PROPERTY & EVIDENCE MANAGEMENT

NEWLY ELECTED SHERIFF TRAINING

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Facilitator
Steven Perry
23 Years Edmonds Police Department
15+ Years Property Room Supervisor
11+ Years Executive Director – SNOCOM – 911
Retired In 2009 - Formed SEP Consulting
44 Years Public Safety Experience!
Specialize: Property/Evidence Training
Law Enforcement Records Training
Property Room Assessments!

SEP CONSULTING

● Evidence Management Focus
  – CJTC - 40 Hour Evidence Management
  ● For Evidence Room Employees & Supervisors
  – Evidence Room Assessments / Audit
  ● Review Process & Evidence Integrity
  ● Detailed Report With Recommendations
  – Assist With Evidence Procedures & Needs
Today’s Discussion

- Administering The Evidence Function
- Common Problems - Landmines
- Evidence Employee Perceptions
- What The New Sheriff Can Do

Sheriff / Chief / Director / CEO

- You Enter Agency As New CEO
- “What Requires Immediate Attention”?
- “Where Are My Liabilities?”
  - Obvious – Arrests / Shootings / Pursuits
  - Less Obvious – Property / Evidence / Records
- Always True
  - Buck Stops w/ You! (Knew / Should Have)!
  - Sheriff Needs To Be Proactive!
  - What Are You Doing To Improve System?

Potential Impact

- Property/Evidence Problems Lead To:
  - Negative Newspaper / TV Coverage
  - Civil Claims / Law Suits
  - Dismissal Of Criminal Cases
  - Audit Reports (Criminal Investigation?)
  - County Executive / Council Explanations
  - Internals / Criminal Charges & Even Jail
- Good News -
  - You Now Have The Ability To Avert The Problems & Avoid These Outcomes!
First – Some Terminology

- Evidence - Property Room = Same Thing
- High Risk Evidence = Money, Drugs, Guns, Jewelry
- Sensitive Items
- Evidence Audit = Check Sampling Of Items
- Against Known Records
- Evidence Inventory = Check All Items In Evidence
- Against Known Records
- Evidence Disposal = Destroy/Sell/Trade/Absorb/Trade

False Assumptions

- No News Is Good News!
  - Sheriff Often Last To Know Problem Exists
  - Supervisor May Not Know Or Want To Admit
- We Have Always Done It That Way Is Fine
- State Auditor Is Knowledgeable
  - Financial Experts – Know Little About P/E
- State Audits Are Regular & Consistent
- Successful State Audit Means No Problems
- Originally Passed Poly = So No Problem

Reality

- Amount Of Evidence Keeps Growing!
- Disposal Becomes More Challenging!
- Best People To Write Procedures = No Time
- Evidence Lower Priority For Staff Increases
- Institutional Choke Points / Indecision
- Decisions Require More Responsibility
- Job More Stressful / Less Available Time
- Often Added Technology = More Steps
- New Rules / Regulations / Demands
  - More Each Year!
Recent Changes / Rules

- RCW Changes On Firearms
  - More Firearms Held For Safekeeping
  - Mandatory B/G Checks Prior To Release
  - Policy/Procedures For Safekeeping Firearms
  - When Must Hold vs. When Must Release
- 24/72 Hours / Unnecessary Delay / 5 Day Letter

- Best Practices and Accreditation
  - DOE Regulations Regarding Drug Destruction
  - Verification Process Prior To Drug Destruction
  - Annual Report To Sheriff - Reducing Inventory

Staying Out Of Jail Is Easy

- Simple / Easiest Issue Addressed First
  - Simple & Just Requires Common Sense
  - No Intent To Insult Anyone Here Today!
- DON’T MISAPPROPRIATE EVIDENCE!
  - Evidence Not Sheriff’s To Do As They Wish!
  - It’s Not Your Private Firearm Collection!
  - Don’t Stage A Burglary & Steal Evidence!
  - Don’t Claim To Return Evidence Then Keep It!
- All Have Led To Criminal Charges Against Washington C.L.E.O.’s

More Typical P/E Land Mines

- Employee Misappropriation
- Neglect of Evidence Room
- Too Much Evidence!
- Lack Of Valid / Updated Procedures
- Errors In Intake/Storage/Disposal
Misappropriation
- 99% Of Evidence Employees Are Honest People Wanting To Do Good Jobs!
  - The 1% Can Devastate An Agency!
- 100% Face Temptation Every Day!
  - Some Give In To These Temptations
- You Can’t Prevent Thefts 100%
  - Dishonest Staff Has Lots Of Time To Plot
- You Can Significantly Reduce Threat!

