISSUE: *Policy should provide guidance to agency personnel on some type of regular review procedure to ensure that the facts in the case have not changed and may now allow for the purging of the evidence.*

Survey Question 12 – In many cases, the retention of biological evidence is specifically governed by state statutes, such as the defendant is still incarcerated, while in other states these are moot.

Our survey shows that over 44% of surveyed agencies have no policy governing this type of evidence. In some cases, these agencies may be retaining evidence much longer than necessary – or purging before it's eligible.

ISSUE: *This is another instance in which many cases must be retained for a specific time frame and early removal can easily jeopardize a case. Please refer to the following document that addresses bio retentions laws:*

https://home.iape.org/resourcesPages/IAPE_Downloads/DNA/Bio_Evidence_Statutes_by_State.pdf

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HOW ARE YOU DOING?

TOPIC: PURGING



IAPE SURVEY COMMENTARY - CONT'D.

Survey Question 14 – This response will vary state by state and county by county. The questionnaire indicates that 77% of those surveyed don't have access to records.

ISSUE: *In most cases these are public records. IAPE recommends that the agency have a dialogue with the court to see if disposition information may be easily accessible. If you don't ask, you will never know.*

Survey Question 16 – According to 77% of respondents, the court does not send final dispositions to the agency.

ISSUE: *Availability of this data in the purging of evidence is critical in the disposition process. Obtaining the information will vary from county to county. In many cases, the question of whether information can be forwarded to the agency has never been asked of the courts. IAPE encourages agency management and property room staff to collaborate with local courts in determining whether information may be available to routinely send to the agency.*

Survey Question 18 – Only 20% of surveyed agencies utilize computer software in making notifications.

ISSUE: *Any computer software must provide the agency tools to manage the evidence. Having the ability to generate purge notifications is paramount to controlling the inventory.*

Survey Question 19 – Over 40% of respondents revealed that they have no policy regarding this extremely important component of the overall purging and disposition process. Having the cooperation of the case officer/detective to assist in reviewing which cases to purge, and responding to requests from the property room as quickly as possible, is crucial to the process.

ISSUE: *Without the assistance of the case officer/detective in the purging process, the system can easily fail and inventories will skyrocket. Unfortunately, according to responses to this survey question, it appears that many of our polices fail by not placing some type of time limit on when notices must be responded to. Policy needs to provide specific mandates that all Review Notifications shall be responded to within a specific time frame (no more than two weeks). When any communication to the case officer/detective is not responded to within this time frame, the supervisor from the property room must address the issue with the case officer's/detective's supervisor/manager.*

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HOW ARE YOU DOING?

TOPIC: PURGING



IAPE SURVEY COMMENTARY - CONT'D.

Survey Question 21 – Nearly 60% of the respondents noted there is no formal policy or requirement to follow up with the case officer/detective when they don't respond to any review/purging request.

ISSUE: *If there is no written policy on following up on the request, the item(s) eligible for purging may be ignored and the inventory will continue to grow. Further, if there is no written policy, how does the new property officer know this is required? Policy must also define the follow-up process.*

Survey Question 22 – Only a third of the respondents indicated they have any type of policy that provides guidance in the research process to purge property and evidence.

ISSUE: *One of the most time-consuming tasks and complex duties of property room staff is to research a criminal case to determine its status in the system. It is imperative that policy define all the necessary steps to be taken for removing any items of property or evidence from the inventory. The purging system may have to deal with statutes of limitations, court appeals, warrants, civil litigation, etc. Without having these processes mapped out, it is possible that items might be disposed of if any of the steps were omitted.*

Survey Question 23 – Only a quarter of the respondents indicated they have any type of policy that provides guidance in the research process to purge property and evidence.

ISSUE: *Seventy-five percent of the respondents report the case officer/detective has no guidance governing the research process. This could suggest that some decisions are possibly being made without all of the facts. How does the new case officer/detective learn how to fully research the case without proper training and written guidelines? Without having these processes in place and clearly mapped out, it is possible that items might be disposed of if any of the steps were omitted.*

NEXT ISSUE: INTERNAL CONTROLS SURVEY

Continued from Page 57

WE GET MAIL...



