

Current Trends in Property and Evidence Management within Law Enforcement

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Abstract

A law enforcement's Property and Evidence room is often not thought of when discussing the agency's "high liability" areas. However, this section of the department poses significant areas of concern and potential liability if left unchecked. By adequately staffing and training current and future employees, highlighting the importance of a well-documented chain of custody, and implementing strict, updated safety practices, agencies can confront the challenge head on.

Introduction

Management of a law enforcement organization's property and evidence is a complex and tedious task. The Property and Evidence Division is a critical section of the agency that is tasked with the intake of evidence in relation to criminal investigations and the storage of lost or found items. Often overlooked in the hierarchy of high liability sections of the agency, a poorly managed Property and Evidence Division could become problematic to the entire organization. For example, with a simple web search, one can easily find law enforcement agencies throughout the country who are under scrutiny for lost or improperly handled evidence. Frequently, this section of an agency goes unnoticed until evidence is lost, stolen, or contaminated, and the agency is facing outside criticism from the public or media.

The Property and Evidence Division is frequently placed in a section or bureau that is of convenience to the agency. The forethought of which section or bureau would benefit the most is unfortunately not considered as much as one would think. An agency's size and the amount of property submitted should be factored into this decision as well, but often times it is merely an afterthought until something goes wrong.

Throughout time, property rooms have evolved from locking items in a desk drawer to meticulously maintaining and organizing a 50,000 square foot warehouse. To successfully perform this key function in a law enforcement organization, proper support and resources need to be provided. One important resource required to successfully maintain a property and evidence storage facility includes trained and competent personnel. The basic functions of an employee in the property room, often referred to as a Property Clerk, is to receive incoming property and evidence items, store them in a secured environment, preserve their condition, maintain an accurate chain of custody log, and to lawfully release or dispose of each item. Few law enforcement administrators without property and evidence management experience can appreciate the myriad of tasks and chores associated with the position. Receiving just a few hundred items into a facility can translate into several thousand assignments and tasks needing to be accurately documented and maintained.

Managing a Property and Evidence Division has many challenges, which continue to evolve with shifts in available training, resources, and concerns of being exposed to dangerous substances. Property and evidence management is a support service that is necessary among all law enforcement agencies, but is frequently considered a low priority function within the organization. This paper will discuss the multiple challenges faced by property and evidence management within law enforcement agencies today, including the staffing and training of personnel; the importance of chain of custody documentation; and the risks involved in personnel safety while working with property and evidence.

Literature Review

Facility Staffing and Training:

The property room is an unknown and mysterious place to most individuals in a law enforcement organization. What happens to the crucial piece of evidence once it is submitted, how is it categorized and maintained, or how long do they keep it? These are simple questions, yet most members in the law enforcement community would have a difficult time answering them. Of the thousands of items submitted to property and evidence divisions every year, less than three percent of stored evidence ever reaches the courtroom. As important as receiving and securing each item is, returning or disposing of it is just as important. Without properly managing and purging these items, the storage facility would quickly run out of space and efficiently tracking each item would become an insurmountable task. (Reaume, S. 2017).

Unfortunately, the importance of properly managed property and evidence storage is typically not discussed until a high profile case is lost or a negative news article is written. With ongoing scrutiny from the public and media, more focus needs to be put on an agency's Property and Evidence Division. Adequate staffing, proper training, and regular audits (announced and unannounced) should be the norm if high expectations are to be met. (Reaume, S. 2017).

Civilian positions, commonly referred to as Property Clerks, are normally tasked with the storage, preservation, and tracking of submitted property and evidence items when submitted to the division. Staffing a Property and Evidence Division with qualified, trained, and trustworthy people can prove just as daunting as maintaining the property they are responsible for. Over the last several years, the belief that a Property Clerk needed to be a sworn law enforcement officer has changed. Initially thought to be a cost savings measure, the gradual change to civilian Property Clerks has brought about an increase in efficiency. No longer are sworn members rotated in and out of property and evidence divisions, but instead, a dedicated person who is specifically trained to be a subject matter expert in property and evidence management is assigned to the division for multiple years. (Latta, J. T. and Bowers, G. A. 2011).