Misappropriation
- Common Methods
  - Borrowing!
  - Stealing $ + Hiding or Destroying Records
  - Showing Drugs Destroyed – Didn’t Happen
  - Substitution of Drugs To Be Destroyed
  - Witnesses Don’t Actually Count Items
- If So Inclined - Often Hard To Detect
  - They Know the System (or Lack Thereof)
  - Good Checks/Balances Best Deterrent

Misappropriation
- Just A Few Of The Headlines
  - Phoenix Cop Swaps Narcotics Evidence With Other Pills
  - Poor Property Room Controls in St. Louis Scandal, Audit Finds
  - Officer & Police Clerk Charged in Evidence Room Thefts
    - Never Here?
  - Former Lynnwood Deputy Chief Gets Prison Time For Theft
  - Former Poulsbo Police Clerk Charged With 2nd Gun Theft
  - Clallam S/O Evidence Clerk Found Guilty of Stealing Funds
    - Many More Don’t Make The Press!
Neglect

- Too Common A Problem!
  - Usually Combination Of Several Scenarios
- Lazy or Complacent Employee?
- Overwhelmed! (Need More Time or Staff?)
  - Ever Growing Intake / Added Responsibilities
  - Maybe Just Need Some Occasional Help?
- Fear Of Making Mistakes! (Esp. Firearms)

Too Much Evidence

INCOMING

OUTGOING

Too Much Evidence

- No Magic Number – Often “Smell” Test!
- Attractive Environment For Theft
- “Fault” Often Rests To Degree With:
  - Property Officer
  - Administration
  - Deputies
  - Prosecutors Office
Too Much Evidence

- Property Officer
  - No Drive or Incentive To Reduce Inventory!
  - Most Commonly – “Just No Research Time ”!
- Administration
  - No Idea – Set Reasonable Disposal Goals
  - Institutional Choke Points!
- Deputies
  - Common Sense / Guidelines For Intake
- Prosecutors Office
  - Failure To Provide Case Dispositions**

Lack Of Updated Procedures

- Meets Your Expectations
  - Everybody Doing Differently = Chaos
  - Nobody Doing It Correctly = Huge Liability
- Simple Policy Isn’t Enough
  - Specific Procedures To Meet Policies
  - Both For Road & Evidence Staff
- Written / Updated / Trained / Enforced

Intake Errors

- Improper Packaging / Tagging / Weighing
- Cross Contamination
- No Drying Areas = Corrupted Evidence
- Wrong Identifiers or Duplicate #'s
- Accepting Box of Misc – No Inventory
- Accepting Improperly Packaged Items
Storage Errors

- “Can’t Find It!”
  - Unorganized Room / Sloppy Handling?
  - Lack Of Records Update (Common)
  - Insufficient Tracking System (or Use Of)
    - “Paperless” Sometimes Even Worse
- Perishable / Fragile Evidence
  - DNA Preservation / Arson / For Processing
- Lack Of Organized Storage “System”

Disposal Errors

- Drugs Improperly Disposed Of
  - DOE Rules – Narcotics – Spoliation?
- Items In Garbage – Not Rendered Unusable
  - Rife For Misappropriation?
- Items Destroyed - Undocumented/Witnessed
- Marked As Destroyed When Not – Haste?
- Guns Stored For Too Long!
- Unclaimed Prop. Not Disposed Of Timely

How Problems Are Found?

