Managing a police department is a lot like managing your health. Experts in the fields of health care and law enforcement both agree that regular check-ups and preventive measures are best for overall health and success. Regular auditing and inspecting can detect potential problems before they affect you and your agency. This article discusses some of the proactive steps an agency can take to manage just one of the high risks critical tasks in law enforcement and reduce potential liability exposure. Any law enforcement executive that doubts the potential for liability exposure as a result of mismanagement or malfeasance in the property room would be well advised to keep abreast of current events involving cases where evidence was lost, destroyed or pilfered. On a regular basis, one can find law enforcement agencies that are under scrutiny as a result of allegations of improperly handled evidence and property. The property and evidence function is a critical task that is performed by most law enforcement agencies on a daily basis. The intake of evidence related to a criminal investigation or the storage of lost or abandoned property by department members rests with the members of the property and evidence management system. Often times it is not recognized just how important this function is until the evidence in a criminal case is lost, pilfered or contaminated, and the department is facing outside scrutiny from the public, media and members of the court.

When problems arise in a department with respect to property and evidence issues, mainly chain of custody, lost or stolen evidence or contamination, the first place department administrators go is to the property and evidence room to find out what went wrong. All too often they discover the problems started long before the evidence made its way into the property and evidence room, if it made it there at all. The issues may be traced back to the temporary storage of the items. Perhaps a detective who seized the item left it unattended on his desk, kept it in his car, or a temporary storage area is filled to capacity, the evidence is left, exposed and vulnerable to tampering or pilfering. Proper handling of evidence starts at the moment of seizure and continues through return or disposal. Ensuring the process is completed properly is everyone’s business. The key to success in this area
is the adoption of a detailed policy as well as regular audits and inspections to ensure compliance with the policy.

Managing the property and evidence room is not always the most coveted position in the department; however, selection of high quality personnel is critical to success and maintaining the integrity of the operation. Corruption in the property / evidence function occurs for many reasons; officers who are drug addicted have easy access to narcotics and officers with financial troubles have access to cash and high value items. So which officers are best suited for this function? Selection criterion should include an officer who is well disciplined, detail oriented, and ethically sound. Officers who have experienced disciplinary issues due to poor performances evaluations and/or have a poor work ethic are not ideally suited for this role and should be rejected. A recent trend in law enforcement is to demand that officers who are assigned to high risk positions be subjected to greater departmental scrutiny such as random drug testing and financial credit reports. These types of checks of the property evidence manager would be of value to the police administration.

Most departments do not have the resources to maintain a property and evidence technician 24 hours a day. Because of that, temporary storage of property and evidence falls to the officer who seized the item. What happens to that item between the time it is seized and the time it is entered into the property room is essential to maintaining a proper chain of custody. It is expected that when an officer seizes evidence and places it in temporary storage the next person who handles the evidence is the evidence technician. All too often evidence is improperly stored rendering it vulnerable to pilfering or contamination. Departments must ensure there are proper temporary storage facilities that maintain the chain of custody. Often these types of systems are easily designed and inexpensive.

Clearly one of the most important aspects of any law enforcement agency’s property and evidence function is security. Security is established through the use of locks, keys, alarms and logs, along with inspections and audits. According to policy, an agency must limit the access of the property/evidence room. Only those staff members who are necessary to the property/evidence function should be allowed into the storage areas. LLRMI audits have found 20 – 30 persons in possession of keys where evidence was stored. Security also requires key-control to be strict and accountable. There should only be two sets of keys for the property/evidence room. The first set should be in the possession of the evidence custodian, while the second set should be held in a security sealed envelope and secured with the administration. The second set should only be used in the event of an emergency and each time they are used, the emergency that necessitated the use should be documented. In departments with electronic key control systems, the codes must be restricted in the same manner.

Certain types of evidence require heightened security. It is recognized that money, guns, and narcotics fit into this category. As such, these items should always be separately vaulted within the secure area of the property room. One strategy to make it more difficult for staff to steal these items is to have a two-key system for the vaults containing these items. The vaults can only be opened through the use of both keys, each of which is in the custody of a different staff member. For example, the evidence custodian has control of one of the keys but is unable to open the narcotics vault without the presence of a sergeant designated by the administration, who holds the second key and remains present while the vault is open. Thus, there should never be a theft of drugs without a conspiracy between the two individuals. Another strategy is the use of motion activated video...
cameras within the property room as well as within the gun, narcotics, and money vault. Such video serves as both a deterrent to staff theft, but also has evidentiary value should a theft occur.

Even the most spacious of property rooms will run out of space if property and evidence is not purged from the system. It is essential that investigators maintain a working relationship with the evidence technician and understand their role in the destruction of evidence when their cases have been disposed of. A recent LLRMI audit found an evidence room bursting at the seams with property and evidence that should have long ago been purged from the system. A storage container was brought in to manage the overflow rather than deal with the purging requirement. Narcotics evidence is often at the center of controversy involving corruption; the longer it is in possession of the agency the greater chance for problems. The agency should have a strong policy with respect to oversight when it comes to the destruction of narcotic evidence. The two person rule should be employed with one of those persons being a designee of the law enforcement manager who performs an extensive audit of the drugs to be destroyed, by reconciling the paperwork, verifying the contents, and visually verifying the destruction.

Law Enforcement agencies take firearms into their custody for many different reasons. When the weapon is seized for evidentiary purposes, it is usually at the direction of the court that the weapons be destroyed or returned. When a weapon is seized for safekeeping, the owner may not have been charged with a crime, but at the time, the presence of the weapon posed a particular threat. It is noted that firearms are personal property and that owners have a fondness for them and often make repeated requests to have them returned. Agencies can be subjected to liability when a weapon is returned to a rightful owner in a manner that is inconsistent with the law. Every effort must be made to search data bases containing documents prohibiting a citizen’s right to possession of a firearm, to ensure the person receiving the firearm is not prohibited from possession. Policies and procedures must be in place to ensure a firearm is never placed in the hands of a convicted domestic violence offender.

It is recognized that many police managers have never worked in the property evidence function of a law enforcement agency and may not have an understanding or appreciation of the importance of this daily activity occurring in their department. Unfortunately, it is not until a crisis strikes that a complete understanding of the task is appreciated. Departments need to consider a check-up and take corrective steps to reduce the likelihood of incidents occurring that pose liability risks. Development of best practices and policies is the first step, along with proper staffing, supervisions and oversight. Many times the problems discovered are small and can be corrected with minimal recommendations and implementation. Inspections and audits identifying problem areas can, with the proper agency response, reduce liability exposure to departments and their personnel and be consistent was the best practices in law enforcement today.

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