However, just having a dedicated person working with property and evidence is not enough. These individuals need the tools to succeed. Support from upper management, ongoing training, and a safe and adequate storage facility are just a few examples of the needed tools. The Property and Evidence Division staff is responsible for the security and accountability of crucial pieces of evidence, such as video

surveillance, drugs, firearms, and money. Most Property Clerks have no experience or training in a warehouse setting at all and it is incumbent on the organization that invested so much time and money to hire this individual, to properly train them. Basic areas of training should include: department policies and procedures, property and evidence procedural training focused on the region the agency is located, safe handling of property and evidence, to include firearms and biohazardous material, and chain of custody procedures. (Calea 2010)

Laws pertaining to the collection, preservation, and disposition of property change somewhat frequently. It is important for Property Clerks and agency personnel to work hand in hand with the local State Attorney's Office and their own agency attorneys to ensure they are current with these changes. (Scott, J. 2017).

The purging, or disposing of property and evidence requires extensive knowledge of state statutes, agency policies, and accreditation standards. This knowledge is attained through ongoing training and education. Unfortunately, in most law enforcement agencies, training sworn members supersedes training for civilians. With the limited funds available, it is paramount that Property Clerks are provided the most up to date, viable information in order to perform their job effectively. (Reaume, S. 2017).

Chain of Custody:

The chain of custody is a chronological record of those individuals and/or locations who have had custody of an item of evidence from the time it was collected to its final disposition. When problems arise regarding chain of custody, often times a law enforcement agency's upper management will go to the property and evidence division to see what went wrong. Common situations arise when evidence is missing, damaged, or left unsecured. A simple and effective deterrent is the implementation of a detailed policy with regular audits and inspections. (Campbell, S. May 2011).

Once a property and evidence division is adequately staffed with policies and directives in place, how can one efficiently track and categorize the submitted items? This process has advanced over the last few decades with the advent of evidence management software. This streamlined process consists of documenting the received item, assigning a storage bin, affixing a barcode, and physically storing the item in its proper location. The system allows the user to locate an item by simply scanning the barcode or typing the report number in the computer software. Should a piece of evidence not be located in its designated location, the software often shows a detailed summary of all the locations it was stored and every individual who previously handled that item. (Reaume, S. 2017).

Maintaining an accurate chain of custody within a property room is the core of its existence. Even if a piece of evidence is collected in the proper manner, and can be positively identified and authenticated, it may be barred or questioned due to a mismanaged or undocumented chain of custody. The chain of custody does not stop when a law enforcement officer submits the item to the property and evidence division; in fact, in some instances, it just begins. A challenge to chain of custody documentation could be upheld due to the deterioration of the item's packaging, preservation, inadequate refrigeration, or some other form of biological spoliation. (Nemeth, C. P. 2001).

Limited access to an agency's property and evidence facility is something else to consider when discussing a sound chain of custody. Only those employed in the property and evidence division and a select few other agency members should have access. If an item were to ever come up missing, anyone who theoretically had access to the facility could be implicated or subject to the investigation. The use of locks, alarms, video cameras, scanners, and electronic key controls is highly recommended and necessary for a secure and controlled storage of evidence. (Scott, J. 2017).

Employee Safety:

What harm could come to a property clerk? After all, aren't they protected within the secure confines of their impenetrable facility? Many new property and evidence employees are unaware of the potential risks or exposures they may be confronted with while working as a Property Clerk. Safety procedures are in place to protect the personnel working within the property and evidence division, as well as other agency members. These procedures can also protect the public who may come in contact with submitted items or any person who may come inside the facility. It is important for all personnel to understand that ANY individual who handles evidence in the chain of custody has the potential to come in contact with dangerous substances, not just law enforcement officials. Strict guidelines and policies should be in place in every property and evidence division, as well as throughout the agency when handling property or evidence, which should include the use of personal protective equipment (PPE). (NIOSH 2017)

PPE includes the use of respiratory protection, eye protection, and/or hand protection. This protection can also be extended to covering up an individual's entire body to protect him/her from any exposure of a specific material or substance. The use of PPE is a simple and effective way to minimize the risk of exposure. It puts a necessary barrier between the individual handling the item and the potentially dangerous substance at hand. Different forms of PPE include: gloves, sleeves, respirators, jump suits, masks, and eye protection. The use of these pieces of safety equipment depends on the task being performed or the specific material in which the individual may come in contact with.