Foreign Currency

Dear Joe:

I have a quick question about foreign coins.

We have approximately \$7 in Canadian coins which were unclaimed.

I can't seem to find a bank which will convert the money to U.S. currency, stating they only convert bills. How should I dispose of this property?

Gary L. Adams
Evidence Tech I
Sarpy County Sheriff
Papillion, NE

Gary,

If your bank won't take them, you may have to get management approval to destroy the coins.

The dollar amount is probably not worth your time and effort to do anything else.

PropertyRoom.com (an online auction company) will take them, if you use them.

Joe

Unattended Death

We recently worked an Unattended Death, with the scene having a large sum of found cash and coins. With that said... what is the proper protocol for handling and/or returning the found cash to family?

Should we hold the cash monies for a court order return? Should we have deposited the found monies in the victim's existing bank account?

Thank you for your advice or suggestions!
Lisa M Supon
Wellington Police Dept



Lisa,

If there is an executor for the person's estate they would probably be the individual to contact. However, every state is different. Have you discussed this with your city attorney?

I would like to be more specific, but there may be something in Kansas law that requires a specific action to be taken.

Joe

Evidence Packaging Manual: Success Begins Here

By: Hope Williams, IAPE Board

In February 2014, I walked into what most people would refer to as an organizational disaster.

It was my first day on the job as the first full-time evidence specialist for my agency. The agency's reputation was tarnished after an internal and state investigation uncovered theft and mishandling of evidence. So what was my role? Fix it, they said. It will be fun, they said! I'm not sure this ranks up there with a beach vacation, but for a self-proclaimed organizational freak, it was right up my alley!

I had 10 years of law enforcement experience, but none in the evidence world. So before my first day even began, I was already studying the IAPE Professional Standards to help guide me through this long and sometimes overwhelming process.

There were multiple layers that needed to be completely revamped, but I had to prioritize the tasks that needed to be tackled first. The organization, design, and security of my evidence room were my top priorities. Yet, I also needed to focus on evidence packaging procedures. Let's face it, if our officers are not packaging and documenting the evidence correctly from the start, our evidence room will never be organized to meet professional standards. Poorly or improperly packaged evidence leads to insufficient use of our prized real estate. What if every handgun was packaged in a long gun box? You would quickly run out of storage space, and what do we all say we need more of? Space! But, do we really? What we really need is properly packaged evidence and an excellent disposition process.

IAPE Professional Standard 3.1 states, "Packaging should be used to protect items from the loss of evidentiary value from cross-contamination or unintentional obliteration while permitting uniform storage of like-sized envelopes, boxes, or bags." (Latta, International Association for Property and Evidence, Inc Professional Standards: Packaging 2015) In order to accomplish this task, agencies need to develop an evidence packaging manual for officers to follow. That was exactly what I set forth to do.

On my first day, I could give 10 of my officers the exact same piece of evidence and all 10 of them would document and package it a different way. I desperately needed to get them on the same page or all of my efforts to reorganize and design my evidence room would be futile.

A packaging manual should consist of items that are commonly submitted to the evidence room. My manual covers items such as firearms, ammunition, drugs, currency, sexual assault evidence, biohazards, knives, bicycles, and digital media. I included instructions on how to complete an evidence voucher and chain of custody. Photographs should also be included with your instructions. These instructions and packaging guidelines should be consistent with the crime lab that is used by your agency. The manual should clearly state that if the guidelines set forth in the packaging manual are not followed, then the items will be refused by the evidence room staff. Remember, you as the evidence specialist should have the ultimate right of refusal. (Latta, International Association for Property and Evidence, Inc Professional Standards: Policies and Procedures 2015).

Once I had my evidence packaging manual in place, it was time to train. I conducted across-the-board training with all of my officers on the new packaging procedures. We are a medium-sized agency, so this was not difficult to accomplish in a classroom setting. If you have a larger agency, you could consider doing an online video for officers to watch.

