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EVENTS OR TRENDS ?

JUDGING THEIR IMPACT ON OUR FIELD

IN THIS ISSUE:

- *Courthouse Panel Looks at Evidence Facility*
- *IAPE Standards #2: Policies / Procedures*
- *Featured Resources: Grant Funding*

Volume 2009, Number 4

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NEW WEB-SITE FEATURES:

In addition to checking the IAPE web-site for the most current editorial content related to property and evidence management, you can now also receive an e-letter by providing us with your e-mail and answering a simple questionaire. Additionally, we will soon be offering certification classes on-line for your convenience. Please contact us with any questions, and know that your comments help us stay at the forefront of:

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THE EVIDENCE LOG©

Established to further the education, training
and professional growth of
Law Enforcement Property and Evidence Personnel.
Published quarterly
as part of a continuous program of I.A.P.E., Inc.

The objective of The Evidence Log© is to provide education and training related to all aspects of the handling, storage, maintenance and disposal of law enforcement held property and evidence. As with all information of a legal nature, please confer with your agency legal advisor on the applicability of any item in relationship to your specific situation.

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We invite comments on our format and the contents within. Submitted items should be mailed to the attention of the The Evidence Log© staff, and are subject to editorial review for appropriateness of content and length.

Volume 2009, Number 4

Please address all inquiries concerning this publication to:

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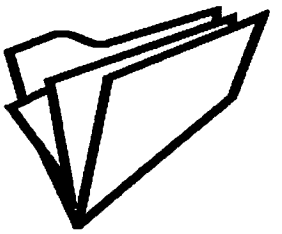
BOB GILES
EVIDENCE LOG EDITOR

EDITOR'S CORNER



THE GILES FILES

EVIDENCE IN POST-CONVICTION APPEALS

I recently read a newspaper article that a state Superior Court judge In New Jersey ordered the East Orange police department to undertake a more thorough search to find evidence that may clear a former Newark man of a crime that he has already served 22 years in prison for committing. The judge ruled that the police department's informal accounting of the missing evidence -- explanations over the phone with Brooks' attorney -- was not good enough.

Upon reflection, our country does have a history of a presumption of innocence that is deeply rooted in English common law. Sir William Blackstone is credited with writing in 1769 that it is "better that ten guilty persons escape than that one innocent suffer." Similarly, as law enforcement professionals, we should all be making every reasonable effort to find and test every shred of DNA that is claimed to prove innocence if this test was not done before trial.

Obviously, property and evidence professionals do not generally decide what is evidence and what is not. We do not routinely examine and determine what goes to the lab and what doesn't. We do not decide what evidence is collected at the scene and what is not. These are all tasks that are usually performed by other persons in most agencies. What we are responsible for is to ensure that the evidence is properly packaged to protect the evidence, whether it is DNA, fibers, fingerprints, chemical exposure, or pattern evidence such as bite marks, tool marks, and impressions. We are also charged with cataloging, storing, and keeping a detailed chain of custody that proves without a doubt where an item has been and who had it.

I was also dismayed to read that there were so many characterizations made that law enforcement was remiss in its evidence gathering, storing, and testing, in cases that are often thirty years old. Is this statement accurate? Probably. Could law enforcement investigators have done a better job in collecting, preserving, and presenting evidence? In most cases, yes. But, are we attempting to hold investigations from three decades ago to the standards of evidence admissibility that we demand today? Property and evidence professionals are equally responsible for finding old evidence items, or proving that it has been disposed of according to policy, and when. This is true, even though the items were probably stored by a predecessor, and most often not in a computerized system. Some agencies have been placed under court order to conduct a complete inventory to attempt to locate evidence when the records have not been complete. To say an item cannot be located is no longer adequate when a person's life is in limbo. Let's think about conducting yearly inventories to avoid these embarrassing legal orders. Remember, when we decide to do it, we can do one small bite at a time. If the court orders us, we have to drop everything and inventory the entire evidence room. Which do you prefer?

Robert E. Giles

Bob Giles,
Evidence Log Editor

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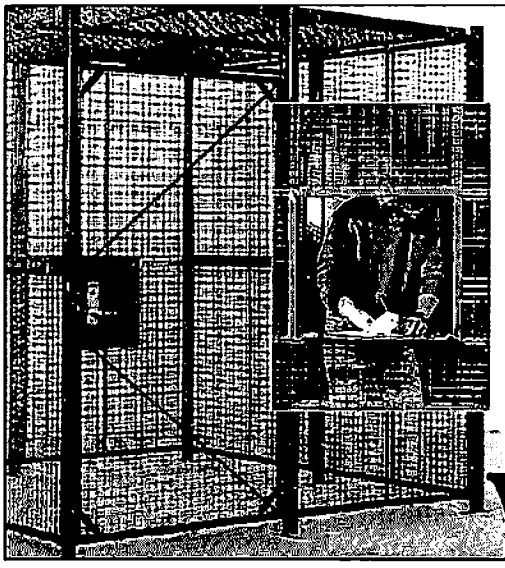

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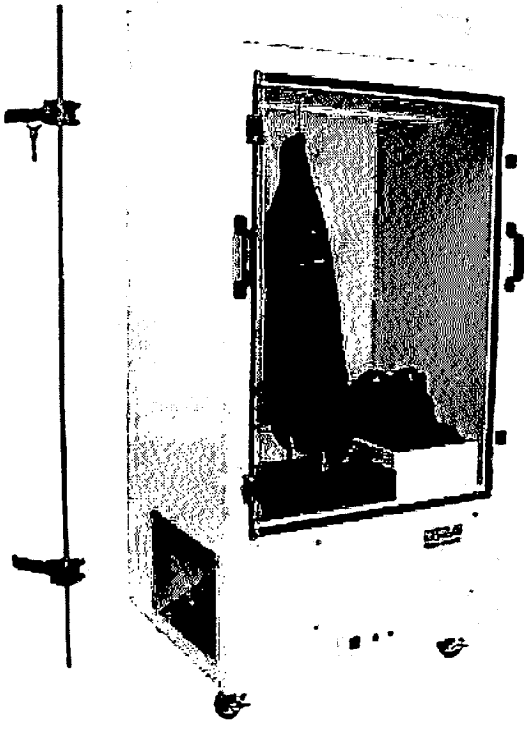

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Stainless steel shelves and hanging rod are standard.

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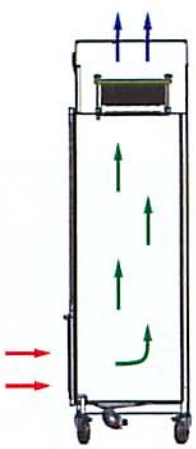

Airflow Diagram

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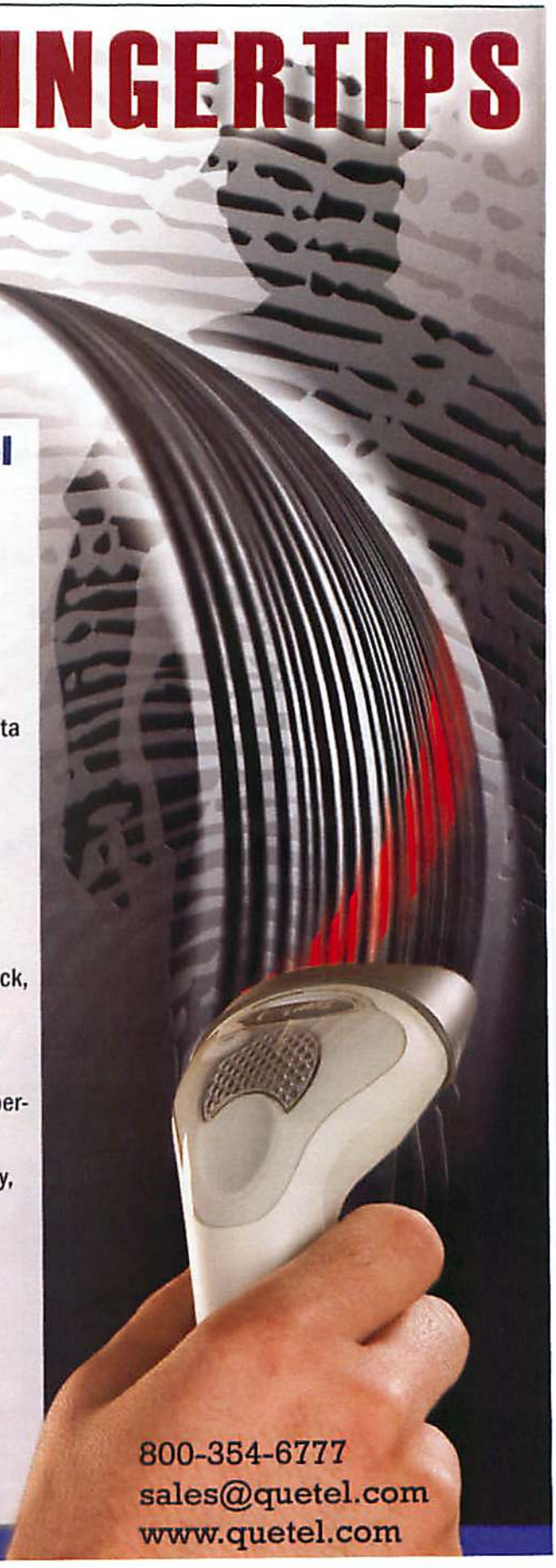