A substance that has become more prevalent in property rooms recently is the synthetic opiate fentanyl. The possibility of exposure to fentanyl and its analogues vary based on the form of the drug. Law enforcement and property and evidence personnel are most likely to encounter fentanyl in powder, tablet, and/or liquid form. The greatest risk of exposure includes inhalation, ingestion or other contact with the mucus membrane, and percutaneous exposure or needle stick. The regular and proper use of PPE will considerably lessen the risk of exposure when dealing with this and other dangerous drugs. (NIOSH 2017)

With the increased amounts of fentanyl and other dangerous opioids law enforcement and property and evidence divisions are seeing, agencies should consider having naloxone, or Narcan kits readily available. Naloxone is a drug designed to rapidly reverse the effects of opioid overdose. It binds to the opioid receptors and blocks the effects of other opioids. The most common ways naloxone is administered is injectable versions and nasal sprays. With basic training, most individuals can safely administer the drug. (National Drug Institute on Drug Abuse 2018)

As previously mentioned in the Facility Staffing and Training section, property and evidence divisions are gradually shifting to civilian personnel to run their day to day operations. It is important these members are properly trained to handle and store firearms. Implementing policies for handling and storing firearms throughout their life cycle in a property and evidence division is vital to the safety of each member. Some basic precautions property and evidence management and personnel should take, include: ensuring the firearm is made safe and not loaded, verify it has been properly packaged, and limit the number of individuals who have access to the firearms at any given time. (Latta, J. T. and Bowers, G. A. 2011)

Property and evidence personnel should enforce packaging rules and guidelines to those that submit the property and evidence. A poorly or improperly submitted item could lead to a disastrous or even deadly outcome. Not only should property and evidence personnel be knowledgeable of the proper way to seal and packaged items, but so should law enforcement officials. In most cases, Property Clerks are the subject matter experts at law enforcement agencies when it comes to packaging evidence in the safest and most efficient way, and they should continually provide training and guidance to the rank and file officers who submit the items.

The packaging material used can become a costly expense to a property room, but before you purchase the cheapest supplies available, one should consider the product they are getting. A flimsy and cheap bag or container could deteriorate over time, or worse, break apart and expose staff to dangerous substances. When suitable supplies are available, choose the appropriate size and material (plastic or paper bag) for the evidence. Properly seal, label, and sign the package keeping in mind that evidence tape is used to indicate if an item has been tampered with, not necessarily to securely encase the item in the bag, box, or container. If needed, use packaging tape to secure the item and put evidence tape on the packaging tape. (Warrington, D. 2013)

With new advancements in technology occurring daily, and our ever changing criminal justice landscape, there are several additional measures one will be able to take in order to safely and effectively manage a law enforcement property and evidence division. New styles and practices are being administered and tested every day. It is important to work and train with the internal and external partners available to us. Trying to tackle this overwhelming task alone is setting your agency up for failure.

Methods

The purpose of this research was to compare policies and procedures at different property and evidence facilities in the state of Florida in relation to staffing, training, chain of custody, and employee safety.

Surveys were sent to multiple law enforcement Property and Evidence Divisions throughout the state to include; Alachua County Sheriff's Office, Broward County Sheriff's Office, Collier County Sheriff's Office, Coral Springs Police Department, Hernando County Sheriff's Office, Largo Police Department, Lee County Sheriff's Office, Ocala Police Department, Osceola County Sheriff's Office, Palm Beach County Sheriff's Office, Pinellas County Sheriff's Office, St. Petersburg Police Department, Seminole County Sheriff's Office, Tarpon Springs Police Department, and the Treasure Island Police

Department (During the process, surveys were forwarded by the original recipients to several additional agencies. See the Results section for further explanation).

Survey questions were designed to obtain an understanding of how many property and evidence employees each department had, the quantity and type of training provided to their members, how chain of custody is documented within the agency, and what safety practices are required.

The survey was sent to property and evidence managers and/or supervisors within the above law enforcement agencies and designed to evaluate the most efficient and effective “best practices” utilized throughout the state of Florida. Multiple limitations are present in the data collected, which includes the variation in programs or software used to document and track property and evidence within a facility, as well as the infrastructure available to an agency used to store the property and evidence. The variation in the infrastructure could include, but is not limited to, the type of warehouse or the amount of climate controlled locations within the facility.