Lastly, and most importantly, the evidence packaging manual was put into policy. No one can be held accountable for something that is not in policy! So when you are updating the evidence policy, make sure it states that all officers will abide by the agency's evidence packaging manual. I even threw in there, "When in doubt, contact your favorite evidence specialist!" I have to be their favorite. I'm the only one!

Hope Williams
Certified Property and Evidence Specialist,
Reidsville Police Department, NC
Conference Chairperson, North Carolina
Association for Property and Evidence

THE MASSIVE GROWTH OF VIDEO EVIDENCE: WHAT POLICE ADMINISTRATORS NEED TO KNOW

Editorial by: Steve Paxton for Police1.com
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As a digital forensic detective in the United States for the past 10 years, I have had a front-row seat to the important role digital evidence plays in criminal investigations. In particular, the amount of surveillance video available continues to dramatically increase every year.

To give you an idea of the growth my agency is seeing – a municipal jurisdiction with a population of approximately 110,000 residents – here are our internal statistics for video recoveries:

2013: 331 videos, 19.76 GBs;
2014: 6595 videos, 279.81 GBs;
2015: 13,013 videos, 540.97 GBs;
2016: 17,154 videos, 788.65 GBs;
2017: 19,801 videos, 1092.47 GBs;
2018: 32,870 videos, 1752.45 GBs;
2019: 34,590 videos, 2474.04 GBs

There are two important metrics here. The first is the dramatic increase in video recoveries year over year. The number of surveillance videos we recovered jumped 66% between 2017 and 2018. It's apparent that a significant number of new surveillance systems are being installed in our jurisdiction each year. The second consideration is the amount of redundant server or NAS space needed to store digital evidence. Many newer surveillance systems record high-resolution HD or 4K video. Additionally, public disclosure laws in many jurisdictions require digital evidence to be retained for five or more years.

GROWTH IN DIGITAL SURVEILLANCE SYSTEMS, SMARTPHONE VIDEOS

When I entered this field, we recovered VHS tapes and used tools such as AVID (mainly designed for the motion picture industry) to convert analog videotape to a digital format. We then used free

programs and Photoshop to crop, clarify and create still images for investigators. Back then, the work was tedious because there were few resources specifically designed for video forensics.

At the time, we could expect to find CCTV systems in medium-to-large-sized businesses. It was rare to find video systems in residential settings, small businesses or public spaces. When a major crime occurred, we considered ourselves fortunate to find a surveillance system at one or two nearby locations.

Fast forward to today and digital surveillance systems are everywhere, and digital video has virtually replaced analog tape systems; however, this transition took some time.

The first few generations of digital video systems were extremely expensive and poorly designed. Frequently we encountered cheap DVR systems plugged into existing analog cameras, which resulted in poor-quality video. Over the course of the last decade, video quality, resolution and ease-of-use have dramatically improved, while the overall cost of ownership has significantly dropped. Video manufacturers are competing with each other for consumer dollars.

Today a homeowner can install a wireless, high-definition camera system in less than an hour. Many systems, including Ring, Arlo and Blink, can be purchased for less than \$500. A wired 4K camera system can be purchased for less than \$1,000. The increase in quality and drop in price has created the perfect conditions for average homeowners and small businesses to acquire digital video systems.

Combine this with smartphone videos and the steady increase of officer body-worn camera video and you're almost guaranteed that video evidence of some kind will be available in urban settings for many crime types.

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MASSIVE GROWTH OF VIDEO EVIDENCE - Cont'd.

THE IMPORTANCE OF OFFICER TRAINING

Whether an officer is investigating a car crash, domestic violence incident, retail theft, assault or suspicious death, there's a good chance that video captured (directly or indirectly) is something important. How can we expect officers to recover and analyze this important evidence without the proper training and tools?

There are literally hundreds of surveillance video manufacturers. Many are proprietary requiring specific players and/or CODECs to view the video. Without training, most officers don't have the skills to properly export, interrogate and play digital surveillance video. This creates potential problems including inadvertently deleting critical video while on scene, not understanding aspect ratio and frame rate issues, having trouble properly extracting still images of a suspect, or simply having difficulty playing an important segment of video in court.

