# **Commerce City Police Department Property Evidence Unit Operations Plan for Administrative Purge**

Operation:	Administrative Purge Ordered by Chief Nichols		Date Requested: Date Approved: Date Started: Date Completed:	06/30/2019 07/03/2019 07/08/2019 TBD
Unit:	Property Evidence Unit		Supervisor:	Susan Beard
Date/Time of Briefing:		07/08/19		
OPERATION LOCATION:		Commerce City Police Department 7887 E. 60 <sup>th</sup> Avenue Commerce City, CO 80022		
Scope of the Project:		Misdemeanor, Petty Offence, Traffic & Felony Cases past Statute of Limitations		
Staffing		Property Evidence Technicians and other Employees of Commerce City Police Department (overtime for the project will be approved by Cmd. Schoepflin through PlanIt)		
Background & Purpose of Project:				

During the time all property and evidence was moved into the current facility storage areas have been filled up. Some are full and others are at maximum capacity.

Reduction of current inventory is critical to the success of the unit. This will ensure preservation of necessary evidence is maintained and allow cases that are no longer needed for prosecution to be appropriately disposed.

In addition to creating additional space this purge will provide us the ability to organize case evidence and place it into size and numerical order, store items in specially sized bins/boxes/bags, place as much case evidence on each case into the same storage location.

Reducing storage locations by significant amounts will make it easier to inventory and audit in custody items in the future.

Memorandum for Request for a Mass Destruction under an "Administrative Purge Order" for Misdemeanor, Petty Offence, Traffic and Felony Cases Past Statute of Limitations:

The purpose of this memorandum is to request a mass destruction under an "Administrative Purge Order" for property and evidence held in custody at Commerce City Police Department on Misdemeanor, Petty Offence, and Traffic cases that are past the statute of limitations of eighteen (18) months & Felony cases past the statute of limitations of three (3), five (5), ten (10) years.

I propose that any case related property and evidence be retained by CCPD for an additional six (6) months past the specific statute of limitations for the individual case. This additional period of time will ensure that the expiration of the appropriate appeals period following sentencing has passed and will allow ample time to verify that no appeal has been initiated. If approval for the administrative purge is obtained and an "Order" from the Chief is received, the six (6) month extension period to retain all property and evidence will run from the date of the approved "Order".

# History:

The introduction of the property and evidence management solution from FileOnQ, Inc. in 2014 allowed the agency to more effectively manage, maintain, and track property and evidence from the crime scene to the courtroom in an electronic format and eliminate the paper process. The Property Evidence Management System (PEMS) has the capability to generate reports for the task at hand, perform inventories and audits, and reduces repetitive and error-prone manual tasks while increasing overall efficiency. It is easy to use and fully customizable, providing us with simple chain of custody tracking and an unalterable audit trail. However, due to an excess of stored items that are randomly stored throughout the unit where space was available at the time, makes conducting regular inventories and audits extremely difficult and time consuming. Proactive purging on case evidence that is no longer needed has not been addressed as a solution or been a part of regular operations for CCPD to date. Most storage areas are at full capacity and items are not able to be stored in an organized numerical manner, nor in standardized packaging and uniform storage containers.

#### Best business practices and standards:

The International Association for Property and Evidence, Inc. (IAPE) is the largest property and evidence industry organization in the world, providing its members with access to numerous manuals, guides, and related information. All CCPD Evidence Technicians hold a valid membership and have attended all applicable training for certification purposes. Our policy and procedures should reflect best practice to these standards ensuring that in the future accreditation status can be obtained without deviating too far from current protocol. Adherence to the professional standards in the industry assures that the agency has reasonably taken steps to obtain a secure and efficient Property and Evidence Management System (PEMS). Administrative purge orders are an acceptable manner in which to designate specific classifications and/or categories of property and evidence to be destroyed.

### Justification:

The reduction of inventory under this "Administrative Purge Order" will have a dramatic effect on the storage capacity within the unit. Statistics show that the most dysfunctional evidence rooms are those that are over-crowded due to failure to purge in a timely fashion and storage space is not functional or well designed. The future should bring some consideration of how to obtain funding to modify existing shelving, add additional high density shelving customized to specific storage containers, and purchase suitable storage containers for long term evidence preservation.