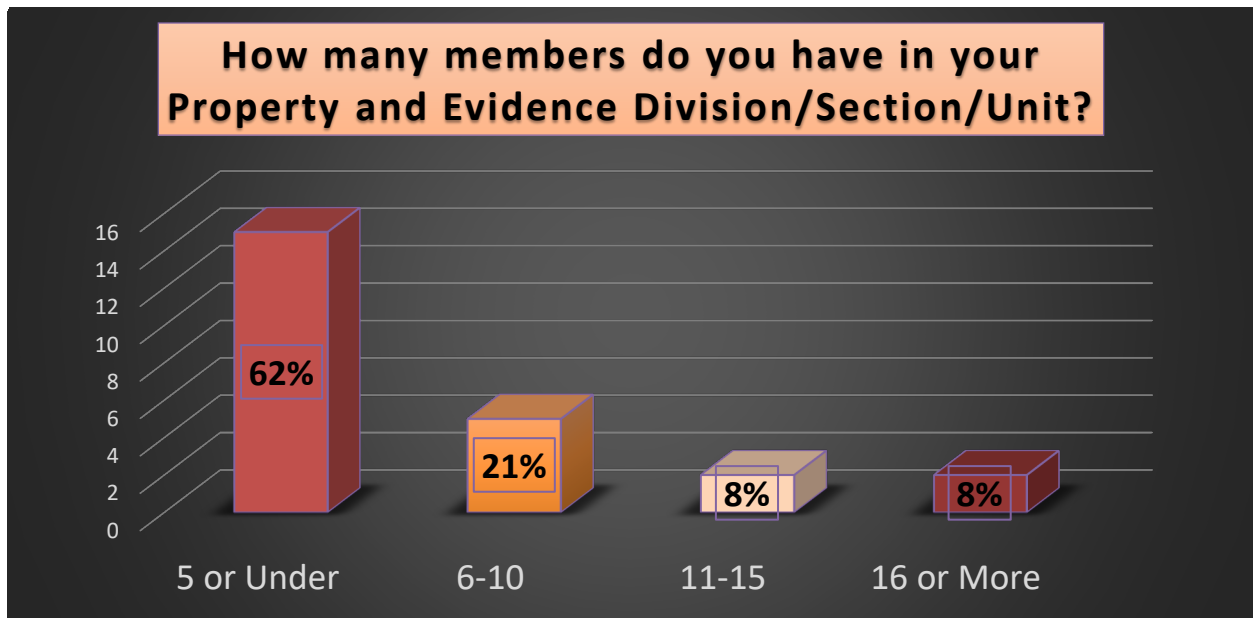
Results

The survey was originally sent to fifteen (15) law enforcement Property and Evidence Divisions throughout the state of Florida. During this process, some of the original recipients forwarded the survey to other agencies. In total, twenty-four (24) completed surveys were received, for a response rate of 160%.

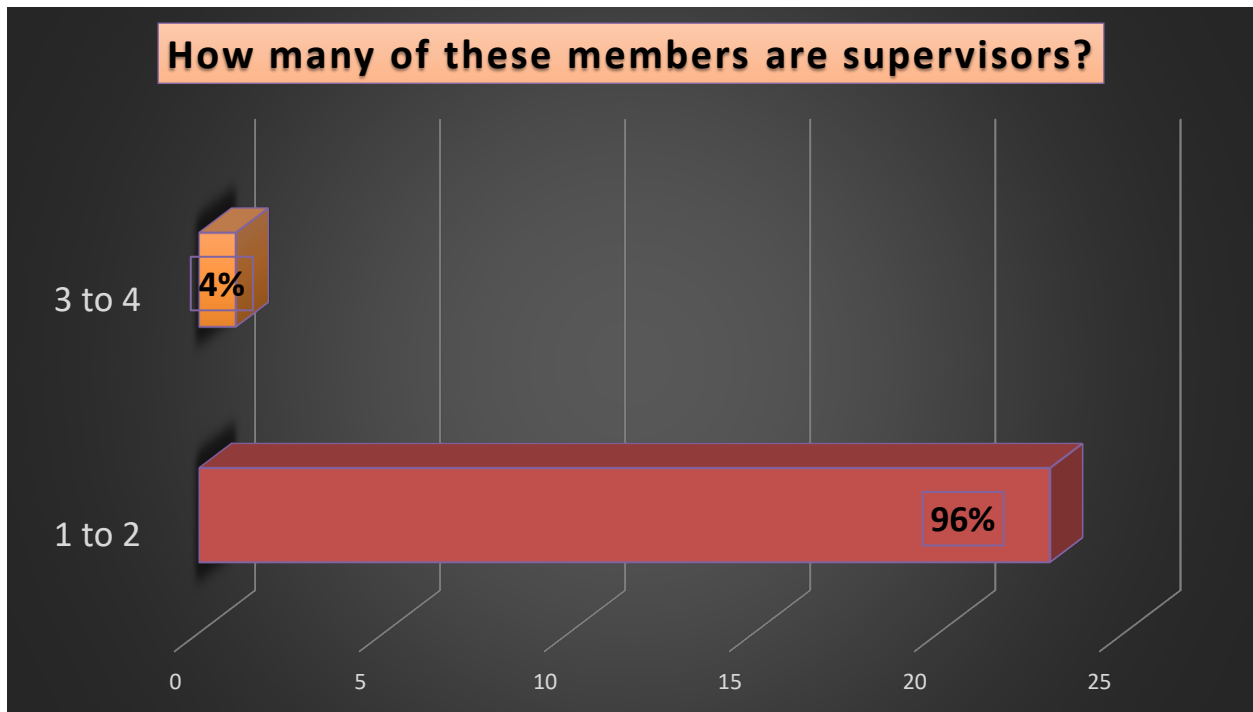
Completed surveys were received from the following agencies; Collier County Sheriff's Office, Pinellas County Sheriff's Office, Osceola County Clerk of the Court, Port Orange Police Department, Kissimmee Police Department, Treasure Island Police Department, Osceola County Sheriff's Office, University of Central Florida Police Department, Hernando County Sheriff's Office, New Smyrna Beach Police Department, Ocala Police Department, Volusia County Beach Safety, Florida Highway Patrol, Leesburg Police Department, Seminole County Sheriff's Office, South Daytona Police Department, Maitland Police Department, Winter Springs Police Department, VCSO, Coral Springs Police Department, Osceola Police Department, Palm Beach County Sheriff's Office, Lee County Sheriff's Office, and the Sanford Police Department.