Departments of all sizes should have trained personnel and equipment available to properly recover and analyze surveillance video. Fortunately, police departments don't necessarily need to hire new personnel or spend an enormous amount of money to be adequately prepared. Depending on the size of the organization, the two most common ways to address the need of recovering and analyzing surveillance video are to set up a dedicated, digital forensics team or designate someone to handle video part-time. If you're part of a medium-to-large department, you may already have a digital forensics unit. These departments can cross-train existing personnel or add new positions dedicated to handling surveillance video as necessary.

It can be trickier for smaller departments with limited budgets – but not impossible. I recommend smaller agencies identify an officer or detective to handle surveillance video part-time. For example, a major crimes detective or patrol officer could be provided training to learn how to properly recover and interrogate surveillance video and step into that role as needed.

Once trained, these officers could share their knowledge of best practices with other members of the department. If the need to recover and analyze surveillance grows, police departments may opt to convert this into a full-time video forensics position.

Police administrators who recognize the need to add video recovery and analysis to their police department should begin by identifying officers or civilian personnel and send them to training such as that provided by the Law Enforcement Video Association (LEVA).

Once an agency has a person trained, they should purchase hardware and forensic software to handle video analysis. Minimally you will need a video forensic workstation, redundant storage (for storing recovered digital evidence) and video forensic software.

Below are some training and equipment resources that can assist with training and equipment procurement:

ORGANIZATIONS AND CERTIFICATIONS

Law Enforcement Video Association (LEVA) is an internationally respected, non-profit organization formed to provide training and certification in video forensics. LEVA Level 1: Forensic Video Analysis and the Law is the first stop for most investigators entering into the field of video forensics. LEVA offers four levels of training and a variety of electives related to video forensics.

Scientific Working Group on Digital Evidence (SWGDE) was formed in 1998 by the Federal Crime Laboratory Directors group. Today SWGDE is made up of federal, state and local law enforcement organizations working with digital multimedia evidence. SWGDE regularly publishes and updates best practice standards for video, imaging, mobile and computer forensics.

The International Association of Identification (IAI) is one of the largest forensic associations in the world. The IAI offers a forensic video certification.

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MASSIVE GROWTH OF VIDEO EVIDENCE - Cont'd.

VIDEO FORENSICS TRAINING

Law Enforcement Video Association (LEVA) is respected internationally for training and testing in video recovery, analysis, comparison, report writing and courtroom testimony. After completing the appropriate level of training, students can be certificated as a Forensics Video Analyst or Forensic Video Technician.

Resolution Video offers informative video forensics training including video recovery, analysis, processing and comparison.

The University of Colorado Denver (National Center for Media Forensics) provides excellent training to law enforcement in video, imaging and audio forensics. Courses are usually offered once a year so plan ahead to attend.

VIDEO FORENSICS VENDOR TRAINING, HARDWARE AND SOFTWARE

Established in 2008, Amped Software provides robust forensic image and video enhancement training and software using Amped FIVE, Amped Replay, and Amped Authenticate. Amped FIVE software includes over 100 filters to assist with most video forensic tasks including conversion, playback, enhancement and redaction.

iINPUT-ACE offers training and software for investigators and video analysts using iINPUT-ACE. They also conduct training for collision reconstruction investigators working with surveillance video in traffic investigations. Cellebrite partnered with iINPUT-ACE to offer a five-day, intermediate-level course in Video Evidence Recovery and Analysis (VERA).

Foclar provides forensic software tools to assist law enforcement with reviewing, analyzing, clarifying and authenticating surveillance images and video.

Produced by DME Forensics, DVR Examiner is a software-based tool designed to bypass DVR surveillance systems and recover video directly off hard drives. DVR Examiner can get around passwords and locked-out systems to recover stored and deleted video.