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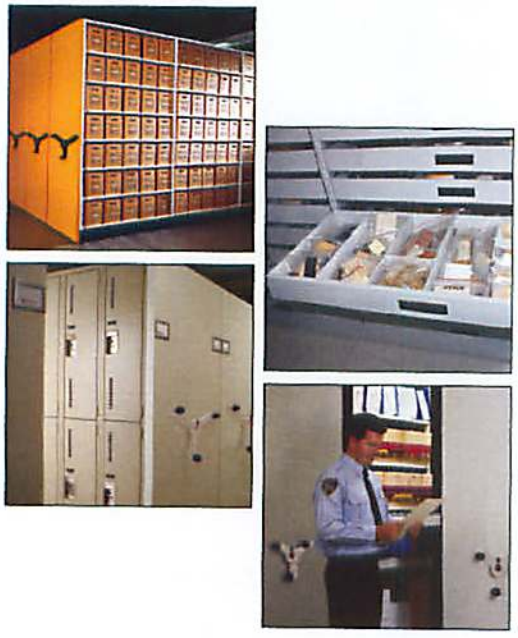

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"New and Improved" IAPE Professional Standards 2010

As a leader in the law enforcement area for the property and evidence handling function, the IAPE continues in its efforts to continually improve upon the industry standards we established in 2002. To that end, the IAPE Board of Directors has set a goal of revising and up-dating the written guidelines to make them more accessible and user friendly.

While the IAPE recognizes that our Professional Standards do not have sanctions that may be imposed upon agencies, nor do we wish there to be any, our standards have been cited in Grand Jury proceedings and other legal briefs giving us official recognition by the Courts. We are also currently working with the American Society of Crime Lab Directors (ASCLD) to explore where universal evidence management standards can be adopted by law enforcement, lab personnel, and the courts to improve and standardize evidence handling.

And, while following all applicable portions of the standards cannot guarantee that evidence will not be lost or stolen, it will almost certainly assure that the a loss will be detected in a timely manner and the person responsible may be identified.

To this end the IAPE believes we have met our goal and are introducing the "New and Improved" IAPE Professional Standards in coming issues and also posted in their entirety on the IAPE web-site by late February 2010. With these revised standards, we come closer to our goal of achieving a more uniform and consistent method for the operation of property and evidence handling functions nationwide.

IAPE STANDARDS SECTION 2 Policies / Procedures

Standard 2 of the IAPE Professional Standards builds a foundation for every aspect of the property and evidence function by suggesting that important policies and procedures should be in place to instruct personnel on what needs to be done and how to do it.

Three different policy documents are needed: General Orders that apply to all personnel, a Packaging Manual that applies to every employee who submits property or evidence, and a Property Manual that documents how all the evidence room processes are completed.

In addition to providing guidance, having concise and well-written policies provides the ability to hold personnel accountable for its contents.

– Ed.

Standard 2.1:

Policies/Procedures – Written Directives

Standard: The submission, handling, storage, and disposition of property and evidence needs to be documented in written policies and procedures.

Definition: Written directives are policies or guidelines placed in written guidelines to provide direction and understanding of responsibilities, duties and tasks.

Reasoning: In order to clarify and standardize the procedures for the submission, documentation, packaging, storage, movement, security, purging and disposition of property/evidence, it is imperative

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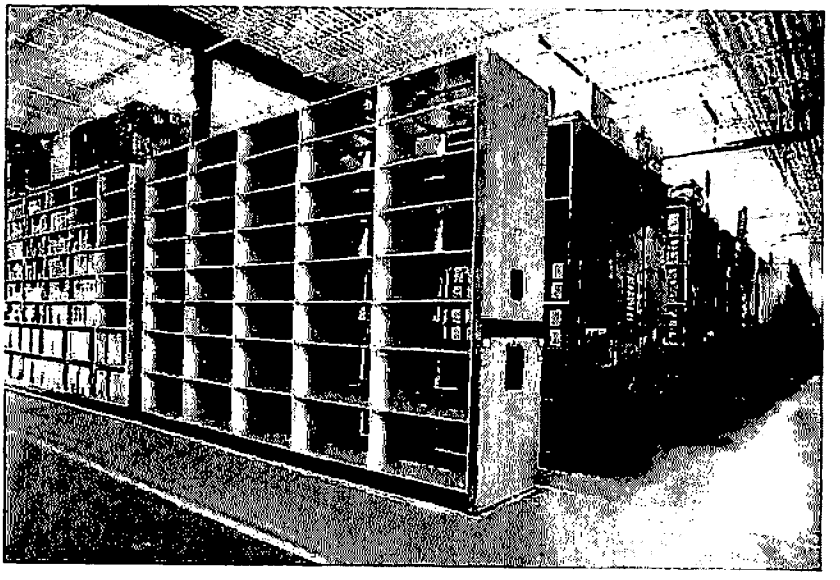
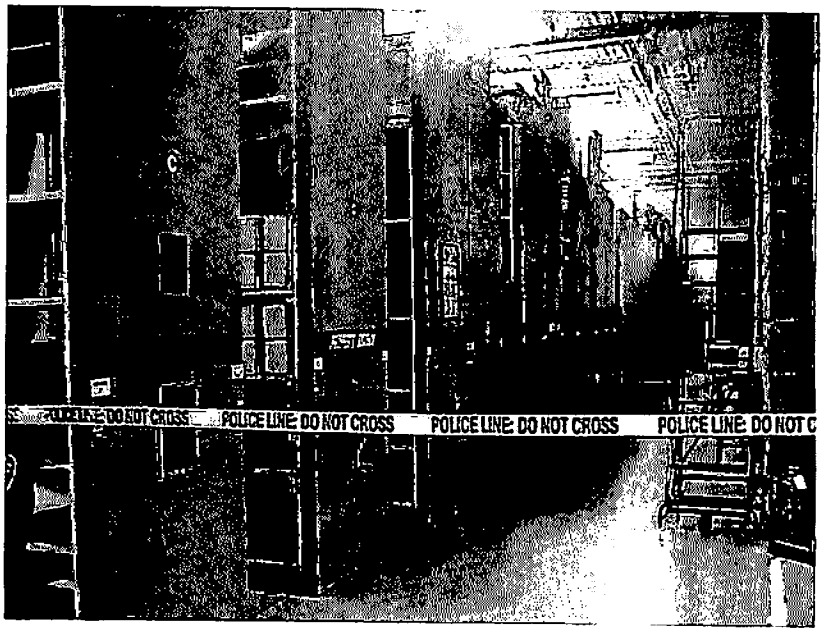


That's what the Suffolk County (NY) Police Dept. Property Section did when they replaced bulky fixed rack and large wasted access aisles with Kompakt mechanical movable shelving from Kardex. "We now have twice as much storage capacity without increasing floor space or adding new personnel, and we got it at a fraction of the cost of new building construction or an add-on to our current warehouse," says Sergeant Joseph Sylvanus. "The fact that this system can be customized for almost any application makes it an attractive alternative for any cost-conscious agency in need of additional storage area." If you need a cost-effective way to increase storage capacity, contact Kardex today.