The first seven (7) questions focused on Facility Staffing and Training, the next five (5) questions were about Chain of Custody, and the last three (3) questions involved Employee Safety.

Question one and two asked the respondent what agency they worked for and how many members they have in their Property and Evidence Division. The majority of the respondents indicated they had five or less members in their division, consisting of a total of fifteen respondents. Five had 6-10 employees, two had 11-15, and two had 16 or more members in their division.



Question three asked how many of the employees were supervisors. The vast majority of the respondents, a total of twenty-three indicated they had one or two supervisors. Only one responded said that they had three to four supervisors.



Question four asked how many of the employees in the division were certified law enforcement officers. Eight respondents indicated only one member was certified, eight has 2-4 certified officers, three claimed 5 or more were certified, and five advised no employees within the division were certified.



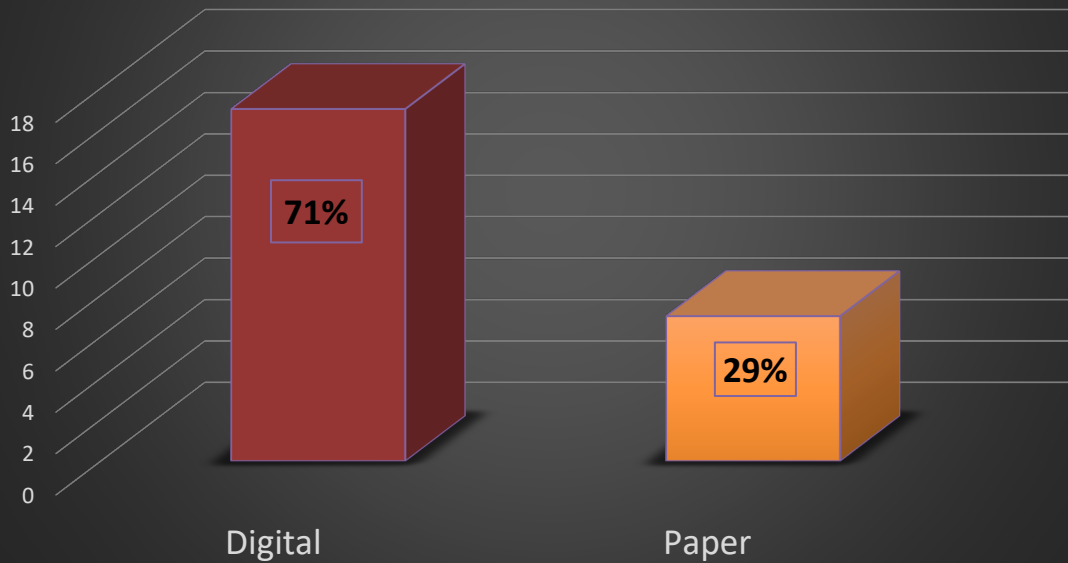
Question five asked if their facility was a 24-hour operation. Only two of the 24 respondents indicated their property and evidence room was staffed 24 hours a day.

