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**Evidence Collection and Storage:  
The Key to Effective Law Enforcement**

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**An Administrative Research Paper  
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## ABSTRACT

Law enforcement cannot be effective without the successful application of the judicial process. A breakdown in the evidence chain, evidence tampering and/or unreliable evidence collection, storage and dissemination can be the determining factor in successful prosecution. It is of utmost importance, therefore, for the law enforcement professional to ensure the credibility, accuracy, and availability of evidence in a criminal case. The purpose of this research paper is to outline procedures proven successful in facilitating the transition of articles found at a crime scene into credible documentation of the incident to be used in legal action. For the purpose of this research, the evidentiary process will be broken down into three categories: storage, recording and disposal. The most crucial first step for an administrator is to adopt a standard operating procedure (SOP) for property received by its department through due process including how it should be identified, stored and recorded. An administrator's goal in developing rule making policies is compliance with current law and the following: maintain up-to-date practices; ensure proper training of all personnel; consider the department's limitations of space, manpower, etc.; create a chain of possession and accountability; and limit accessibility to the inventory. Each of these elements should be incorporated into a police administrator's policy for evidence storage, recording and disposal to ensure consistency, confidence and clarity.

## TABLE OF CONTENTS

	Page
Abstract	
Introduction	1
Review of Literature	3
Methodology	6
Findings	8
Discussions/Conclusions	10
References	14

## INTRODUCTION

Procedures for evidence storage should include items of property that are not able to be stored in the property room or bicycle impound such as vehicles which can be stored in the department's garage. In any case, the police administration should outline in the department's policy manual an alternative facility.

Policy governing the recording or inventorying of evidence should pertain to all real property and should detail which department personnel will have access and control of documentation. All records should include complete and accurate description of the property, any identifying numbers and a log of names of the person(s) or business/origination from whom the property was received.

In addition, department handling should be recorded to create a paper trail of who has had access to the evidence and/or property. That way, if there are questions, the police administrator will know who to call on for answers.

Once a case has been disposed of, a department should be directed by a judge as to the property disposal of evidence and property. Usually, the property is released back to the owners at the first opportunity.

If the court orders the property to be destroyed, this too, should be done as soon as possible.

If the district attorney's office or the court requests the law enforcement agency to use or dispose of the property, then it is up to the police administrator or his/her designee to determine if the property is of use to the department.

If the property is non-usable, then the department may elect to auction it off. These considerations including property advertising of the auction must be addressed in a department's policy for property disposal.

To better demonstrate the theories and examples behind policies governing law enforcement's handling of property and evidence, specific cases will be cited and SOPs adopted by various departments will be examined.

Through analysis, a police administrator's responsibility is clear: rule making to facilitate the law in the best and most prodigious manner possible. Included in this endeavor must be the utilization of policies to protect the chain of evidence.

All property seized, found, recovered and /or acquired through the legal process by members of a law enforcement agency should be disbursed pursuant to restrictions, guidelines and ordinances designed for this process under the Code of Criminal Procedures.

Ideally, this research will give the law enforcement professional and the agency he or she represents, incentive and direction to adhere to stringent code procedures and maintain conduct that will guarantee the integrity of all evidence.

By emphasizing the importance of competency and procedural protocol used to "maintain the chain of custody" smaller police department may choose to adopt more advanced systematic rule making and training utilized by larger agencies.

## REVIEW OF LITERATURE

Property collection and disposal, though not exciting police work has become the focus of police administrators since the O.J. Simpson case and most recently, the Scott Peterson trial. When there is even a perception that law enforcement officials have not followed protocol and thereby jaded crucial traces of a crime scene, it takes on a more significant role. Still not exciting, it is crucial.

Through researching the policies of smaller departments and reading analysis of evidence collection and disposal, it is clear that law enforcement agencies, no matter the size or structure, are concerned and resigned to new ideas on policy and procedures.

Corruption in the property room can take several forms. In larger departments, where drug labs have cropped up over the city, addicted officers steal confiscated drugs. But internal theft is just as likely in a smaller department. In surveys done with rural departments of populations 25,000 and less, weapons, cash and electronics held in the property room have disappeared. But with limited manpower and budget constraints, police administrators in smaller departments are called on to do more MBWA: *Management by Wandering Around* (Pilant, 1992).

Policies should be firm regarding any evidence (Klotter, 1996). All departments, regardless of demographics, should mandate evidence be packaged, sealed, identified and initialed. Follow-up cataloging should be done regardless if it is blood stained clothing, firearms, narcotics, arson evidence, and physical comparisons or found property.