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Continued from page 9

IAPE Standards Section 2
POLICIES/PROCEDURES

Reasoning: *(cont'd)*

that directives be used to guide the operation of an agency's property and evidence handling. These directives should clearly define the duties and responsibilities of any agency employee who takes part in the seizing, handling, storage, or disposition of property/evidence, and these directives should be regularly updated to reflect legal and policy changes. It is also important that such orders and directives be disseminated in a systematic manner to those persons who will be held accountable by these policies and/or procedures.

General Orders/SOPs: It is critical that a law enforcement agency's property and evidence General Orders (G.O.s) and Standard Operating Procedures (S.O.P.s) contain policy statements for the submission, receipt, handling, transfer, and disposition of all property and evidence. These written directives should establish rules that apply to all employees of the agency as they pertain to property and evidence and include such areas as:

- requiring all property/evidence to be logged into agency records as soon as practical
- requiring all property/evidence to be placed under the control of the property room before the officer ends his or her tour of duty
- requiring a numbered report detailing the circumstances by which the property and evidence that comes into the agency's possession and describing each item of property or evidence submitted
- requiring that a written receipt be issued to the finders/owners of property that is taken into custody with information on how to retrieve the items retained, when applicable; i.e., found property and safekeeping
- assigning responsibility to identify and notify the owner or designee regarding the disposition of property/evidence in the agency's custody
- establishing procedures for the temporary release of property/evidence items from the control of the property unit; i.e. court, prosecutor, crime lab, and other agencies
- requiring employees who submit evidence to comply with established packaging directives
- requiring employees to comply with purging and review notices that have been disseminated from the property officer

Packaging Manual: Law enforcement agencies should develop specific guidelines for the packaging and labeling of property/evidence that meet the needs of their agency and the crime lab servicing the agency. These guidelines should be disseminated in a manner that all persons who book property/evidence have access to the guidelines and are held accountable to follow them. One recognized method would be to develop a guide that provides both written instructions as well as photographs that illustrate the required packaging protocol.

Property Unit Procedures Manual: A law enforcement agency should develop or compile and publish a detailed Property Unit Procedures Manual on the receipt, handling, storage, and disposition of property/evidence for property unit personnel. Additionally, the Property Unit Procedures Manual should provide both supervisors and managers with detailed descriptions of subordinate responsibilities.

Elements contained in a Property Room Procedural Manual should include, but are not limited to:

- receipt of evidence
- documentation
- assignment of storage locations
- temporary releases/movement
- tickler files
- purge review protocols
- disposition of evidence
- destruction of evidence
- auction
- diversion
- release
- housekeeping
- audits
- inventories

All directives and manuals should be reviewed and updated annually by the supervisor or manager to ensure that policies and procedures are up to date, necessary, and feasible.

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Chain of Custody

Evidence Manager controls all items of evidence and property coming into custody and records every movement of that evidence until final disposition or disposal. Signature bearing receipts can be easily created for an additional audit trail if required. Courtroom ready reports are also an integral part of Evidence Manager.

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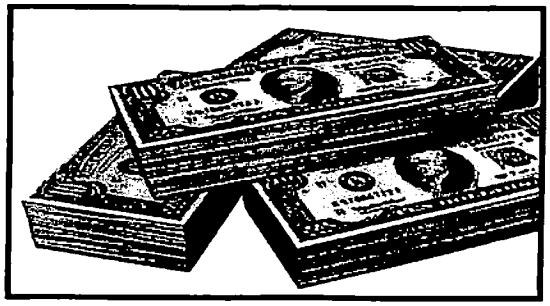
DA DROPS DRUG DEALING CHARGES DUE TO MISSING EVIDENCE



The York Dispatch in Pennsylvania reports on June 22, 2009 that felony drug-dealing charges against two men have been dismissed because the cocaine evidence against them "was gone". The drugs were allegedly stolen and ingested by West Manchester Township Police Detective Crider who has since been fired.

During the investigation, Crider told state police that, over time, he'd replaced 100 grams of cocaine with chalk, the affidavit states.

State police allege Crider stole drug evidence in more than 100 criminal cases, sometimes replacing the drugs with chalk. He is also accused of tampering with official records to cover up his thefts.

Police said Crider stole drugs from his department's evidence room from November 2001 until April 8, 2009, amounting to 7 ½ years of drug theft.

Suzanne Smith, Crider's defense attorney, has said he is very remorseful that he embarrassed his department, and has cooperated with the investigation. He is undergoing drug treatment, she said. "He's an example of what can happen with an addiction," Smith said.

"I never had any reason to believe Crider was a bad cop or had any kind of a problem. Obviously, I was mistaken because he's done an incredible amount of damage to the justice system and his department with his thefts and his drug problems," District Attorney Stan Rebert said.

In what has become a familiar scenario, the West Manchester Township Police had no reason to suspect that an entrusted employee would steal narcotics from the evidence room. The question that needs to be asked is what internal controls were present to discourage the employee from stealing if there was certainty that he would get caught?

First of all, was there ever a background examination conducted to ascertain if this employee ever had a history of drug use? Was a polygraph or CVSA performed (if legal in this state)? Was a yearly inventory conducted of all evidence? Was an audit of the narcotics locker ever performed by the commanding officer? Was an audit of destroyed narcotics and narcotics pending destruction ever performed? Were any qualitative tests randomly performed on drugs that were pending destruction? Were narcotics packages ever examined for possible tampering? Was a random narcotics test ever performed upon the property officer? Inquiring minds want to know.

Does this mean that this event would never have happened? Perhaps not, but the likelihood of discovering the stolen drugs before 7 ½ year have elapsed is quite likely. – Ed.

FOLLOW-UP: Former Detective Crider was subsequently sentenced to 18 months in prison.

IN THE HEADLINES

News-Democrat, Illinois October 28, 2009

OFFICER CONVICTION JEOPARDIZES 1,300 CASES

Newton's law of physics postulated that for every action there is an equal but opposite reaction. In this case the action was the theft of evidence, and the reaction was to place each and every case that had evidence introduced during the period of time this Alton property officer was working in the evidence room into jeopardy. Each case will have to be noticed to the defense, and the opportunity for a hearing on each case will have to be provided to ensure that tainted evidence did not impact the outcome of the trial.

There are persons who may think that a property officer with their hand in the "cookie jar" is not a serious problem; just deal with it, sentence him/her, and move on. This case has the potential of causing as many retrials as the Rampart scandal did in Los Angeles. The costs associated with the retrials are huge, but the cost to NOT retry or hold the hearings is even bigger yet. Evidence is the fuel that runs our criminal justice system. Without evidence, the system soon grinds to a halt.

The question that needs to be asked is how could this have been prevented? Would a through background with a financial disclosure at the time that he was assigned to the evidence room have disclosed his gambling habit and his debt? Who knows, but it wouldn't hurt, now would it? – Ed.

The News-Democrat in Belleville reports on October 28, 2009, that an Alton police officer's federal conviction for stealing and lying put into jeopardy the prosecution of 1,300 pending Madison County cases -- one-third of all the county's felony filings, according to federal court documents.

When Mickey L. Dooley, 50, a former evidence technician for the Alton Police Department, was convicted in September 2008, he was named as a potential witness in 1,300 pending cases, including drug felonies and murders.

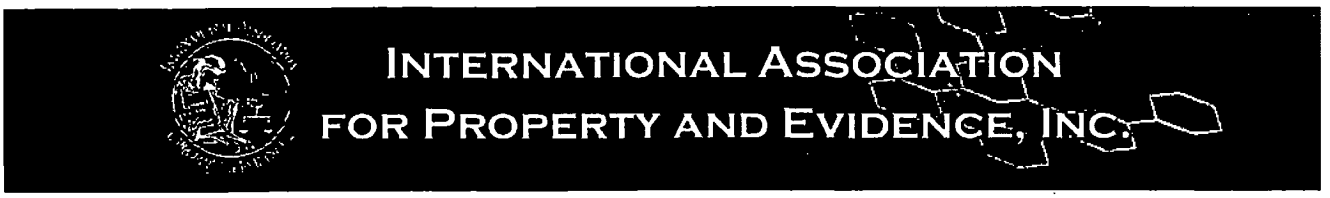
Federal prosecutors estimated as many as 50 state felony prosecutions were affected by Dooley, resulting in reduced charges, dismissals and renegotiated dispositions resulting in unwarranted leniency.

