

# Evidence and Property Room Management

SHERIFF BILL PUETT

---

---

---

---

---

---

---

---

## Introduction

- ▶ Evidence and Property Room Management focuses on the accountability, legal seizure, use of proper collection tools and containers, and the proper storage of physical evidence seized for use in the criminal prosecutions of incidents.
- ▶ Additionally the Sheriff is responsible for protecting that seized property which is in the custody of the Sheriff, that ultimately belongs to a citizen or entity with legal interest, that will be utilized during the criminal prosecution process.
- ▶ Without question the critical nature of the integrity of evidence in the criminal justice processes is of paramount importance.

---

---

---

---

---

---

---

---

## Introduction

- ▶ Maintaining, and documenting, a complete accounting of that evidence from initial seizure through the criminal justice process will also be discussed.
- ▶ Critical issues such as; biohazard, perishable, dangerous, and large complex items of evidence will be discussed.
- ▶ Maintaining accountability, auditing, an inventorying physical evidence will be discussed.

---

---

---

---

---

---

---

---

### Objectives

1. Identify initial issues to address related to the evidence/property room for a new incoming Sheriff.
2. Discuss security and procedures for a Sheriff's Office evidence/property room.
3. Discuss the inventory and audit of a Sheriff's Office evidence room.

---

---

---

---

---

---

---

---

### New Sheriff – First Steps



---

---

---

---

---

---

---

---

### New Sheriff – First Steps – Inventory

- ▶ Complete a full inventory
  - ▶ Hands on and a complete count of **every** piece of evidence in your evidence room
  - ▶ Includes checking the packaging and the paperwork
- ▶ Keys – who has keys/access to the evidence room
- ▶ You should remember you are accepting this – once you do you are responsible

---

---

---

---

---

---

---

---

First Steps – Inventory – Continued

- ▶ Independent person to perform the inventory
  - ▶ Seize all keys during the inventory
- ▶ Inventory report, completed and signed by the person conducting the inventory – including:
  - ▶ ALL Information
    - ▶ Everything accounted for, or
    - ▶ Missing, damaged, inaccurate evidence
      - ▶ Report must be specific

---

---

---

---

---

---

---

---

First Steps – Evidence Log Audit

- ▶ If you have evidence logs they should be audited
- ▶ Should be checking for irregularities
  - ▶ Transfers
  - ▶ Destructions
  - ▶ Releases

---

---

---

---

---

---

---

---

First Steps – Evidence Custodian – Cont.

- ▶ Difference between an evidence custodian and an evidence technician/crime scene specialist
- ▶ Evidence custodian and backup do not have to be sworn
- ▶ Must be extremely trustworthy and involved in situations, activities, or behaviors that could open them to compromise

---

---

---

---

---

---

---

---

First Steps – Select Evidence Custodian

- ▶ Difference between evidence room and evidence locker
- ▶ Evidence custodian and backup should be the only people who have access to the evidence room
  - ▶ You can maintain a set of keys in a sealed access container, with signature seals, for emergencies if need

---

---

---

---

---

---

---

---

First Steps – Evidence Custodian – Cont.

- ▶ The evidence/property room is not an evidence processing room
  - ▶ It is a secured evidence storage area
- ▶ Designate a evidence locker/repository for deputies to deposit evidence
  - ▶ Pass through lockers
- ▶ Do keys/locks need to be changed on the evidence locker

---

---

---

---

---

---

---

---

First Steps – Evidence Custodian – Cont.

- ▶ Consider you will need a location for depositing perishable evidence
  - ▶ Small refrigerator with hasp lock?
  - ▶ How much evidence and how often will dictate what you need
- ▶ Large objects and large quantities

---

---

---

---

---

---

---

---

### First Steps – Evidence Policy

- ▶ An evidence policy should be developed:
  - ▶ How evidence will be handled and packaged
  - ▶ What containers are allowed/authorized
    - ▶ Types of containers should be limited and uniform to make for easier inventory and storage
  - ▶ Acceptance/refusal policy of evidence
  - ▶ Hazardous materials/items

---

---

---

---

---

---

---

---

### First Steps – Evidence Policy – Continued

- ▶ Retention Schedule
- ▶ Evidence Destruction
- ▶ Found Items
- ▶ Inventory and Audit Schedules

---

---

---

---

---

---

---

---

### Evidence Room



---

---

---

---

---

---

---

---

Evidence Room Security

- ▶ Locks and Key Control
  - ▶ Numbered and signed out
  - ▶ Keys should not be able to be duplicated accepted from an authorized locksmith and with Sheriff's permission
- ▶ Electronic Locks
- ▶ Alarm System
- ▶ Video surveillance and recording

---

---

---

---

---

---

---

---

Chain of Custody and Documentation

- ▶ Evidence Inventory Form – Deputy
- ▶ Evidence Room Assigned Number
  - ▶ Barcodes are **MUCH** better
- ▶ Chain of Custody Tracking
  - ▶ Where is the evidence at all times
  - ▶ Including at the lab or signed out by PA
- ▶ Lab Reports
  - ▶ Maintain in RMS and in Evidence Room

---

---

---

---

---

---

---

---

Containers – Type and Numbering

- ▶ Specifying certain containers, types, and sizes will improve consistency, packaging protocol adherence, and make for more efficient storage
- ▶ You should know the requirements for the lab your Office is using
  - ▶ Clear containers
  - ▶ Double packaging
- ▶ Item numbering

---

---

---

---

---

---

---

---

Hazardous Materials – RSMO 490.733

- ▶ 1. As used in this section, the term "**hazardous materials**" means any substance which is capable of posing an unreasonable risk to health, safety and property.
  - ▶ It shall include any controlled substance or controlled substance analogue as defined in section [195.010](#) or any substance which by its nature is explosive, flammable, corrosive, poisonous, radioactive, a biological hazard or a material which may cause spontaneous combustion.