### Results:

We will be better able to organize case evidence and place it into size and numerical order, store items in specially sized bins/boxes, place as much case evidence on each case into the same storage location, and reduce storage locations by significant amounts making it easier to inventory and audit in the future.

Another category of cases that I would like to include in the administrative purge request are the "Fraud by Check" cases which = approx. 926 items. These case documents were from aged cases, past fifteen years ago from Sharon Lange which were stored in her desk and when she left the City they were booked into evidence. At this time it has been determined that they are considered fraud by check charges. The cases are no longer being investigated, material has no evidentiary value, and they are all well past the statute of limitations.

#### Criteria for case review:

- The Property Evidence Management System (PEMS) will be reviewed on case evidence stored to determine eligibility.
- Each case will be researched through the Colorado Courts database for applicable case charges.
- The PEMS will be updated with applicable charges and any additional pertinent data.
- If an arrest warrant has been issued for a person the property/evidence will be retained in storage for future disposition and the case record will be updated to reflect this change.
- Cases not filed with the Office of the District Attorney; therefore cases that do not have active investigations, will be purged.
- When items with a perceived value of > \$200 are located, research will be conducted to establish the rightful owner and a notification will be sent to the last known address, allowing 30 days from date of notification to claim before final disposition.
- When items with little or no perceived value are located no research will be completed or case reports read to identify or notify owners for the return of personal property. This process will deviate from the usual disposition process and standard operating procedures. Any future claims to property that arise from the purge order will be considered for fair restitution.
- All eligible case items will be disposed or destroyed.

• Chain of custody will be updated appropriately and the approval "Order" will be attached to the PEMS for future reference.

If approved, my estimate to complete this process would be approxomately four to six months under the following parameters:

- Current staffing allotment remains in place within the unit. One supervisor, two full time and one part time Property Evidence Technicians. One Property Evidence Technician is currently assigned full time as the Agency's Digital Media Technician.
- Overtime to be approved as needed.
- Costs to obtain professional assistance from an outside vendor or source will be researched and provided to Cmd. Schoepflin.
- Any PD staff placed on modified duty should be considered for placement into a Property Evidence unit assignment until returned to full duty and trained to do part of the disposition process.
- An accelerated procees as defined above is approved, which will deviate from the usual disposition process and standard operating procedures, in regards to no additional research being completed or case reports being read for owner identification and notification.

A review of evidentiary items in CCPD custody show that approxomately 60% of the active inventory is older than five years. Active inventory to be reviewed under the project as of 05/30/19 = approx. 37,000 items. Based upon these factors I project that this administrative purge will reduce inventory by approxomately 30 - 40%.

After completion of this project a complete reorganization of the property room will be completed and a complete inventory undertaken. The future goal would be to conduct a full inventory on all in custody property/evidence annually. Locations would be assigned to staff on a rotation basis so the same employee is not doing inventory on the same location each time. Guns, drugs and money would be inventoried twice a year, eventually moving to once each quarter.

In closing, I feel that a review of case evidence items from our active in custody inventory regarding these cases are relatively low risk to the organization and purging these from our active inventory will be a vital step in the right direction towards operational efficiency, a more adequate property management process at CCPD, and adhereance to the higest standards of evidence management in the industry.

Property Evidence Policy 803.7.3 AUTHORITY FOR DISPOSITION OF PROPERTY AND EVIDENCE states: The final authority for disposition of property or evidence from the property room will be reviewed and authorized by the Chief of Police, or his designee, in all cases. Disposition requests shall be initiated by the Property and Evidence Supervisor.

Thank you for your consideration.

## **Operations Procedure:**

# **Preparation:**

- o Create a folder for the administrative purge on the P/E shared drive
  - Scan "Administrative Purge Order" for future reference
  - o Scan in statute of limitations document for retention categories for future reference
  - Create a placement folder for all created data spreadsheets for entry of information and tracking purposes
- Scan administrative purge document (order) to each person's desktop so that it can easily be pulled into OnQ as supporting documentation for final disposition on each case
- o Order supplies as needed trash bags, boxes, paper bags, pens, markers, etc.