"Evidence was presented at sentencing that Dooley's actions have adversely affected numerous federal and state prosecutions where Dooley was or is in the chain of custody of evidence," stated a release by the U.S. attorney's office.

A federal jury convicted Dooley of evidence tampering, fraud, receiving stolen property, tax evasion and theft last year. Prosecutors said he took money stolen from a bank robbery from Olin Credit Union and U.S. Bank. Dooley served as the department's evidence custodian for three years until July 2008 when an audit of the evidence vault uncovered missing money. The 24-year police veteran was placed on administrative leave after the audit was completed.

Prosecutors alleged Dooley developed a severe gambling habit and used money from the police's evidence vault to gamble.

U.S. District Judge G. Patrick Murphy resentenced Mickey Dooley after an appellate court reversed his conviction on a wire fraud charge earlier this year. It was the same prison time Murphy imposed last year. In addition to his 10 year prison sentence, Dooley was ordered to pay a total of $48,748 in restitution, a $650 fine and a $725 special assessment.



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SAY IT AIN'T SO, JOE

WASHINGTON MEDICAL MARIJUANA USER GETS $2,000 CHECK

The Kitsap Sun of Washington state reports on May 30, 2009 that Kitsap County has written a $2,000 check to a medical marijuana user whose lamps for growing pot were destroyed by county officials.

The owner, Bruce Olson, was arrested, tried, and acquitted by a jury of illegally growing and selling pot. A Sheriff's office spokesman said that the 55-year-old Olson was attempting to get some of his property back. The owner got his paraphernalia and video surveillance equipment back, as ordered by Kitsap County Superior Court, but his ballasts, lights and bulbs for growing the marijuana had been destroyed because of lack of space in the county's evidence room. The county has subsequently agreed to compensate Olson for the loss.

This is an interesting, but predictable trend that is "growing" among states that have passed legislation that permits medicinal use of marijuana. As a result, the laws prohibiting the cultivation of marijuana have also become "smoky". Juries are becoming much less apt to convict someone of cultivating and selling marijuana when they claim it is medicinal pot.

Evidence rooms have continually complained about the large amount of storage space the marijuana grow lamps take up when they are seized, and have quickly moved to destroy them in order to save space. This case impacts the speed in which the lamps will be are destroyed from now on.

There are three strategies that evidence rooms in Washington may wish to employ. First, whenever a large quantity of lights or other paraphernalia take up more space than is available to securely store it, consider obtaining a court order for its destruction or sale. This should provide adequate immunity from civil claims. Second, consider selling these items online as soon as possible to provide a source of revenue and a fund to offset any subsequent claims that need to be paid out. The third strategy is to obtain more secure storage space because the court decisions are evolving in this area and the continued enforcement of unpopular laws leads to the following question: which laws do we enforce – only the popular ones? – Ed.

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Q & A Reader Correspondence

Correspondence is edited for brevity, grammar, and some names are omitted to focus on the issue.

Dear Joe:

We need to replace the refrigerator in our property room as soon as possible. I was wondering what, if any, specifications we should be looking for. We are looking at an "all-refrigerator" unit to do away with the freezer issue that we currently have. Any help would be greatly appreciated.

- Joseph Gruver

We're not sure what "the freezer issue that you currently have" means. Most agencies throughout the country have very little refrigerator space in relation to the amount of freezer space needed. Typically the freezer space needed is 10 times greater than the need for refrigerators.

Having said that, many departments are no longer keeping evidence in the freezer after it comes back from the crime lab. You should contact the crime lab that you are using and ascertain if the material that is returned needs freezing or refrigeration, and whether or not it can be maintained in a "room temperature controlled environment" (60°F – 75°F temperature with a relative humidity of less than 60%). Whatever you end up with it always a good idea to have a temperature alarm to monitor any changes in temperature.

When it comes to freezers, there are upright, chest freezers, and walk-in freezers. The uprights are convenient because you can reach-in and find the item you want, but noise and heat are sometimes an issue with commercial models. Chest freezers are inconvenient because one item stacks on top of another. Walk-in freezers are the most convenient way to store large quantities of items that can be placed in an orderly manner on shelves. Additionally, walk-ins have an advantage that the noise of the compressor and heat generated are generally located remotely – usually outside the building. The choice depends upon the cubic feet of cold storage you need, and the space available.

Some criminalists have an objection to frost-free freezers compared to non frost-free freezer models. Most frost-free models utilize a heating element in the walls of the freezer to occasionally heat the walls and melt away any ice that forms. There is concern that DNA evidence that touches this wall might warm repeatedly and degrade. There are no conclusive studies that we are aware of, only a concern. The bottom line is that the philosophy of the crime lab that you use should be the determining factor on how you store these items.

The following storage guidelines come from the Orchid-Cellmark laboratories, one of the largest and most respected private labs. Your local lab may differ somewhat on what is acceptable storage for samples that are submitted to them, and what is acceptable storage after testing.

- Joe

FORENSIC DNA EVIDENCE STORAGE

Please follow the directions below for storage of evidence for DNA testing at Orchid Cellmark. If you have any questions or need clarification on the instructions, please contact customer service at forensicservices@orchid.com or call 1-800-USA-LABS (872-5227).

1. Most biological evidence is best preserved when stored dry and cold because dryness and lower temps reduce the rate of bacterial degradation of DNA. With the exception of liquid whole blood samples, the colder the better.
2. **DRIED STAINS:** Store all dried stain material frozen (-20C°) or refrigerated (4C°) in separate paper containers. (Dried stains that are very old and have been stored at room temperature for months or years will obviously not be hurt significantly by additional short-term room temperature storage. Nevertheless, we recommend storing these samples cold until they can be shipped.)
3. **UNDRIED TISSUE:** Store all tissue, bone, liquid urine, or other undryable biological material (except liquid blood standards, see below) frozen (-20C°) in separate air tight containers. Avoid glass containers which can break when frozen. Do not place in formalin or formaldehyde.
4. **LIQUID BLOOD STANDARDS:** Store all liquid known blood samples refrigerated (4C°) in their original glass tubes. Do not freeze.

Continued on Page 42

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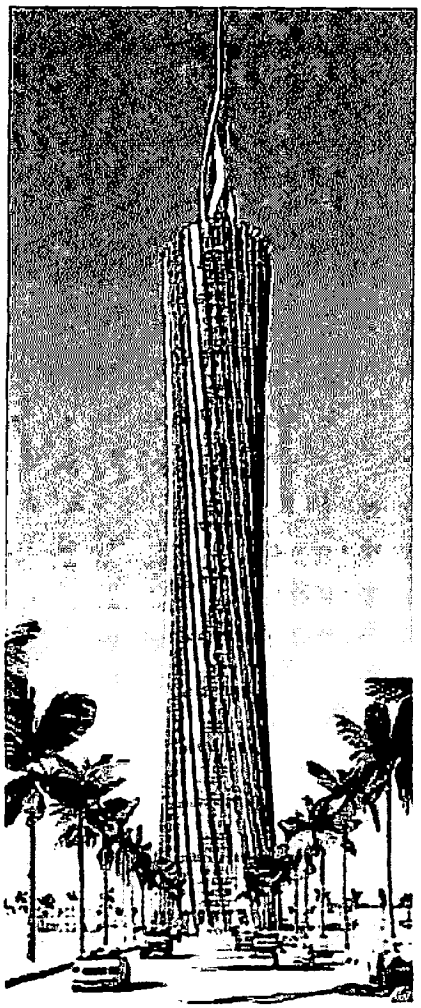
I.A.P.E. Invited to Speak in Dubai

By: William Kiley, IAPE Past President



A new chapter in the history of the International Association for Property and Evidence, Inc. (I.A.P.E.) was recently written when the association was invited to make a presentation at the 2009 Regional Conference of the International Association of Prosecutors (I.A.P.) which was held in Dubai, United Arab Emirates. The invitation was extended to I.A.P.E.'s Immediate Past President, William P. Kiley. He was one of only two individuals from the United States invited to speak at the conference attended by prosecutors from the Pacific, Asia and the Middle East. The following article, written by Bill Kiley, is a reflection on his fascinating trip to Dubai and his participation in the Regional Conference of the I.A.P.E.