Question six asked the survey participants if they have an initial training program for newly hired Property and Evidence staff. Nine respondents indicated they had no initial training, thirteen has some form of training, and two respondents did not answer the question.

Question seven asked if the participant's agency required yearly training of the Property and Evidence staff. Thirteen agencies do not require yearly training, ten respondents indicated they had some form of yearly training, and one participant did not answer the question.

Question eight asked if the chain of custody of property and evidence items were documented in a digital or paper system. Seventeen advised they used a digital system, while the remaining seven indicated they used paper.

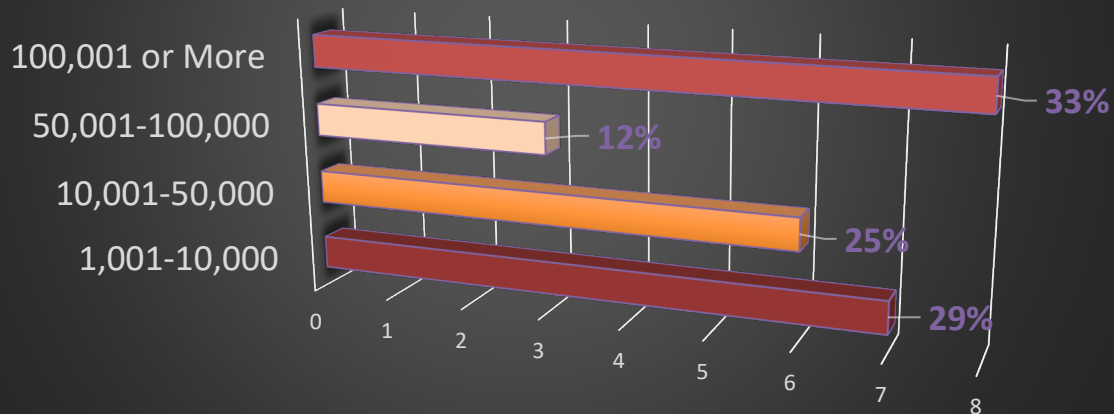
Is the chain of custody of property and evidence items documented in a digital system or on paper?



Question nine asked the participants if they categorized their inventory using barcodes. Twenty-one respondents indicated they use barcodes, two had another form of categorizing their inventory, and one participant did not answer.

Question ten asked how many items were stored in the respondent's facility. Eight participants advised their facility held over 100,001 items, three have 50,001-100,000, six have 10,001-50,000, and seven have 1,001-10,000 items in their facility.

Approximately how many items are in your storage facility?

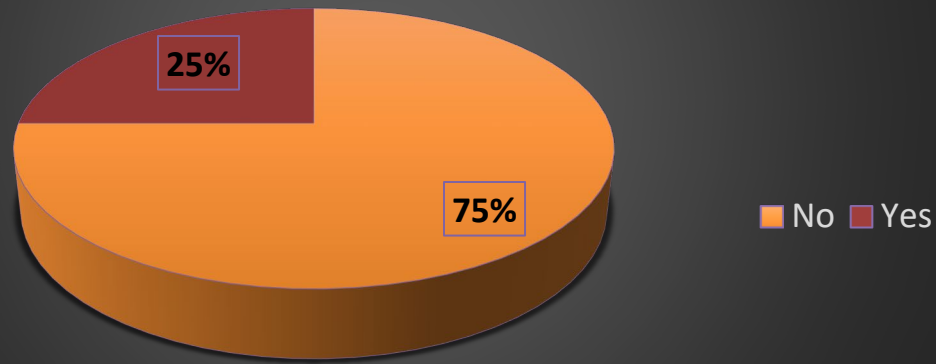


Question eleven asked if the respondents' Property and Evidence facility was climate controlled. Thirteen indicated their facility was climate controlled, two indicated their facility was not, and nine participants indicated their facility was partially climate controlled.

Question twelve asked the respondents what security features their Property and Evidence facility utilized to secure their items. All but 4 survey participants advised their facility had cameras. Keycards, safes, motion sensors, locks, and fingerprint scans were popular features utilized as well.

Question thirteen asked the participants if their members were required to wear protective gloves at all times while handling evidence. Eighteen agencies did not have this requirement, while six did.

Do you require all property and evidence members to wear gloves while handling evidence at all times?



Question fourteen asked what additional protective equipment requirements do their agencies have in place when handling narcotic evidence. Seven participants advised their agency did not have any additional requirements, while the remaining seventeen indicated they had some form of additional requirement or other PPE available.

