

# MEMO

**To: Commander Schoepflin**

**From: Susan Beard**

**Subject:** Request for a Mass Destruction under an “Administrative Purge Order” for Misdemeanor, Petty Offence, Traffic and Felony Cases Past Statute of Limitations

**Date: May 30, 2019**

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The purpose of this memorandum is to request a mass destruction under an “Administrative Purge Order” for property and evidence held in custody at Commerce City Police Department on Misdemeanor, Petty Offence, and Traffic cases that are past the statute of limitations of eighteen (18) months & Felony cases past the statute of limitations of three (3), five (5), ten (10) years.

I propose that any case related property and evidence be retained by CCPD for an additional six (6) months past the specific statute of limitations for the individual case. This additional period of time will ensure that the expiration of the appropriate appeals period following sentencing has passed and will allow ample time to verify that no appeal has been initiated. If approval for the administrative purge is obtained and an “Order” from the Chief is received, the six (6) month extension period to retain all property and evidence will run from the date of the approved “Order”.

History:

The introduction of the property and evidence management solution from FileOnQ, Inc. in 2014 allowed the agency to more effectively manage, maintain, and track property and evidence from the crime scene to the courtroom in an electronic format and eliminate the paper process. The Property Evidence Management System (PEMS) has the capability to generate reports for the task at hand, perform inventories and audits, and reduces repetitive and error-prone manual tasks while increasing overall efficiency. It is easy to use and fully customizable, providing us with simple chain of custody tracking and an unalterable audit trail. However, due to an excess of stored items that are randomly stored throughout the unit where space was available at the time, makes conducting regular inventories and audits extremely difficult and

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time consuming. Proactive purging on case evidence that is no longer needed has not been addressed as a solution or been a part of regular operations for CCPD to date. Most storage areas are at full capacity and items are not able to be stored in an organized numerical manner, nor in standardized packaging and uniform storage containers.

### Best business practices and standards:

The International Association for Property and Evidence, Inc. (IAPE) is the largest property and evidence industry organization in the world, providing its members with access to numerous manuals, guides, and related information. All CCPD Evidence Technicians hold a valid membership and have attended all applicable training for certification purposes. Our policy and procedures should reflect best practice to these standards ensuring that in the future accreditation status can be obtained without deviating too far from current protocol. Adherence to the professional standards in the industry assures that the agency has reasonably taken steps to obtain a secure and efficient Property and Evidence Management System (PEMS). Administrative purge orders are an acceptable manner in which to designate specific classifications and/or categories of property and evidence to be destroyed.

### Justification:

The reduction of inventory under this “Administrative Purge Order” will have a dramatic effect on the storage capacity within the unit. Statistics show that the most dysfunctional evidence rooms are those that are over-crowded due to failure to purge in a timely fashion and storage space is not functional or well designed. The future should bring some consideration of how to obtain funding to modify existing shelving, add additional high density shelving customized to specific storage containers, and purchase suitable storage containers for long term evidence preservation.

### Results:

We will be better able to organize case evidence and place it into size and numerical order, store items in specially sized bins/boxes, place as much case evidence on each case into the same storage location, and reduce storage locations by significant amounts making it easier to inventory and audit in the future.

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Another category of cases that I would like to include in the administrative purge request are the “Fraud by Check” cases which = approx. 926 items. These case documents were from aged cases, past fifteen years ago from Sharon Lange which were stored in her desk and when she left the City they were booked into evidence. At this time it has been determined that they are considered fraud by check charges. The cases are no longer being investigated, material has no evidentiary value, and they are all well past the statute of limitations.

Criteria for case review:

- The Property Evidence Management System (PEMS) will be reviewed on case evidence stored to determine eligibility.
- Each case will be researched through the Colorado Courts database for applicable case charges.
- The PEMS will be updated with applicable charges and any additional pertinent data.
- If an arrest warrant has been issued for a person the property/evidence will be retained in storage for future disposition and the case record will be updated to reflect this change.
- Cases not filed with the Office of the District Attorney; therefore cases that do not have active investigations, will be purged.
- When items with a perceived value of > \$200 are located, research will be conducted to establish the rightful owner and a notification will be sent to the last known address, allowing 30 days from date of notification to claim before final disposition.
- When items with little or no perceived value are located no research will be completed or case reports read to identify or notify owners for the return of personal property. This process will deviate from the usual disposition process and standard operating procedures. Any future claims to property that arise from the purge order will be considered for fair restitution.
- All eligible case items will be disposed or destroyed.

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- Chain of custody will be updated appropriately and the approval "Order" will be attached to the PEMS for future reference.
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If approved, my estimate to complete this process would be approximately four to six months under the following parameters:

- Current staffing allotment remains in place within the unit. One supervisor, two full time and one part time Property Evidence Technicians. One Property Evidence Technician is currently assigned full time as the Agency's Digital Media Technician.
- Overtime to be approved as needed.
- Costs to obtain professional assistance from an outside vendor or source will be researched and provided to Cmd. Schoepflin.
- Any PD staff placed on modified duty should be considered for placement into a Property Evidence unit assignment until returned to full duty and trained to do part of the disposition process.
- An accelerated process as defined above is approved, which will deviate from the usual disposition process and standard operating procedures, in regards to no additional research being completed or case reports being read for owner identification and notification.

A review of evidentiary items in CCPD custody show that approximately 60% of the active inventory is older than five years. Active inventory to be reviewed under the project as of 05/30/19 = approx. 37,000 items. Based upon these factors I project that this administrative purge will reduce inventory by approximately 30 - 40%.

After completion of this project a complete reorganization of the property room will be completed and a complete inventory undertaken. The future goal would be to conduct a full inventory on all in custody property/evidence annually. Locations would be assigned to staff on a rotation basis so the same employee is not doing inventory on the same location each time. Guns, drugs and money would be inventoried twice a year, eventually moving to once each quarter.

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In closing, I feel that a review of case evidence items from our active in custody inventory regarding these cases are relatively low risk to the organization and purging these from our active inventory will be a vital step in the right direction towards operational efficiency, a more adequate property management process at CCPD, and adherence to the highest standards of evidence management in the industry.

*Property Evidence Policy 803.7.3 AUTHORITY FOR DISPOSITION OF PROPERTY AND EVIDENCE states: The final authority for disposition of property or evidence from the property room will be reviewed and authorized by the Chief of Police, or his designee, in all cases. Disposition requests shall be initiated by the Property and Evidence Supervisor.*

Thank you for your consideration.