#### Data Team:

- The Property Evidence Management System (PEMS) will be reviewed on case evidence stored to determine eligibility and create data spreadsheets
- Project parameters to ensure cases pulled are appropriate for purge review
  - Felonies = 3 ½ years data used from OnQ to end of December 2015
  - Misdemeanors = 2 years data used from OnQ to end of June 2017
- Spreadsheets can be pulled using a variety of possibilities
  - Year
  - Location
  - Type of property/evidence, etc.

#### Research Team:

- Use completed spreadsheets placed on the shared drive to start specific sections of the purge
- Spreadsheet color coding
  - Blue Ready for final disposition
  - Red Retain/Hold
  - Yellow Needs a DA disposition
  - Orange Issues, additional research needed, have questions, DNA policy compliance, etc. Place a note on spreadsheet so case does not have to be researched again to move forward
- Pull case up in OnQ as this is where any data needs to be updated
- Utilize RMS (TriTech) to determine if all parties from the case are accurate in PEMS (OnQ)
- Update any records in PEMS as needed i.e. co-defendants, DOB, etc.
- o Review data in Full Courts if relevant for CCPD Municipal Summons issued cases
- Utilize Colorado Courts data base to research all parties
- If parties were charged, place CO Court corresponding case number in the "Technician Notes" section in OnQ
- Print up a disposition sheet showing all case evidence, even items that have been returned to owner, previously destroyed, or been checked out to another location to ensure that the case is CLOSED out completely
- Pull over admin purge order into document section of OnQ case file under "Generic" to support the final disposition
- o If CO Courts shows an arrest warrant has been issued for a person the property/evidence will be retained in storage for future disposition. Update the case record by placing "Warrant" as the reason in the retention review screen section in OnQ. Update the retention review date to add five years from date of research for the open warrants out of CCPD. Any warrant for an individual occurring out of another jurisdiction and not related to the CCPD case is purge

- applicable. Update the case record under "Technician Notes" to reflect which jurisdiction the warrant is for. Place applicable colored dot on the property to designate retention (no limit, felony, misdemeanor)
- Cases not filed with the Office of the District Attorney; therefore cases that do not have active or ongoing investigations, and are past statute of limitations for prosecution will be purged
- Cases that are not eligible under the purging parameters shall have all pertinent data updated in OnQ that was gathered from RMS
  - o Update any records in PEMS as needed i.e. co-defendants, DOB, etc.
  - Place CO Court corresponding case number in the "Technician Notes" section in OnQ
  - Update the retention review date applicable to the correct charges (misdemeanor or felony), remembering to add on six months under the admin purge order
  - Cases with a "no time limit" on the retention period will be updated to reflect a retention review date of 01/01/2050
- Generate a disposition sheet from OnQ and place aside as when time and staffing allow these cases will be collected and compiled together to maximize storage and provide better organization. Provide disposition sheets to the "Organization" team for the case to be inventoried and sealed

# **Pull Inventory Team:**

- Make notes on the disposition sheets to retain eligible items that are not able to be destroyed at this time due to Policy limitations that are pending review and amendments i.e. (DNA – swabs, bloody and bodily fluid soiled items, blood spot cards, etc.) Work with one of the Evidence Unit team members for assistance with this so we remain in compliance. These items will be pulled for destruction at a later date when the Policy has been updated and approved
- Utilize the disposition sheets pulled by the research team on eligible cases to locate the applicable storage area, find the item(s), pull items from active inventory
- o Place items on carts or bins/boxes for the team completing chain of custody entries
- Keep disposition sheets with the evidence pulled for reference
- Special handling
  - When items with a perceived value of > \$200 are located, they will be placed in a separate area designated for this category of property. Further research will be conducted to determine if it was used in the commission of the crime and would therefore not be eligible to return, or locate the rightful owner for notification
  - The rightful owner notification will be sent to the last known address listed, allowing 30 days from date of notice to claim item(s) before final disposition. Scan notification card to PEMS. Change status to "Safekeeping" for following month, notate in PMS that notification card has been sent. Place appropriate label on item and store in the safekeeping bins
  - When items with little or no perceived value are located no research will be completed or case reports read to identify or notify owners for the return of personal property
- o Place any disposition sheets into a pending basket whenever items still remain to be pulled
- Place any disposition sheet into a pending basket whenever any item(s) are not able to be located at the time you are working on the case. These will be provided to another team member to try and locate