Question fifteen asked the respondent if their agency had increased or changed their safety procedure requirements due to the influx of fentanyl and other similar opioids. Eighteen agencies indicated their safety procedures had increased, while 6 advised they had not. Some of the more common additional safety features that were mentioned included; eye protection, readily available Narcan, and utilizing nitrile protective gloves.

Question sixteen asked for additional comments and/or information. Several participants clarified various answers to previously answered questions. Others indicated they were aggressively searching for better, more efficient ways to keep their employees and secured items safe.

Discussion

The results of the survey revealed that law enforcement agencies throughout the state of Florida differ greatly in their approach to the handling and storage of property and evidence.

In regards to the questions related to the Facility Staffing and Training, the vast majority of respondents indicated they had five or less employees in their Property and Evidence Division. Due to this low number of employees, it was not surprising to find that twenty-three of the twenty-four survey participants indicated they only had 1 to 2 supervisors within the section. What was surprising however, is the amount of certified law enforcement officers working in Property and Evidence. Only five of the twenty-four

respondents indicated their Property and Evidence Section had zero certified law enforcement officers. This high number of certified members shows the value agencies give to knowledge in the law enforcement field. From the time they get out of the academy, officers know what evidence is crucial to their case and the importance of having it available in court when a trial begins. Whether it be the investigative knowledge, the structured, paramilitary training law enforcement receives, or the strict adherence to chain of command certified members have come accustomed to, agencies see the benefit having law enforcement personnel involved in the Property and Evidence Division.

With issues involving Chain of Custody, it was surprising to see that seven of the twenty-four participating agencies revealed that they still used a paper system to track their property and evidence items. Even more surprising was that two of the agencies that have a paper tracking system maintain 100,001 or more items in their facility.

While the vast amount of respondents, a total of eighteen, indicated their agency does not require the use of protective gloves at all times when handling evidence, follow-up questions showed that the influx of dangerous substances such as fentanyl and other similar opioids being submitted has caused most Property and Evidence facilities to upgrade their current safety procedures and protocols.

With the differing approaches to handling and storing of property and evidence statewide, the agency's size and budget will inevitably attribute greatly to its course of direction.

Recommendations

Evidence is any object or image that can help establish that a crime has, or has not been committed. Its purpose is to provide a link between a crime and its victim or a crime and its perpetrator. The chain of custody should be thought of as the trail of accountability that ensures the security and validity of evidence in a criminal investigation.

The days of taking a piece of evidence and locking it in your desk drawer are gone. No longer can you keep a piece of property in your cruiser until the next day. Accountability and safety need to be an absolute priority. If not, not only are you risking the validity of the investigation, you could be putting yourself or someone else in harm's way.

The survey results indicate most agencies have recognized the importance of training, having a well-documented chain of custody, and the need for employee safety measures, but there is room for improvement. Constant communications within the department, with outside agencies, and the utilization of other resources will bring a wealth of knowledge to all aspects discussed in this paper.

Yearly and ongoing training for Property and Evidence staff should be the norm in all agencies. The training provided five years ago in relation to dangerous substances and how to handle them has changed drastically in today's age of Fentanyl and other similar opioids. Simply using safety gloves may not protect the officer or property room staff adequately enough.

Personal safety and the prevention of evidence contamination go hand in hand. By being aware how an exposure or contamination of evidence can occur, will dictate how to handle the item or what protective equipment should be worn.

Supervision, particularly within the Property and Evidence Section, needs to take a hands on approach to all aspects of handling and maintaining property and evidence at their facility. Facility Staffing and Training, Chain of Custody, and Employee safety are just a few of the high liability areas one needs to be aware of.

Captain David DiSano has been with the Pinellas County Sheriff's Office since 2002. He has served as a Deputy in Patrol, Field Training, and Community Policing. In 2012, he was promoted to the rank of Sergeant and served in the Public Information Office, Community Policing, and the Child Protection Investigation Division. In 2017, David was promoted to the rank of Lieutenant and served in the Property and Evidence Division. In 2019, he was promoted to Captain where he now works in the Child Protection Investigation Division. David has an Associate of Arts Degree from St. Pete College and a Bachelor of Arts degree from the University of South Florida.