Authors and administrators agree with most property room managers - evidence should be bagged and sealed in such a way to avoid contamination and/or tampering. Paper or plastic receptacles should be used for evidence and should be sealed in such a manner that any mishandling is evident (Hanley & Schmidt, 1977). Cataloging the chain of evidence must be outlined and simplified in formal policy to insure legal evidence, which can be introduced with the confidence and is credible through recorded handling and integrity of storage, is provided. Some larger departments have opted for evidence storage containers that self destruct if tampered with as a solution to premeditated mishandling. This method of internal safeguard eliminates the need for routine, yet random, inspections and leaves the evidence of tampering to specialized containers that discolor and in some instances begin to dissolve if handled improperly and exposed to air. However, this method does little to prevent theft of already catalogued, packaged and desirable evidence.

In informal discussions with administrators of evidence and property room policies, the question of theft was less important in larger departments as the question of integrity when evidence is introduced into a case. Obviously, smaller departments (populations of 25,000 or less) have less high profile criminal cases, so theft of evidence and confiscated items seems to be more of a concern (Corsicana Police Department, 1996; Navasota Police Department, 1998).

Evidence collection and maintenance are an interactive system (Sullivan, 1979). Simply put, the security of any property system is impossible without adequate policies that are maintained department wide.

Just about any law enforcement department can give instances when evidence was properly obtained, then mishandled or lost; or evidence introduced is thrown out because it was improperly obtained or handled.

A practice within some law enforcement agencies is to recognize the problem of mishandling evidence, but ignore the solution.

After looking at policies for departments comparable in size to Angleton's, it is my opinion that this practice is unintentionally created by neglecting to establish policies and practices that will prevent mistakes, misuse and abuse.

The IACP/BJA National Law Enforcement Policy Center recognized the importance of policies governing evidence in their 1991 study on evidence control. The study stated that part of the routine responsibilities law enforcement officers have should include property evidence handling. When a law enforcement profession comes into possession of evidence it can vary in description, value and condition.

The study states storage, safekeeping and management of evidence are the responsibility not only for the property room personnel, but the police administrator in setting policies that every officer must adhere to.

Evidence custodians must be able to retrieve the item for presentation in court or for other purposes. Documentation of the chain of custody of all evidentiary material is also the responsibility of each individual who has contact with it from the time of receipt to final disposition.



## METHODOLOGY

Through reviewing policies garnered from police departments ranging in manpower from less than 30 sworn officers to more than 60; and by informally discussing policies with police administrators in towns of populations 25,000 or less in close proximity to larger metro police agencies, a problem was defined in regards to property and evidence gathering, storage and dissemination. The focus of research was on the demands put on police administrators to insure evidence and property room integrity as well as the cohesive chain of evidence. Five departments, including my own, were reviewed. In addition, literature regarding evidence collection, storage and disposal was studied.

Collecting, processing and releasing evidence is a common concern among police administrators. It is a problem facing all law enforcement agencies. Obviously larger departments have personnel and budget to facilitate the maintenance of evidence. It is common for smaller departments that were interviewed to adopt the methods of larger departments then customize and condense their procedures to fit within the constraints of personnel and budget.

However, the integrity of the evidence and thereby the department is important no matter what size the agency.

First a standard operating procedure (SOP) is established by administration for property received by the department through due process including how it should be identified, stored and recorded.

After reviewing literature and adopted standards of other departments, it is clear that an administrator's goal should be to develop rule making policies

governing the department's property room and handling of evidence with a professional approach using the following parameters:

- Comply with current law
- Maintain up-to-date procedures
- Ensure property training of all personnel
- Consider the department's limitations of space, manpower, etc.
- Create a chain of command and accountability
- Limit accessibility to the inventory

Each of these elements of policy making will be discussed. If designed properly, the department's policy for evidence storage, recording and disposal ensures consistency, confidence and clarity.

Research and common sense shows ethical and thorough evidentiary protocol is the police administration's best tool in receiving, storing and delivery of property integral to promoting the law. This research is based on data gathered from departments with like demographics and characteristics (Huntsville Police Department, Navasota Police Department, Corsicana Police Department, Brazoria County Sheriff's Office and Angleton Police Department). Written information on policies and practices, philosophy and problems as well as informal conversations with law enforcement administrators of these agencies were also considered.

The goal of this paper is to give the law enforcement professional of rural departments a foundation in similarly used policies and practices. This will aid in establishing the basics for development of an accurate identification, adequate storage and detailed recording system for property and/or evidence.