Ocean Systems provides video recovery and analysis training for investigators. Training is geared around using Omnivore, Photoshop, ClearID, QuickDME and Avid Media Composer. Ocean Systems also builds forensic workstations capable of processing surveillance video.

A relative newcomer, SeeQuestor offers intelligent software and video analysis workstations designed to quickly sift through and analyze hundreds or thousands of hours of video and identify critical incidents.

Sumuri builds relatively affordable, yet powerful, forensic workstations suitable for computer, mobile and video forensic work.

Federal grants are available to help departments fund the training and equipment needed to get started in video forensics. Ultimately, it is up to each police department to identify a solution that works best based on the organization's size, population served and existing budget. But regardless of agency size or available resources, the time to act is now before the digital video tsunami overwhelms your department.

LINK TO STORY HERE

<https://www.police1.com/police-products/investigation/computer-digital-forensics/articles/the-massive-growth-of-video-evidence-what-police-administrators-need-to-know-T93nBBltt89ERCgd/>



FILED UNDER "UNABLE TO LOCATE"

Hello Joe,

I recently took your Property & Evidence Management course in December 2021, and I'd like your advice on how I should handle the following:

As the newly appointed supervisor in the Property & Evidence room, I have been reviewing old files from the previous supervisor. I discovered a file labeled "Unable to Locate". In the file was paperwork authorizing the destruction of firearms. Our database indicates the firearms should still be in our inventory, but I cannot locate them.

After an exhaustive search and extensive research, I am still unable to locate the items in the property room, or any paperwork or evidence that the items have been released or destroyed.

I have searched all available gun destruction lists and manifests going back to 2001 and am still unable to locate any evidence documenting the status of the firearms. The fact that there was a file indicates that the firearms have not been able to be located for some time.

All the other property associated with the two firearms shows destroyed. All my research indicates that these firearms were likely destroyed but not properly recorded.

The 2008 case has been adjudicated, and the 2015 case was classified as "found" property and neither firearm retains evidentiary value. The only evidence documenting the existence of the firearms are the original teletype entries into CLETS and to date, CLETS still shows the firearms entered as evidence by our agency.

I remember in class, you mentioned "getting ahead of a situation" which I'm trying by best to do. I'm in the process of writing a memo to admin requesting an "Administrative Kill".

Any guidance you can offer would be greatly appreciated.

Respectfully,
Kara Tennison
Property & Evidence Supervisor
San Bernardino Police Department
San Bernardino, CA

Tara,

Good job researching. In the last paragraph you talk about "administrative kill". I'm thinking you might mean "administratively closed"?

The best thing you can do is to write a memo to the commanding officer as you mentioned you'll be doing. You want them to approve of closing the record administratively.

First of all you will have to explain to the decision makers what in a "administratively closure" looks like, as they won't know. It should be in a property policy that defines the process.

See the following page for some policy recommendatins per our IAPE Professional Standards.



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Policy topic may include:

7.1. Inventory – Missing Items

7.1.1. Provide necessary actions to be taken if property or evidence is found to be missing

7.1.2. Necessity of any employee identifying property or evidence as missing to immediately report to a supervisor in writing

7.1.3. Provide guidance to supervisor on how to handle missing property / evidence

7.1.4. Provide guidance to manager on how to handle missing property / evidence during an inventory

7.1.5. Provide guidance in the usage of a UTL File (Unable to Locate)

7.6. Inventory – Missing Items – With Monetary or Evidentiary Value

7.6.1. Protocols need to be established any time property or evidence of monetary or evidentiary value is determined to be missing

7.6.2. Protocols need to determine whether or not an internal investigation or criminal investigation needs to be conducted

7.6.3. Protocols need to define who is responsible for conducting the inquiry

7.7. Inventory – Missing Items – With No Monetary or Evidentiary Value

7.7.1. Provide guidance to supervisors/managers on how to handle missing property with no evidentiary or monetary value

7.7.2. Provide protocols that allow management to write the missing items out of the inventory

7.7.3. Document property record as “Closed Administratively”

7.8. “Unable to Locate” (UTL) File

7.8.1. Provide guidance to the property officer/evidence custodian on how to document items that are unable to be located in the property and evidence unit

7.9. Inventory – Missing Records

7.9.1. Provide guidance to property officer/evidence custodian on how to handle/document property or evidence that is located in the property and evidence unit without any type of documentation that identifies it

7.9.2. Provide information on how and where to search for the documentation for the identified item

After management determines which course they may follow, they would formally notify you it is O.K. to close the record after they conduct the informal inquiry, internal investigation or criminal investigation. You would then attached the approval to the records and change any computer record to admin closed.