The Invitation

In 2008, I.A.P.E. President Bill Kiley and Executive Director Joe Latta were contacted by a representative of the Prosecutor's Post Office in Dubai, UAE. The Prosecutor's Office was interested in the possibility of sponsoring the I.A.P.E. "Property and Evidence Management Class" and several email exchanges took place. While there was no decision to move forward with a class, a dialogue was established between I.A.P.E. and the Dubai Prosecutor's Office. In October of 2009 Bill Kiley received an email from the Prosecutor's Office asking him to speak at the Regional Conference of the International Association of Prosecutors that was to be held in Dubai in the middle of November. The Chief Prosecutor desired the I.A.P.E. presentation to address the Management of Case Evidence in such a manner as to mitigate the risk of problems in prosecutions. After several exchanges, Bill Kiley accepted the invitation on behalf of I.A.P.E. The Web site of the International Association of Prosecutors was immediately updated to add I.A.P.E. and Bill Kiley as Invited Speakers at the regional conference.

Preparation

Once the subject of the I.A.P.E. presentation was finalized, Bill Kiley began to draft the goal, objectives and outline for his sixty minute presentation. While development of such presentations was not new to him, Kiley was under a tight time restriction for the submission of his materials as they would have to be translated into Arabic for a simultaneous presentation in both the English and Arabic languages. Despite some technical challenges due to the substantial size of the presentation files, Kiley's material was digitally provided to the conference coordinators. The design, development and delivery of the presentation were only aspects of the preparation for participation in the I.A.P. conference.

The Dubai Prosecutors Office advised that it would pay all expenses related to Bill Kiley's travel, hotel, etc. for the conference. It was determined that Emirates Airlines has direct flights from New York to Dubai; the flying time was twelve and one half hours going to Dubai and fourteen and one half hours on the return. The Prosecutors Office booked Business Class travel for the I.A.P.E. representative. Additionally, hotel accommodations in Dubai were arranged at the conference site, the Five Star "The Address Downtown" hotel. Bill Kiley has described both the flying and hotel experiences to have been superb with each providing the highest level of service. With all preparations completed and with a little trepidation as to what to expect, Past President Kiley departed for his first trip to the Middle East.

Continued on next page

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I.A.P.E. in Dubai

Participants at the Conference

Almost two hundred delegates from around the globe traveled to Dubai for the Regional I.A.P. conference. This event marked the first time that an I.A.P. conference was held in the Middle East. Clearly, the ability to sponsor this conference in their country was a major achievement for the Dubai Prosecutors Office. For the conference's opening ceremony and dinner, delegates were transported from the conference hotel to the Atlantis Palm Dubai hotel which is located on the manmade Palm Islands in the Persian Gulf. Conference attendees were greeted by His Highness Sheikh Mohammed Bin Rashid Al Maktoum, Ruler of Dubai and Vice President of the United Arab Emirates. At the opening ceremony I.A.P.E.'s Bill Kiley met a number of the Senior Prosecutors from countries such as Fiji, Oman, the Maldives Islands, and other places. Kiley networked with I. A.P. Executive Board members from The Netherlands, Ireland, Australia the United Kingdom; advancing the potential of collaborative work between the I.A.P.E. and the I.A.P. During the subsequent three days of the conference, Bill Kiley met dozens of people from China, Japan, Taiwan, India, Kazakhstan, Oman, Abu Dhabi, Canada, New Zealand, etc. However, one of the highlights for Bill Kiley was having the opportunity to spend several hours, over dinner, with the First Deputy Attorney General of Afghanistan and several other representatives of the Office of the Attorney General of that country.

Wm. Kiley and Dubai Chief Prosecutor

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The Presentation

The hotel room in which the conference presentations were made was equipped with the latest in audio-video technology. The large room comfortably accommodated all of the conference delegates. Screens on either side of the main stage simultaneously contained the presenters' PowerPoint presentations; one side in English the other in Arabic. Additionally, at the seats for each of the delegates there were SONY wireless headsets that could be used to listen to the instantaneous translations of the presentations into English and Arabic.

Panelists from IAPE, Dubai, Fiji, Korea

Cont'd on next page

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Kiley makes IAPE presentation

As a result of a change in the conference format, each of the presentations was reduced from sixty to fifteen minutes. Therefore, Bill Kiley's presentation had to be quickly modified to accommodate the allotted time period. His presentation was designed to advise prosecutors of some of the challenges that are faced by police agencies in the accountability, tracking, security, and disposition of evidence. Kiley emphasized what prosecutors can to do to help mitigate the risk of theft, loss, or compromise of evidence, e.g. enabling their law enforcement counterparts to place currency into banks rather than storing it in the Property Room. The need for adequate, automated tracking systems was also identified to the prosecutors as well as noting their role in notifying police evidence custodians of case dispositions, authorizing the release/destruction of evidence, etc. At the conclusion of the presentation, delegates were informed of the availability of professional standards, sample procedures manuals, forms related to evidence storage and other useful information found on the I.A.P.E. Web site. Based upon the feedback from the delegates, the I.A.P.E. presentation was well received.

The Desert Experience

One evening during the I.A.P. conference delegates were transported in four wheel drive SUVs from their Dubai hotel into the desert. The convoy of SUVs pulled over into a rendezvous area where they stopped to let some air out of their tires. The vehicles then began an "exhilarating" ride through the desert riding up and down sand dunes of all heights. After about 30 minutes of roller coaster like driving, the convoy stopped in the desert to allow the visitors to view a sunset. As the darkness of night descended, the delegates were driven to a desert village for dinner under a tent while seated on Persian rugs and cushions. Another highlight of the evening was to take a camel ride in the desert.

Future I.A.P.E. Int'l. Expansion

As a result of the opportunity to make a presentation at the conference in Dubai, many prosecutors from around the world are now aware of the existence of the International Association for Property and Evidence. It is the hope of our Board of Directors to be able to attract new members from all over the globe. While I.A.P.E. welcomes the opportunity to present live training in new venues, the impending implementation of a web based, video version of our two day class may enhance the opportunities to see our association truly become international.

Kiley rides a camel

Thank you Dubai Prosecutors Office and I.A.P.

Past President Bill Kiley and the Board of Directors of I.A.P.E. wish to publically thank the Dubai Prosecutors Office and the International Association of Prosecutors for the invitation to present at the Dubai conference. It is our hope that through ongoing mutual, collaborative efforts, we can positively impact upon prosecutions and justice throughout the world.

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This 2 day course provides a unique training opportunity for Law Enforcement Personnel responsible for, or actively involved in, the operation, supervision or management of a Property and Evidence Unit.

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• **Case Studies** of Property Room mismanagement, with guidance on avoiding lost evidence, lawsuits, and agency embarrassment.

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• **Computerization and Bar Coding**, selection of vendors, hardware, software.

• **Facility Design**, space requirements, creative storage solutions, and security issues.

• **Policies and Procedures**, for all areas of property management, including sample policies and other handout material.

• **Destruction, Disposal, Purging**, the most critical procedures for limiting inventory.

• **Class discussion and problem solving.** Chances are that others have shared, and solved, some problems facing your agency.

• **Training Format** is an intensive 16 hour classroom style course designed to maximize learning. Extensive slide and video collection illustrates properly designed facilities.

• **Exchange Ideas:** Network with other professionals from large and small agencies across the nation. This training course will acquaint individuals with the technicalities and responsibilities involved in the daily function of a property unit.

• **Keeping Up and Staying Ahead:** Training has been designed to help recognize and avoid the pitfalls that can lead to court challenges, lawsuits, poor press relations, disciplinary action, termination and indictments. Presentations on state of the art technology provide an understanding of how to expedite the property function.

