

**PROPERTY & EVIDENCE
MANAGEMENT**

**NEWLY ELECTED SHERIFF
TRAINING**

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Presented By : Steven Perry

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 C.E.O
- "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 F/A's
 - 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 Job!
 - 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 Poulso 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 – Spokane?
- 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 / Finding (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

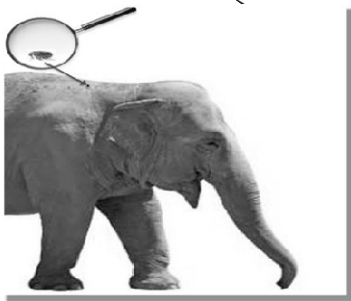
Why Did It Happen?

- 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

How Boss Perceives My Role



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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