If I were doing the investigation I would contact the owner to make sure it wasn't released. That ensures a lot of transparency! In the worst case scenario the department may have to buy a gun... and I'm guessing that finding them may be a challenge.

Good luck! Contact me if you have any further questions.

Joe

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CERTIFIED MAIL

Hi Joe,

We have a new captain managing the property room and she recently asked me a question about our budget, questioning why we spend so much on postage. We explained that all of our correspondence with citizens to retrieve their property is sent using registered mail.

The captain's next question was, "Is there a legal reason we are sending registered mail?" to which I responded, "That's what we've always done!"

My question to IAPE is this: are we required to send all of our communications by registered mail?

Thank you,
Mailee More

Dear Mailee,

Good question, and like many functions in property rooms, there may not be any statute that governs the process. So, the first thing to find out is if your state/local statutes have specific requirements for notification. If there is no statutory requirement for notification, the next step is to ask, "Why do we send a notification?" The most common answers are: first, as you noted in your question, "Because we've always done it that way"; and secondly, "Because we don't want to get sued by a property owner if we dispose of their property." Has your agency ever been sued for disposing of property? If not, you will have to decide if you mail a property owner a notice to claim property for every case where property is eligible for release. If you decide to send mail, will you send a First-class letter; Certified mail (you have a receipt from the U.S. Postal Service that the letter was mailed) or Registered/Return receipt mail (the person who receives the letter must sign for it and the receipt is forwarded to you)? Would the nature/value of the property be a consideration? For instance, would your notification process be any different if there is valuable jewelry or an expensive camera versus a pair of old sneakers and a sweatshirt? Also, a large number of the people you are trying to contact to claim their property are transients with no current address. Based upon 30 years of dealing with the question regarding notification to property owners, most property officers have no specific written policies on this subject.

Absent any statutory guidelines, maybe there is a more realistic way to approach this issue. Divide all of the items of property that are to be returned into several categories. For example, any cases that have a specific dollar amount of money, for example over \$20; any cases with firearms involved; any cases with jewelry or other item with significant value are where we use special mailing services.

Certified versus Registered/Return Receipt Mail:

When you send a letter or package by Certified Mail, you have proof that it was mailed. The clerk will tear off the bottom of the perforated form and hand it to you as your proof of mailing. When delivery is made, the date and time of the delivery is noted. If delivery is attempted but not made, that is noted on the item and delivery is attempted again. You'll receive an email when delivery is made or attempted.

Certified mail is helpful when you want to have proof that you mailed the item. If you're questioned about whether or not the item was mailed, you can provide your receipt and give the date it was mailed.

Joe

OFFICIAL USE	
Postage	\$ 0.48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70 optional
Restricted Delivery Fee (Endorsement Required)	5.05 optional
Total Postage & Fees	\$11.53
Send to: Reggie Redbird	
Street, Apt. No.: 123 N Main St	
City, State, ZIP+4: AnyTown IL 99999	

See next page for information on Registered Mail

Iape asks an expert!

FOLLOW-UP RESPONSE TO PRECEDING "ASK JOE"

REGISTERED MAIL

Hi Joe,

I just read Mailee More's question regarding registered mail. I want to tell you what we do as far as notifying people to pick up their property. First, I contact the person via phone and advise him/her to pick up the property at the Derry Police Department. However, if there is no telephone number or you are unable to contact the person, then a "notice to claim property" is sent out. It could be a letter for 180 days or 90 days depending on the value. In NH if the value is over 250 then it's 180 days, under 250 then 90 days. Jewelry and firearms are always 180 days. The letter is sent out to the person's last known address.