- State Audit Finds:
  - Recommendation / Letter / Findings / Press)
- Whistleblower Complaint:
  - Notifies Auditor, or Press, or Prosecutor, or D.O.J.
- Court / Attorney Process
  - Attorney or Court Realizes Evidence Discrepancy
- Internal Realization (Best):
  - Observation By Co-Worker / Supervisors / Owner
  - Only Scenario – Maybe Fix w/ Minimal Notoriety
Why Did It Happen?
- Just “Human” Error By Good Employee?
- Institutional Lack of Attention To P & E?
- Inadequate Supervision of P/E Personnel?
- Lack of Understanding To Help P/E?
- Employee Spread Too Thin?
- Employee No Longer Cares?
  - A Poor Attitude Can Be Contagious
  - Employee Self Worth Can Play Big Factor
  - Feel Their Job Has No Value = No Pride

How Boss Perceives My Role
- Comments From Classes
  - “They Have No Idea What I Do or How I Do It”
  - “They Only Take Notice When It Hit’s The Fan”
  - “I’m The Only One To See What A Mess It Is”
  - “8 Hour Day & 16 Hours Of Work”
  - “If They Cared, I Would Get Some Help”
  - “I’m Hidden In The Basement & Forgotten”
- Remember, Their Perception Is Their Reality
Outcome Of Bad Perceptions

- If Doesn’t Feel Valued Part Of Operation
  - Lowers Self Esteem and Desire To Perform
  - May Tend To Develop Poor Work Habits
  - “Justification” For Misappropriation
    - They Owe Me – I “Deserve” It
    - Why Should I Care – They Don’t
    - I Will Just “Borrow” Some Cash
    - They Will Never Know If It’s Gone
- FACT: They Are Integral To Prosecutions

New Sheriff In Town

Your Time To Implement Progress!

What You Can Do!

Your Agency – Your Decision

- Should Evidence Room Verify $ Amounts?
- Should $ Be Kept In Room?
- Are Drugs Weighed & Noted By Officer?
- Should F/A’s Be Checked Before Entry?
- F/A’s Not Needed = Traded or Destroyed?
- Do We Return Marijuana or?
Your Agency – Your Decision

- Your Position Regarding Asset Seizures?
  - Narcotics – Firearm – Other Felony
- Should Deputies Destroy At Scene?
- What Kind Of Auctions Do YOU Want?
- Assure Time Needed For Research/Disposal
- Set Target Ratios For Disposals?

Finding Criminal Behavior

- If You Find / Suspect Criminal Behavior
  - Recommend Outside Invest. / Assistance
  - MUST Notify State Auditor Of Investigation
    • Auditor May Conduct Independent Audit-Invest.
- If You Find Incompetence
  - Take XXX and XXX Action (punish or help)
- If You Find Overwhelmed Employee
  - Your Responsibility/Duty To Try And Fix

Finding Non Criminal Errors

- Most Rooms Have “Some” Instances Of Each
  - We Hire Humans = Humans Make Mistakes
  - Question Is - Is This An Anomaly or a Clue?
  - If Only A Few – Don’t Over React
    • Consider It A Wakeup / Counseling Situation
    • Assure They Understand The Seriousness
  - If More Than A Few -
    • Best Case – “Sloppy” System Needing Repair
    • Worse Case – Potential Criminal Behavior
Sheriff Must Ensure

- Hire The Right Employee!
- Supervisor Understands Process
  - And Actively Supervises!
- Strong Procedures In Place – Not Just Policy
  - Documented / Trained On / Enforced!
- Checks and Balances Are In Place
- Regular Unannounced Spot Audits!

Sheriff Must Ensure

- Very Limited Access To Property Room
- Double Signatures – Always
- Extra Security For – Guns-Drugs-Jewels
- P/E Employees Unable To Delete Data
- Evidence Disposed Of Properly & Legally
- Zero Tolerance Policy – Loud and Clear!

The Reality

- There is no 100% Infallible System
  - Dishonest Employee Has Months/Years To Plot
- We Recruit From Human Race
  - Weaknesses / Addictions / Temptations
  - Why You Must Take Preventative Measures
- Quick & Decisive Action When Problem
- Hope You Find Before Someone Else Does
How Can We Prevent Deter

- Careful Hiring & Placement
- Procedures – Reviewed/Improved/Enforced
- Frequent Spot Audits!
- Remember That You Must:
  - Ask Questions / Audit The Evidence
  - Continually Improve The System
  - Trust But Verify

Remember – There Is No Problem In Your Property Room ..... UNTIL THERE IS!

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