---

---

---

---

---

---

---

---

RSMO 490.733 – Continued

- ▶ 2. ...any law enforcement officer who seizes hazardous materials as evidence related to a criminal investigation may collect representative samples of such hazardous materials, and destroy or dispose of, or direct another person to destroy or dispose of the remaining quantity of such hazardous materials.

---

---

---

---

---

---

---

---

RSMO 490.733 – Continued

- ▶ 3. In any prosecution, representative samples of hazardous materials accompanied by photographs, videotapes, laboratory analysis reports or other means used to verify and document the identity and quantity of the material shall be deemed competent evidence of such hazardous materials and shall be admissible in any proceeding, hearing or trial as if such materials had been introduced as evidence.

---

---

---

---

---

---

---

---

### RSMO 490.733 – Continued

- ▶ 4. In any prosecution for violation of [chapter 195](#) in which the weight or quantity of a controlled substance is an element of the offense, the weight or quantity of the controlled substance necessary to prove the element of the offense shall be held as evidence:
  - ▶ Any amount of controlled substance in excess of that which is necessary to prove the offense may be destroyed at the direction of the seizing law enforcement officer.
  - ▶ Photographs, videotapes and laboratory analysis reports shall be admissible in any proceeding, hearing or trial as if such excess amount of controlled substances had been introduced as evidence.

---

---

---

---

---

---

---

---

### Specific Evidence – Big 3

- ▶ Drugs
- ▶ Money
- ▶ Guns

---

---

---

---

---

---

---

---

### Specific Evidence – Big 3 – Continued

- ▶ Drugs
  - ▶ Proper packages to avoid exposure
  - ▶ Solid inventory
  - ▶ Weight verified
  - ▶ Locked separate container within the evidence room
  - ▶ Review RSMO 490.733 with your PA

---

---

---

---

---

---

---

---



Specific Evidence – Big 3 – Continued

- ▶ Money
  - ▶ Is the specific money “evidence”
    - ▶ Fingerprint
    - ▶ Blood/DNA
  - ▶ If not evidence – consider establishing an account and transferring the money to the County Treasurer
    - ▶ A check can be written upon disposition
    - ▶ Two signature transfer protocol

---

---

---

---

---

---

---

---

Specific Evidence – Big 3 – Continued

- ▶ Money – Continued
  - ▶ Separate locked container within the evidence room

---

---

---

---

---

---

---

---

Specific Evidence – Big 3 – Continued

- ▶ Guns
  - ▶ Safe and unloaded
  - ▶ Proper storage of ammunition
    - ▶ Protected if print evidence
  - ▶ Strict accountability
  - ▶ Protection from damage
  - ▶ Storage concerns
    - ▶ Gun boxes

---

---

---

---

---

---

---

---

### Retention Issues

- ▶ Long Term Storage
  - ▶ Long Term Storage
- ▶ Bulk or Large Items
- ▶ Perishable
- ▶ Anonymous Sex Assault Kit – New MSHP Issue

---

---

---

---

---

---

---

---

### Destruction

- ▶ Should review with your PA and get on the same page
- ▶ Purge cycles
  - ▶ Evidence Never Submitted – Statute of Limitations
  - ▶ Found Items – establish policy and time frame
- ▶ Search Warrant Evidence – Hearing Required
- ▶ Evidence Submitted in a Criminal Case
  - ▶ Release from PA – case/appeal status

---

---

---

---

---

---

---

---

### Destruction Protocol

- ▶ Minimum of 2 people for destruction
  - ▶ Especially for drugs and guns
- ▶ Sign off protocol – who will authorize
- ▶ Retain detailed destruction logs
- ▶ How and where will you destroy
  - ▶ EPA/DNR rules

---

---

---

---

---

---

---

---

### Inventory and Audits



---

---

---

---

---

---

---

---

### Inventory vs. Audit

- ▶ Inventory
  - ▶ A full and complete hands on count/verification of every item of evidence in your custody
  - ▶ How often?
- ▶ Audit
  - ▶ A list of certain items that are spot checked to verify the items of evidence are there

---

---

---

---

---

---

---

---

### Inventory vs. Audit

- ▶ Barcodes and Technology
  - ▶ Make things much easier
- ▶ Good policies and packaging practices up front will make accountability much easier and effective
  - ▶ Which also translates into more protection for you as the Sheriff

---

---

---

---

---

---

---

---

### Final Thoughts

- ▶ Look for ways to improve, streamline, and reduce liability
- ▶ Technology
  - ▶ Evidence Picture Example
- ▶ When bad things happen – control, notify, and **document with photos and reports**, Examples:
  - ▶ Inmate access
  - ▶ Stoned Mice
  - ▶ Sewer Pipe

---

---

---

---

---

---

---

---

### Questions



---

---

---

---

---

---

---

---