Do we send the letters via registered mail? Yes, but not all the time. If the person resides in Derry then we have a paper that says "Derry Police Department Tracking Sheet." Then we give the letter and tracking sheet to the officer on patrol and the officer delivers the letter in person. The officer then indicates on the tracking sheet the date, time, and who the officer handed the letter to. Whether the letter is sent out registered or not, we need a signature proving that the person received the letter. This way the person can't say he/she never received the letter.



After the days expire and the person never picks up the property, then we either destroy or auction the property off. If it's firearms or money then we petition the court for forfeiture and we show proof to the court that the person signed for the letter.

So Mailee More could have answered her supervisor by saying the registered letter is mailed to prove that the person received the letter.

I hope this is not too confusing.

Any questions let me know. I've been a police officer for 28 years. I am currently working part time as an Evidence Tech.

*Joyce Chadwell
Evidence Tech
Derry Police Department
Derry, NH*

Affiliate organizations that postponed their annual events last year are once again beginning to plan their training seminars. Check www.iape.org for scheduling updates.



BITS and PIECES

This page is designed for members who would like to publicize upcoming property and evidence related events. Please contact us via the website if you have something to include for the future.

PROPERTY ASSOCIATION WEBSITES

International Association for Property & Evidence
www.iape.org

Arizona Association for Property and Evidence
www.azape.org

California Association for Property & Evidence
www.cape-inc.us

Colorado Association of Property & Evidence Technicians
www.capet.wildapricot.org

Property & Evidence Association of Florida
www.peaf.net

Illinois Association of Property and Evidence Managers
www.iapem.org

North Carolina Association of Property & Evidence
www.ncape.net

Texas Association of Property,
Evidence & Identification Technicians
www.tapeit.net

Virginia Association of Chiefs of Police
www.vachiefs.org/vapep

Arizona Association for Property & Evidence

ANNUAL TRAINING SEMINAR

When: June 9 & 10, 2022

Where: Prescott Resort & Conference Center
Prescott, AZ

For more info. & details, visit: www.azape.org

Property & Evidence Association of Florida

EDUCATIONAL CONFERENCE

When: May 23 - 25, 2022

Where: The Shores Resort & Spa
Daytona Beach Shores, Florida

For more info. & details, visit: www.peaf.net

Texas Association for Property & Evidence

ANNUAL CONFERENCE

When: October 18 - 21, 2022

Where: Embassy Suites Conference Center
San Marcos, Texas

For more info. & details, visit: www.tapeit.net

Listed events are ones that have been confirmed. To see others in the planning stages, please visit individual websites.

**For the additional information, link to all these affiliates via:
<https://home.iape.org/features/affiliates.html>**

HEADLINES FROM THE POLICE BLOTTER

All Recent and All Real

April 6, 2022

Two years of undercover drug-case evidence goes missing at Fall River Police Dept.

The Fall River, Massachusetts police have lost at least two years of drug-case evidence, a revelation its interim Chief Paul Gauvin has called “an embarrassment” and one that deals another blow to the embattled department’s reputation.

Gauvin revealed the debacle in a letter sent to Bristol County District Attorney Thomas Quinn explaining that controlled-buy logs for 2019 and 2020 have gone missing. The information was then relayed to defense attorneys, and Quinn said he’s now investigating the matter....

March 22, 2022

Burglary of Little Rock police evidence facility unlikely to affect pending cases

After an unknown number of items were stolen from a Little Rock, Arkansas Police Department evidence-storage facility, a Pulaski County prosecutor was informed that the break-in did not affect cases pending with his office...

March 18, 2022

Changes to warrant kicked off investigation revealing \$200k in missing drug money

Criminal theft and forgery charges were filed against retired Lancaster Pennsylvania police officer John Burkharthof of East Hempfield Township. He had been in charge of the county’s drug seizures for ten years until he was fired in 2020, and investigators now claim Burkharth stole \$200,000 of seized money over five years...