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Appendix A

Property & Evidence Survey					
Respondents:	45 displayed, 45 total	Status:	Closed		
Launched Date:	06/12/2019	Closed Date:	07/17/2019		
1. Please provide the name of your agency.					
				Total Respondents	24
				(skipped this question)	21
2. How many members do you have in your Property and Evidence Division/Section/Unit?					
		Response Total	Response Percent	Points	Avg
5 or Under		15	62%	n/a	n/a
6-10		5	21%	n/a	n/a
11-15		2	8%	n/a	n/a
16 or More		2	8%	n/a	n/a
		Total Respondents	24	100%	
		(skipped this question)	21		
3. How many of these members are supervisors?					
		Response Total	Response Percent	Points	Avg
1-2		23	96%	n/a	n/a
3-4		1	4%	n/a	n/a
5 or More		0	0%	n/a	n/a
		Total Respondents	24	100%	
		(skipped this question)	21		
4. How many of these members are certified?					
		Response Total	Response Percent	Points	Avg
0		5	21%	n/a	n/a
1		8	33%	n/a	n/a
2-4		8	33%	n/a	n/a
5 or More		3	12%	n/a	n/a
		Total Respondents	24	100%	
		(skipped this question)	21		
5. Are you a 24 hour operation?					
		Response Total	Response Percent	Points	Avg
Yes		2	8%	n/a	n/a
If No, please specify hours.		22	92%	n/a	n/a
		Total Respondents	24	100%	
		(skipped this question)	21		
6. Do you have an initial training program for newly hired Property and Evidence staff?					

	Response Total	Response Percent	Points	Avg
No	8	33%	n/a	n/a
If Yes, what does your initial training program entail? view	16	67%	n/a	n/a
Total Respondents	24	100%		
(skipped this question)		21		
7. Do you require yearly training of your Property and Evidence staff?				
	Response Total	Response Percent	Points	Avg
No	13	54%	n/a	n/a
If Yes, what does it entail? view	11	46%	n/a	n/a
Total Respondents	24	100%		
(skipped this question)		21		
8. Is the chain of custody of property and evidence items documented in a digital system or on paper?				
	Response Total	Response Percent	Points	Avg
Digital	17	71%	n/a	n/a
Paper	7	29%	n/a	n/a
Total Respondents	24	100%		
(skipped this question)		21		
9. Do you categorize your inventory utilizing barcodes?				
	Response Total	Response Percent	Points	Avg
Yes	20	83%	n/a	n/a
If No, what do you utilize? view	4	17%	n/a	n/a
Total Respondents	24	100%		
(skipped this question)		21		
10. Approximately how many items are in your storage facility?				
	Response Total	Response Percent	Points	Avg
Under 1,000	0	0%	n/a	n/a
1,001-10,000	7	29%	n/a	n/a
10,001-50,000	6	25%	n/a	n/a
50,001-100,000	3	12%	n/a	n/a
100,001 or More	8	33%	n/a	n/a
Total Respondents	24	100%		
(skipped this question)		21		
11. Is your storage facility climate controlled?				
	Response Total	Response Percent	Points	Avg
Yes	13	54%	n/a	n/a
No	2	8%	n/a	n/a
If Both, please explain. view	9	38%	n/a	n/a

Total Respondents		24	100%		
(skipped this question)		21			
12. List the various security features utilized at your property and evidence facility.					
		Response Total	Response Percent	Points	Avg
Cameras		20	83%	n/a	n/a
Facial Recognition		0	0%	n/a	n/a
Fingerprint Scan		4	17%	n/a	n/a
Keycard		18	75%	n/a	n/a
Locks		23	96%	n/a	n/a
Motion Sensor		7	29%	n/a	n/a
Password		7	29%	n/a	n/a
Safe		13	54%	n/a	n/a
Other, please specify.	view	5	21%	n/a	n/a
Total Respondents		24			
(skipped this question)		21			
13. Do you require all property and evidence members to wear gloves while handling evidence at all times?					
		Response Total	Response Percent	Points	Avg
Yes		6	25%	n/a	n/a
No		18	75%	n/a	n/a
Total Respondents		24	100%		
(skipped this question)		21			
14. What additional personal protective equipment requirements do you have when handling narcotic evidence?					
Total Respondents		24			
(skipped this question)		21			
15. Have you increased or changed your safety procedure requirements due to the influx of fentanyl and other similar opioids?					
		Response Total	Response Percent	Points	Avg
No		6	25%	n/a	n/a
If Yes, please specify.	view	18	75%	n/a	n/a
Total Respondents		24	100%		
(skipped this question)		21			
16. Thank you for participating in this survey. If you wish to include additional information, please write your comments below.					
Total Respondents		12			
(skipped this question)		33			