# Organization Team:

- When other case evidence is located while pulling items place as many of the same case items together in a paper bag and legibly write the case number on the bag with a "Sharpie". These items will be consolidated at a later time or if time allows as the goal is to have all case evidence, unless it requires special storage (freezer, refrigerator, gun cage, drug vault, etc.) stored together
- No case evidence shall be moved or taken from one storage location/box/bag without an update made to the chain of custody. This is imperative throughout the project.
- Case evidence that is connected to a "no time limit" retention period will be inventoried by two
  parties and sealed with green tape
- Use ONLY standardized sized containers bags/boxes/envelopes as shelving will be modified for storage to these sizes
- O Place only a computer generated case number label on the container. No bar codes or storage locations are to be placed or written on outer containers as the goal is to store all eligible retained evidence by size of containers, types of cases, and in case number order. If or when new barcodes are needed on an item it is to be place on the packaging in the same place as others of similar sizing so inventory process is faster and easier to complete
- Any case evidence where the packaging or tape has been compromised shall be carefully sealed with clear tape and a pre-made label placed over the seal with date and your initials (label states – "sealed to preserve the integrity of the item")
- Color coded dots will be placed on all outer packaging (bag, box, envelope, etc.) of retained evidence as a visual for future inventory management
  - Red No limit for retention cases
  - o Green Felony cases
  - Blue Misdemeanor cases
- As time and staffing allow all cases in custody will be reviewed

# Chain of Custody Team:

- Pull all eligible items for each case
- All items shall remain in existing packaging for the party that is completing chain of custody so the appropriate bar code for the property item can be scanned for entry accuracy
- Separate items according to final disposition process
- Bar code scanners will be utilized to update batches for chain of custody entries
- o Chain of custody will be updated appropriately; pending or final disposition

# **Disposition Team:**

- o All eligible case items will be sorted appropriately and disposed or destroyed in a suitable manner
  - Drugs Placed in designated boxes in the drug vault as "pending drug destruction" colored tag
  - Pills Placed in designated boxes in the drug vault as "pending pill destruction" colored tag
  - Live Ammunition / Shotgun shells / CO2 cartridges Placed in the designated buckets provided as "pending ammunition destruction"
  - Fired Ammunition / Shotgun shells / CO2 cartridges Trash
  - Weapons As a valued item, notification to the rightful owner will be made or, if not returnable they will be placed back into the gun cage as "pending gun destruction" – colored tag

- Auction Placed in bins or boxes as "pending auction" colored tag
- Salvage Placed in bins and boxes designated as such
- Safekeeping Placed in designated bins for 30 days from notification for owners to collect colored tag
- Secure Shredding Items containing personal identifying information or evidentiary documents
- Trash Dumpsters provided at the loading dock area of the PD. Items placed in the trash shall have the property tags either cut out from the packaging or blackened out with marker so no identifying information can be seen
- Recycle Dumpsters provided at the loading dock area of the PD

# Floater Person: (Property Evidence Supervisor – Susan Beard)

- Provide direction and guidance to all groups as needed
- Answer questions or get directives from command staff as needed
- Work within individual groups to speed up the process
- Keep project on track

# Safety Criteria & Disclosure of Working Conditions to Staff:

- **Physical Activities:** May sit or stand for long periods of time; moderate physical activity that may include walking, standing, stooping, bending, reaching, climbing step stools and ladders, lifting and carrying
- **Lifting:** Frequently lifts, carries, and exerts up to 30 pounds. Must be able to lift and move large pieces of evidence and property weighing up to 50 pounds with the assistance of a handcart
- Vision and Hearing: Must have visual acuity to see and read paper and electronic documents. Must be able to answer telephones, communicate conversation and respond to verbal and written directives and inquires
- Exposure to Environmental Conditions: Position generally works in an office setting with overhead lighting and some dimly lit areas. Storage and vault areas of the unit have cement floors and walls so temperature varies. May include long periods of screen time. Frequent contact with all property and evidence items which may include weapons, firearms, syringes, drugs; bloody materials and other biohazards; graphic photos and videos; odors; and chemicals
- **Schedule:** Work will generally be scheduled during the day from 06:00 to 18: 00 Monday Friday; occasionally weekend and nighttime work will be scheduled.
- Additional Working Conditions: Must be able to wear respiration mask and nitrile gloves. Work is performed in a secured, restricted area. Requires working with property and evidence staff at all times
- Confidentiality: Involves sensitive and confidential information