• **Instructors:** Instructors are recognized experts in the field, with professional and academic credentials.

• **Class Composition and Size:** Limited size classes of sworn and civilian personnel involved in the operation, supervision and the management of the property function.

• **Tuition Fee:** The course fee includes tuition, student workbook, and study materials.

• **Transportation and Lodging:** Training will be held at the hotel listed, or venue will be specified upon registration. Transportation, food and lodging are the responsibility of each participant.

• **Certification of Attendance:** Each student will receive a certificate of attendance, in addition to the class materials and the valuable knowledge.

Hotel Reservation Information

- When making reservations, ask the hotel for the *International Association for Property and Evidence* participant's special discount rate.
- To be guaranteed a room at the discount rate, make reservations 30 days in advance.
- Training sessions from 8 a.m. - 5 p.m. daily.
- Questions ??? Call (800) 449-IAPE (4273)

Registration Information

- Completed registration forms should be submitted 3 weeks prior to the training session along with check, money order or purchase order, made out to *IAPE Training* at the address shown below.
- Refunds will be made with 14 days notice.

Membership / Registration / Book Order

Course Location: _____

Name: _____

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Be On the Look Out

2010 Property & Evidence Classes

Columbia, SC - March 2 - 3, 2010
Frisco, TX - March 24 - 25, 2010
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Deerfield, FL - April 12 - 13, 2010
Hamilton, OH - April 14 - 15, 2010
Denver, CO - April 29 - 30, 2010
Allegheny County, PA - May 6 - 7, 2010
Peachtree, GA - May 26 - 27
Salt Lake City, UT - June 8 - 9, 2010
Harwood Heights, IL - June 24 - 25, 2010
So. San Francisco, CA - July 7 - 8
Manassas, VA - July 15 - 16
Sykesville, MD - August 11 - 12
Overland Parks, KS - September 16 - 17
Nashville, TN - September 22 - 23
St. Louis, Mo - September 28 - 29
Portland, OR - November 2 - 3

Additional classes TBA in Pewaukee, WI, Missoula, MT, Minneapolis, MN, Las Vegas, NV and more.

Info on classes can be found on IAPE Website
http://www.iape.org
Also see website for local police agency sponsorship.

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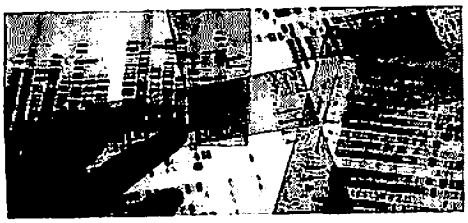


EVENT OR TREND ?

State Police Crime Lab Cuts DNA Testing Time

Let's hope that other states are now starting to catch up with their backlog and have reasonable return dates. Ironically, the problem this state lab is having is finding the old DNA samples in the local jurisdiction's evidence rooms. – Ed.

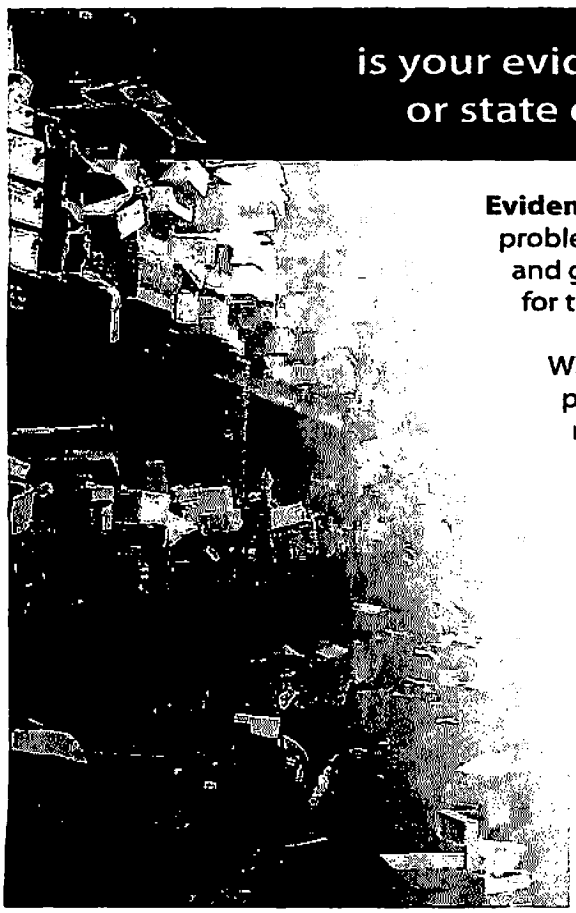
The Trenton Times reports on August 24, 2009 that while some states are struggling to deal with burgeoning backlogs for DNA testing in criminal cases, New Jersey has whittled away its backlog to a mere 225 cases.

The New Jersey State Police Office of Forensic Science defines as backlog for DNA testing any case more than 30 days old, according to a spokesman for the attorney general. The average turnaround time for DNA tests is 45 days, he said.

The AGs spokesman said the testing is more complicated than lay people realize, with up to 30 potential DNA samples per case. For example, DNA from the victim, the suspect and the crime scene might need to be tested. A criminologist first determines if DNA is present on an object -- say, a baseball cap – and then, if it is, a sample is sent to another scientist to determine the composition of that DNA.

The volume of DNA samples that the lab processes increased dramatically in 2003 when all convicted felons were required to submit a DNA sample that would be scraped from their inner cheeks and kept on file. Much like a fingerprint, the DA can link a criminal to a crime or rule him out as culprit.

Even though the state lab appears to be holding its own in testing DNA samples, storage of those samples is another issue, according to Eric Ferraro, a spokesman for the Innocence Project, a New York-based organization that helps convicts clear their names through the use of DNA. If DNA samples from older cases cannot be found or have been compromised by improper storage, they can't be used to exonerate defendants now sitting in jail cells.



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FEATURED RESOURCES: GRANT FUNDING

The following information was obtained as a result of the IAPE's attendance at the Rural Law Enforcement Technology Center's conference. RULETC contact info. is provided at the end of this article. IAPE makes no affirmation that funds are still available in these grants, or that they are appropriate for your desired application. IAPE suggests you review all of these sites and make your own determination if they are appropriate for your needs. We suggest that you visit the Recovery Act section of the OJP Web site for information regarding Recovery Act funding opportunities at the following address: **http://www.ojp.gov/recovery/**

Additionally, the following law enforcement funding opportunities maybe of use to you:

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) program allows states and local governments to support a broad range of activities to prevent and control crime as well as improve the criminal justice system. JAG replaces the Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs with a single funding mechanism that will simplify the administration process for grantees.
http://www.ojp.usdoj.gov/BJA/grant/jag.html

Gang Resistance Education and Training (G.R.E.A.T.) program is a school-based, law enforcement officer-instructed classroom curriculum. The primary objective is prevention and is intended as an immunization against delinquency, youth violence, and gang membership.
http://www.ojp.usdoj.gov/BJA/grant/great.html

The purpose of the Bulletproof Vest Partnership (BVP) Program is to help protect the lives of law enforcement officers by assisting states and units of local and tribal governments equip their officers with armor vests.
http://www.ojp.usdoj.gov/bvpbasi/

The Office of Community Oriented Policing Services (COPS) distributes funding through a wide range of programs, both as grants and cooperative agreements. This helps law enforcement agencies meet an increasing range of challenges with community policing.
http://www.cops.usdoj.gov/default.asp?Item=46

Also, the following programs have been established to supply law enforcement agencies with equipment:

The 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer excess Dept.of Defense personal property (supplies & equipment) to state and local law enforcement agencies free of charge.
http://www.justnet.org/Pages/1033.aspx

The 1122 Program allows state and local governments to purchase new law enforcement supplies for counter drug activities through the Federal Government at the discounted rates it Gov't. enjoys because of its large-volume purchases which are being passed along.
http://www.justnet.org/Pages/1122.aspx

Please also visit the Grants & Funding section of the NCJRS Web site for further information about grants and current funding opportunities:
http://www.ncjrs.gov/fedgrant.html