March 12, 2022

Former Columbia police chief charged with stealing from city

A former police chief Jason D. Cross of the Columbia, Kentucky Police Department has been charged with stealing more than \$25,000 from the evidence locker and the city’s drug purchase fund between February 2020 and February 2021.

March 1, 2022

Former Chadbourn police chief faked death to evade charges, officials say

William Anthony Spivey, the former police chief in Chadbourn, North Carolina, who has been charged with more than 70 felonies, including stealing or destroying evidence, embezzlement and opioid trafficking, went boating and had left a note in a truck indicating he wanted to die by suicide. Three days later authorities said found Mr. Spivey hiding near an apartment complex...

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HEADLINES FROM THE POLICE BLOTTER - Cont'd.

February 11, 2022

Changes implemented at Summerville police dept. following former officer's arrest

The Summerville, South Carolina Police Department has implemented new changes following a third audit completed after a former officer Wade Rollings was accused of selling evidence to a pawn shop back in 2020.

He was accused of taking nearly \$7,500 from their evidence room, and in the latest audit, it was revealed the former officer also allegedly sold seven firearms to a pawn shop, all from the department's evidence room...

February 11, 2022

Jury awards 3 Kentucky State Police troopers \$900K in whistleblower case

A jury awarded three Kentucky State troopers nearly \$1 million as part of a verdict in a whistleblower lawsuit from December 2019, that claimed Sgts. Kevin Burton and Mike Garyantes and Lt. Frank Taylor told supervisors and a prosecutor that evidence was being taken from the Elizabethtown post property rooms and secure lots for "personal gain" by two troopers.

The three plaintiffs, who were tasked with oversight of the property, claim that they were then retaliated against by Kentucky State Police, according to the suit....

February 7, 2022

Crescent City to sell guns from police evidence locker

The Crescent City, California city council voted unanimously to authorize the police department to sell guns it has been storing in the police evidence locker, some that were used in crimes, but many simply left behind over the last few decades.

Police Chief Richard Griffin told the council one huge task he has undertaken is cleaning out the evidence locker. Much of the evidence has been destroyed or turned virtual, but the department has done nothing to date with the 100-plus guns it has been storing...

February 4, 2022

Pulaski officer charged with embezzlement of \$17,000; takes plea agreement

During January and February of 2021, former detective Jason Woodruff with the Pulaski County Sheriff's Department allegedly embezzled more than \$5,000 in currency that belonged to the department. The plea agreement states that Woodruff was in charge of the evidence room for about six years, and that he admits to stealing more than \$17,000 during that time...

FOR COMPLETE BLOTTER STORIES, VISIT THIS PAGE ON OUR WEBSITE:

<http://home.iape.org/features/headline-evidence-news/articles-evidence-news.html>

IAPE 2022 MEMBERSHIP DUES ARE PAST DUE - AVOID CANCELLATION!

Thank you to everyone who has already renewed their annual IAPE membership for 2022!

While payment needs to be received by March 31, 2022 to avoid cancellation, we at IAPE understand that like many things, this is a budgetary decision for everyone. With the challenges of the last few years

and the new renewal rate we sincerely appreciate your continued support.

If you have not already submitted your dues, we encourage you to **renew today** to avoid interruption of your membership benefits. *Thank you.*

MEMBERSHIP BENEFITS INCLUDE:

- *Free subscription to The Evidence Log magazine, an industry leader, published quarterly.*
- *Certification as a Property & Evidence Specialist (CPES) designation by exam available exclusively to members who have taken the Property Management Training Class.*
- *Membership provides professional credibility recognized throughout our industry.*
- *Plus: monthly newsletter, downloadable forms, discounts on additional training - and more!*

SAVE TIME AND SAVE A TREE – RENEW ONLINE TODAY!

To renew or become an IAPE Member for only \$65 per year go to:
<http://home.iape.org/membership.html>

CONTACT US:

If you need to get in touch with IAPE or submit materials via the USPS, please the following address:
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