## FINDINGS

Based on the research in compiling this paper including interviewing police chiefs, property room managers and reading applicable literature, it is determined that a successful evidence protocol must have the following:

- 1) A coordinated department property numbering system. The number assigned must appear on each unit of evidence and on all future documents concerning that unit or article of evidence. This number is official and unique. Without such a number, evidence can be tampered with and considered spoiled through violation of the proper chain of possession. With the numbering system, members of the department have a right to possess any item for examination because it is allowed “officially” within the chain of command.
- 2) A policy must be adopted to ensure all property found and coming into the possession of the department must be given to a property clerk assigned with the job of attaching a case number, documenting and securing evidence. The time period for this process, especially in smaller departments, should be no more than 24 hours. Unless a time limit is part of the department’s policy, there is a risk of contamination and/or loss.
- 3) Priority should be established to separate articles with high commercial value (currency, jewelry, firearms, etc.) from the larger general categories. In smaller departments, there is not a budget or manpower

for additional physical security so standards of safekeeping must be the responsibility of the administrator.

- 4) Criminal evidence (blood stained clothing, firearms, narcotics, arson evidence, DNA specimens, etc.) should be handled separately. When evidence is collected at a crime scene, it should be appropriately packaged, sealed, initialed (no matter what size). Sealing of the evidence at the time it is acquired is important. In addition, evidence collected from a crime scene should be documented at every point of subsequent transfer. In a criminal case, evidence changes hands until it is finally made part of a judicial procedure. In order to maintain the integrity of that evidence, a careful log of each "hand-off" is required. In fact, it is essential to ensure the integrity of the evidence when it becomes a matter of record in court proceedings. In larger departments, the use of cryptic symbols or codes is recommended. However, in a smaller department, a knowledgeable and well-trained staff can facilitate the same degree of security. The main goal in criminal evidence dissemination is the monitoring of the handling.
- 5) Narcotics taken in open seizure should be identified and weighed and documented. Any narcotics with a weight over one ounce, should be quantitated so firm comparisons can be made.
- 6) Department policy should call for random internal random monitoring of systems. This supervision should be maintained on all evidence at all times prior to the immediate destruction or other final disposal procedures.

- 7) Finally, Disposal of evidence procedures should include, but not be limited to examination of all exterior seal and random checking of evidence (especially high priority) on a frequent basis.

## DISCUSSION/CONCLUSIONS

There are opposing forces at work in regards to a secure property system in a smaller sized department. There has to be a proper balance between what is idealistic in evidence collection, inventory and disposal and what is practical.

But realistically, once a system is in policy, it can be constructive or detrimental to a department depending on the parameters set. Some fallacies in a department's evidenced procedure might include and therefore be weaknesses: To ignore a problem with the "see no evil" approach is inviting problems because a security system without quality control is impossible.

Large or small, a department must adhere to the guidelines for evidence inventory to monitor and detect negligence and human error. There are no simple solutions and budget constraints will impact one department more so than others. But intelligent choices in policy and strict guidelines to be followed in inspecting property handling procedures are the foundation to a successful inventory system in any department's property room.

In researching departments in cities approximately 25,000 and less, (Corsicana Police Department, Navarro County, 1996; Angleton Police Department, Brazoria County 2004; Navasota Police Department, Grimes County, 1999) it seemed the desegregation of evidence categories could be perceived as a problem. Also because evidence is held for the most part in a

single property room (i.e. stolen bicycles with weapons) the perception of mishandling is always a problem.

However, in these smaller departments dissemination of evidence was proficient through city auctions and donations. In addition, vehicles seized are more readily incorporated into the department's fleet.

Evidence maintenance is called the "most unglamorous job" in the department. However, it also says that poor evidence and property management "is the one [thing] that can bring down a police chief fast" (Pilant's, 1992).

Proper evidence collection, storage and disposal are detailed reflecting the characteristics of successful police policies. Evidence is described as fixed or movable. The first step in the chain of evidence is the crime scene search. Laboratory analysis is the second significant step. The first priority is securing the crime scene, which is evidence in itself, and then evidence collection (Boden, 1976).

The five steps recommended by the Federal Bureau of Investigation for collecting and preserving evidence are 1) obtain evidence legally; 2) describe evidence in detailed notes; 3) identify evidence accurately and positively; 4) package evidence properly for identification; 5) establish and maintain the chain of custody.

In the FBI's policy, special precautions are taken in handling weapons and blood and seminal stains.

In Australia, police use computer technology solely in case evidence maintenance including preparation, storage and retrieval. This method requires the use of portable computers in the field and application of special software.

In conclusion, property management is one of the most important jobs in the entire police operation. Increased drug law enforcement, the use of DNA testing, and other developments have greatly complicated the task of logging, tracking, storing and inventorying evidence in recent years. The two biggest challenges in running a property room are mismanagement and corruption. To oversee the property function effectively, managers must understand the procedures, be aware of liabilities, and continually look for ways to improve the system.

Safeguards include proper packaging, lockers, and security measures. Computer software and other technology are available to automate parts of the property management system. Administrators should design clear policies and procedures regarding property rooms.

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