If you would like to receive an e-mail announcement when new grants become available from NCJRS sponsor agencies, sign up for NCJRS's bi-weekly electronic newsletter, JUSTINFO. In addition to providing funding announcements, the newsletter highlights recently released publications and resources from NCJRS sponsor agencies. To subscribe to JUSTINFO, please **visit: https://www.ncjrs.gov/subreg.html**

If you are interested in juvenile justice-related grants, we suggest you register for JUVJUST, a listserv from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). JUVJUST provides subscribers with announcements of relevant publications, funding opportunities, conferences, events, and news items. JUVJUST announcements are "hot off the press" and are posted three to five times per week. You can subscribe to at the following site: **https://puborder.ncjrs.gov/listservs/subscribe_JUVJUST.asp**

If you would like to receive an e-mail notification when new grants are available from the Dept. of Justice or other Federal Agencies, sign up for the Federal Grants Notification Service via the FedGrants.gov Web site at:
http://www.grants.gov/applicants/email_subscription.jsp

You may also wish to review the following Web sites for additional funding opportunities:

Grants.Gov	**http://www.grants.gov**
Federal Register	**http://www.gpoaccess.gov/fr/index.html**
Foundation Center	**http://fdncenter.org/**
Grantsmanship	**http://www.tgci.com/**

Finally, because many Office of Justice Programs grants are awarded directly to state agencies which then set priorities for how the money will be allocated, you may want to contact your State Administering Agencies (SAA) directly. You can view the SAAs on the following site: **http://www.ojp.usdoj.gov/saa/**

Scott Barker, Deputy Director
Rural Law Enforcement Technology Center
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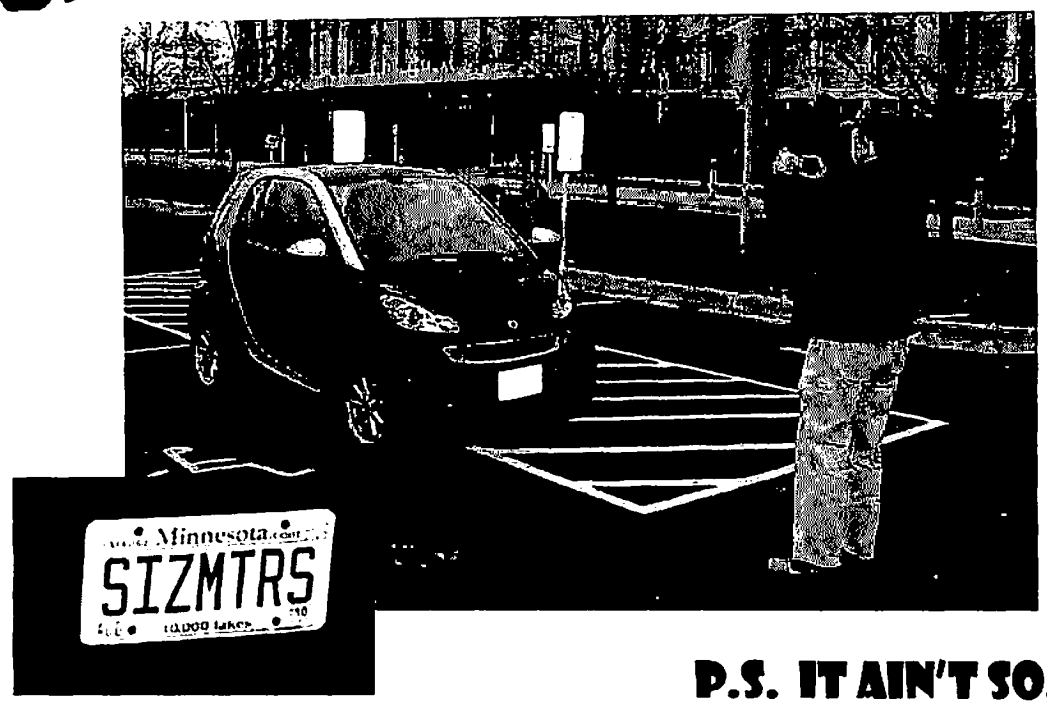
Ph. 606 436-8848 • Fax 606 436-6758
www.ruletc.org FBINA 195th Session

SAY IT AIN'T SO, JOE

Joe Latta photographs new "green" police car in Maple Grove, Minnesota . . .



P.S. IT AIN'T SO.

DEPUTY SHERIFF STEALS EVIDENCE MONEY

The Decatur Daily in Alabama reports on August 12, 2009 that a former Cullman County deputy sheriff has pled guilty to stealing $91,315 in evidence money, and his sentence is to repay what amounts to a loan. He also received five years of probation instead of jail time for the theft from the Cullman County Sheriff's Office evidence room, where he worked for a decade.

But this case apparently had problems for the prosecution. "There isn't anything about the situation you can feel good about," Sheriff Tyler Roden said. "It was just a difficult problem that had to be dealt with. I think we handled it well." **The state had a weak case because the sheriff's office did such a poor job of accounting for the evidence money.** The department has since changed how it handles confiscated money, and Maddox got an interest-free loan.

The sentence is more like forcing 39-year-old Mark Wayne Maddox to sign a promissory note for a loan he'd taken out at the bank. Not many judges would agree to allow a robber to put back money taken from a bank, if he agreed to never rob again and to stay out of more trouble for five years.

Do you know what's in your Evidence Room? There's nothing like swift and certain punishment to discourage illegal behavior in our society (sarcasm intended - can I get one of those interest free loans?). There is a purpose to the inclusion of this article. If your evidence room is in such disarray that you don't know how much cash you had in there on a certain date, then how do you plan to prosecute the person who stole the money you don't know you had? - Ed.

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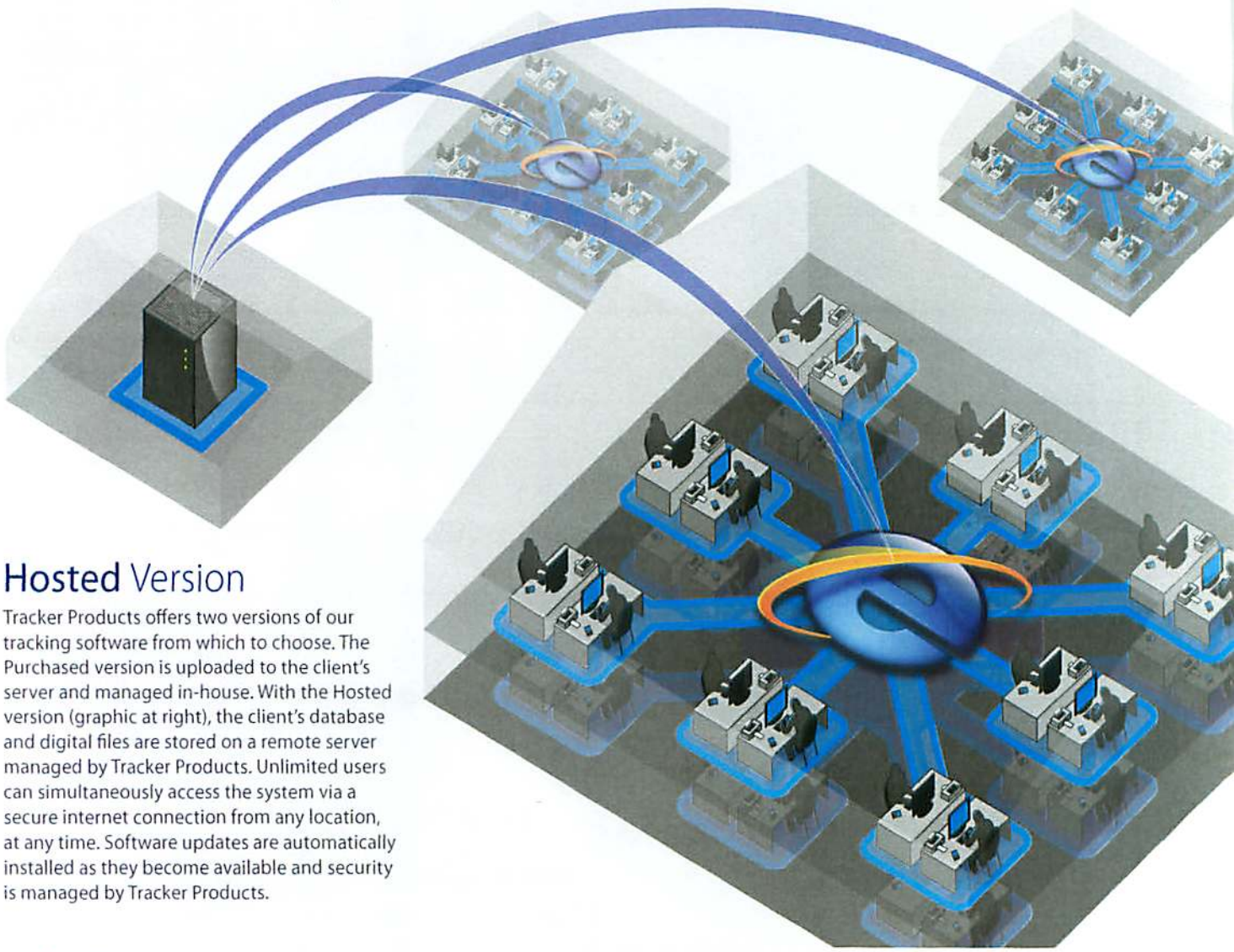