ASSIGNMENTS					
Team 1 - Data* / Research		Team 2 – Pull items / Organization		Team 3 – Disposition / Chain of Custody	
	Employee	Employee		Employee	
1	Nicalee Baker*	Dennis Davenport	1	Sally Meehan	
2	Cara Carlson	2. Dory Weidert	2	Cara Carlson	
3	Sally Meehan*	3. Susan Beard	3	Susan Beard	
4	Chelsea Montgomery*	4. Explorers as needed	4	Chelsea Montgomery	
5	Alison Schroeder	5. Ashley Pacheco	5	Dennis Davenport	
6	Elizabeth Couture	6. Liz Finn	6		
7		7.	7		
8		8.	8		
9		9.	9		
10		10.	10		
11		11.	11		
12		12.	12		
Special Assignment Equipment & Services:					
P & E Vehicle:		F150 Pick-up Truck			
Additional Supplies:		Boxes, Bins			
IT S	upport:	Install relevant user software for operation as needed			
		Technical support as needed			
Facilities Support:		Re-size shelving as needed in storage areas			
		Pressure wash and clean sally port when empty			
		Stock sally port and evidence storage areas with mouse poison			
Scheduling:		Staff scheduling will occur when people are available and teams can be assembled. All overtime hours worked for the project will be requested through Plan-It. Notate that is in reference to the Property Evidence Administrative Purge and send it for approval to Commander Schoepflin.			

#### Statute of Limitations for Use:

#### **GENERAL**

Remember an additional six (6) months will be added to appropriate statute of limitations as a retention review date in PEMS to ensure compliance to order from Chief of Police.

Murder, kidnapping, treason, any sex offense against a child, and any forgery regardless of the penalty provided: No limit

Attempt, conspiracy, or solicitation to commit murder; attempt, conspiracy, or solicitation to commit kidnapping; attempt, conspiracy, or solicitation to commit treason; attempt, conspiracy, or solicitation to commit any sex offense against a child; and attempt, conspiracy, or solicitation to commit any forgery regardless of the penalty provided: No limit

Vehicular homicide; leaving the scene of an accident that resulted in the death of a person: Five years

Vehicular homicide, and leaving the scene of an accident that resulted in the death of a person, when both offenses are alleged to have occurred as part of the same criminal episode in the same indictment, information, complaint, or petition in delinquency filed in a court of competent jurisdiction: Ten years.

Other felonies: Three years

Misdemeanors: Eighteen months

Class 1 and 2 misdemeanor traffic offenses: One year

Petty offenses: Six months

#### STATUTES OF LIMITATIONS IN COLORADO

CRIMINAL OFFENSE	STATUTE COMMENTS		
Murder	No time limit		
	C.R.S. 16-5-401(1)(a) (2009)		
Kidnapping	No time limit		
	C.R.S. 16-5-401(1)(a) (2009)		
Treason	No time limit		
	C.R.S. 16-5-401(1)(a) (2009)		
Sex offense against a child	No time limit	Applies to offenses	
	C.R.S. 16-5-401(1)(a) (2009)	committed on or after July 1,	
Forgery	No time limit	·	
	C.R.S. 16-5-401(1)(a) (2009)		

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Attempt, conspiracy or	No time limit		
solicitation to commit murder	C.R.S. 16-5-401(1)(a) (2009)		
Attempt, conspiracy or	No time limit		
solicitation to commit	C.R.S. 16-5-401(1)(a) (2009)		
kidnapping	C.N.S. 10-3-401(1)(u) (2003)		
Attempt, conspiracy or	No time limit		
solicitation to commit treason	C.R.S. 16-5-401(1)(a) (2009)		
Attempt, conspiracy or	No time limit	Applies to offenses	
solicitation to commit any sex	C.R.S. 16-5-401(1)(a) (2009)	committed on or after July 1,	
offense against a child		1996	
Attempt, conspiracy or	No time limit		
solicitation to commit forgery	C.R.S. 16-5-401(1)(a) (2009)		
Vehicular homicide	Five years	Begins to run upon discovery	
	C.R.S. 16-5-401(1)(a) (2009)	of the criminal act	
Leaving the scene of an accident	Five years	Begins to run upon discovery	
that resulted in death	C.R.S. 16-5-401(1)(a) (2009)	of the criminal act	
All other felonies	Three years	Begins to run upon discovery	
	C.R.S. 16-5-401(1)(a) (2009)	of the criminal act	
Misdemeanors	18 months	Begins to run upon discovery	
	C.R.S. 16-5-401(1)(a) (2009)	of the criminal act	
Class 1 and 2 misdemeanor	One year	Begins to run upon discovery	
traffic offenses	C.R.S. 16-5-401(1)(a) (2009)	of the criminal act	
Petty offenses	6 months	Begins to run upon discovery	
	C.R.S. 16-5-401(1)(a) (2009)	of the criminal act	
Criminal violations of the	Five years	Begins to run upon	
Colorado Commodity Code	C.R.S. 11-53-204(4) (2009)	commission of the offense	
Actions pursuant to the	Six years	Begins to run when the act	
Colorado Antitrust Act of 1992	C.R.S. 6-4-118 (2009)	complained of occurs	

LOCATIONS USED FOR FINAL DISPOSITION / DESTRUCTION
Andersons Sales and Salvage 1490 E 8th St, Greeley, CO 80631 970-352-7797
☐ Metal ☐ Glass ☐ Plastic ☐ Tires ☐ Batteries ☐ Computers ☐ Tools ☐ Electronics ☐ CD/DVD/Videos/Cassettes
Evraz Recycling & Scrap Metal 5601 York St, Denver, CO 80216 303-295-2911
☐ Metal
<b>Roller Auction</b> 7500 York St, Denver, CO 80229 303-289-1600
Any items of value
Adams County Sheriff's Office Sgt. Richard Coffee 720-322-1266 Contact for Adams County Animal Shelter – Incinerator 10705 Fulton St, Brighton, CO 80601
<ul> <li>□ Drugs &amp; Pills</li> <li>□ Paraphernalia (limited)</li> <li>□ Containers from drugs</li> <li>□</li> </ul>

Denver Bomb Squad Detective Kurt Peterson 720-913-6234
<ul><li>☐ Ammunition</li><li>☐ Shotgun shells</li><li>☐ Fireworks</li></ul>
Colorado Medical Waste 3131 Oakland St. Aurora, Colorado 80010-1508 720-502-1717
☐ Biohazard Materials
Waste Management 3631, 6091 Brighton Blvd, Commerce City, CO 80022 303-362-5402
<ul><li>☐ No value items</li><li>☐ Trash</li></ul>
Shred It 3925 North Monaco Parkway D, Denver, CO 80207 303-750-6450
☐ Paper products ☐ Documents

ADMINISTRATIVE/ OPERATION STNOPSIS					
To be completed by Property Evidence Unit Supervisor after operation is complete. Forward to Division Commander.					
Once project is completed efforts will be made to ensure that each case held in custody has an appropriate retention review date applied at intake. A report will need to be created to auto generate each month to capture all eligible case that are now past statute of limitations, plus six months to ensure inventory does not get out of hand again. Language to this effect will need to be placed in the Property Evidence policy for compliance purposes. A strong commitment and partnership with Investigations needs to be considered, where notification will be made to P/E when cases are closed, and no charges were filed, etc. and final disposition of in custody property can occur.					
AFTER ACTION CHECKLIST					
Additional Space Created?	☐ Yes	☐ No	Sq. Feet		
Reduction of Inventory?	☐ Yes	☐ No	% and #'s		
Reduced Storage Locations?	☐ Yes	☐ No	#'s		
Inventory More Organized?	Yes	□No			
Cases in Numerical Order?	☐ Yes	☐ No			
Specially Sized Storage Containers Used?	☐ Yes	□No			
Most/All Items Stored Together?	☐ Yes	☐ No			
Unit Prepared for Full Inventory:	☐ Yes	☐ No	Estimated start date:		
Employee Injuries?	Yes	☐ No			
Property damaged?					
Debrief Conducted Y [ ] N [ ]			DATE/TIME:		
Prepared by:	Initial		Susan Beard		
Commander Approval:	Initial		Charlie Schoepflin		