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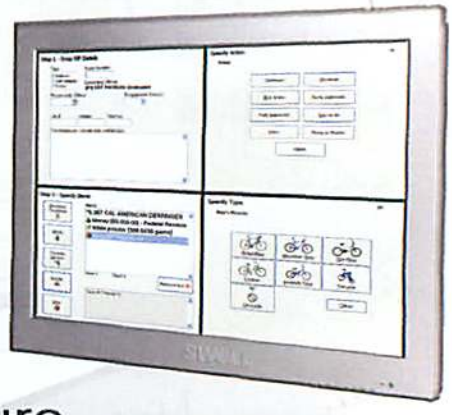

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EVENT OR TREND ?

Firearm Sales

Colorado Springs Police May Sell Seized Firearms

This article addresses an issue that many law enforcement agencies are sorting out in times of shrinking budgets. The agency may have assets in its possession that could be sold to help fund departmental operations. On the downside, these assets may be used in criminal activity in the future.

Do we treat firearms like automobiles, and sell them to licensed operators, or do we destroy them because they could be used in criminal activity in the future? Does an agency have responsibility when an impounded auto is sold at auction and is subsequently used by a DUI driver to kill someone? Is this argument any different than selling firearms that might be used in criminal activity in the future?

The answer to this question lies more with the philosophy of community the agency serves than with the logic of the answer. Handguns are inexplicably vilified in some parts of the country, while they are revered in others. A chief who destroys firearms in one state can lose his job as quickly as a chief who sells them in another.

IAPE takes no official position in this argument, noting only that IF firearms are sold, there should be a transparent paper trail from the moment it is seized, when the court order giving ownership to the public agency is obtained, how the selection of the federally licensed firearms dealer is made, and where the proceeds from this sale are deposited. IAPE does note that when the proceeds are returned directly to the law enforcement agency, an argument could be made that the agency directly profits from seizing personal property and there is a conflict of interest. The funds should be disbursed to the umbrella agency's general fund, then obtain approval for whatever purchase is desired using funds from offsetting revenue sources.

IAPE strongly suggests that whatever policy is chosen, the decision should be made with complete knowledge and approval of the umbrella agency's chief executive officer and governing board in the form of a resolution. This action will help spread the responsibility in the event an illegal act is performed with the same firearm, or if the media asks why valuable firearms were destroyed. – Ed.

The City Council is considering a program to let the Police Department sell confiscated guns to licensed dealers. Sales could net $10,000 a year.

The LA Times reports on August 23, 2009 that Colorado Springs is considering selling its seized firearms to help offset operating expenses. Final details of a program that would allow the Police Department to sell confiscated firearms to federally licensed gun dealers are to be finalized in coming weeks. Police have already stopped melting down guns they collect from crime scenes, drug houses or civilians who don't need them anymore.

Sales are projected to bring in about $10,000 a year, only a slight dent for a city that faced a deficit of one-quarter of its $200-million annual budget this year.

People here are comfortable around firearms, but even in Colorado Springs, the idea of law enforcement as gun sellers has raised some eyebrows.

The Police Dept. objected, only to be overruled by the council, which voted 8 to 1 to direct the department to draw up the program it will consider this month.

Jan Martin, the lone council member who voted against the sales, said the small amount of money they could bring in is outweighed by the risk that a gun sold by the city could one day be used for a crime. "I remember what some of those weapons were used for," Martin said. "Just the idea of putting those weapons back on the street is unconscionable."

The Int'l. Assn. of Chiefs of Police cautions against law enforcement agencies selling weapons they have seized. Destroying the firearms, it says, is a better policy. No one tracks the number of agencies that make sales, but officials believe it to be very small.

Chaska, Minnesota, 20 miles southwest of Minneapolis, is one such agency. The department upgraded its rifles recently and the only way to pay for the guns was to sell old ones to licensed firearms dealers.

In El Paso County, which includes Colorado Springs, Sheriff Terry Maketa's agency has been selling confiscated firearms to licensed dealers since 2006. Spokeswoman Lt. Laurie Sevine noted that most

Continued on page 45

I'VE GOT SOMETHING YOU DON'T WANT !!!

Where would you store this evidence???

Richard Heene's balloon is held for evidence in the Larimer County Sheriff's evidence area in Fort Collins, Colorado.

Larimer County Sheriff Jim Alderden said it was a hoax when parents reported that their 6 year old son was in a flying saucer-like helium balloon hurtling away from their home when he was actually hiding in the garage.

Sunday, October 18, 2009 (AP Photo/Will Powers)

A small homemade helium balloon resembling a flying saucer and believed to be containing a 6 year old boy is pictured here floating thousands of feet above Colorado, October 15, 2009.

This is an example of a large difficult piece of evidence that may need to be stored in your agency. What would you do with this? The best answer will be published in our next issue of the Evidence Log. Please e-mail to: rgiles@iape.org. - Ed.

YEAR 2010 I.A.P.E.
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Evidence Log 2009-4

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Application Form

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How to prepare for your online exam:

To prepare for the fifty (50) question online exam, study the IAPE Standards that can be found on the Web:
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Cont'd. from page 16

Reader's Q & A

Greetings,

This inquiry is regarding your advertised product EVI-PAQ rifle boxes and their storage. My agency is moving to a new facility. With that, I am getting a new evidence storage area and new shelving to go in it. However, I am having a hard time finding shelving made to accommodate the EVI-PAQ boxes. I currently store the boxes on end with a 55" height to my shelf. I store them up-right, side by side, two rows deep on bulky homemade wooden shelves. The shelves are built cantilevered to prevent boxes from falling forward off of the shelf.

I am sending this letter in hopes that you or one of your readers might have some contact information for a few shelving companies. If there are other readers out there that currently use EVI-PAQ rifle boxes (large and small) maybe I can get the info from them and not re-invent the wheel!

I will be storing my rifle boxes the same in the new location, on end, 50" up-right × 3¼" wide (side by side) and 8 ¾" deep, one row. I have a ten foot ceiling so I will want to go two shelves high. If you do actually have any such contact information please forward it to me. I would greatly appreciate it. If you or any of your readers have any useful info please send it to me VIA email.

Thank you and best regards,
Steve Ellyson, Evidence Technician
Mason County Sheriff's Office

Steve, thanks for the question.

From what you describe, you have wooden racks that are built to fit the long rifle boxes, similar to the photo here. This wooden rack is a very efficient system and can easily be built by any carpenter to whatever size you need.

In looking through our picture files, most of the shelf manufacturers who advertise in the Evidence Log can make a 6" or 8" deep metal shelf on the top and bottom of a fixed or moveable carriage, built to whatever height you need. The problem you may have is that not all rifles fit in an Evi-Paq box. Some may have longer barrels, some have scopes, some have bulky magazines. If your goal is to have all long guns in boxes (a very good idea) then you have to allow for the exceptional size rifles too.

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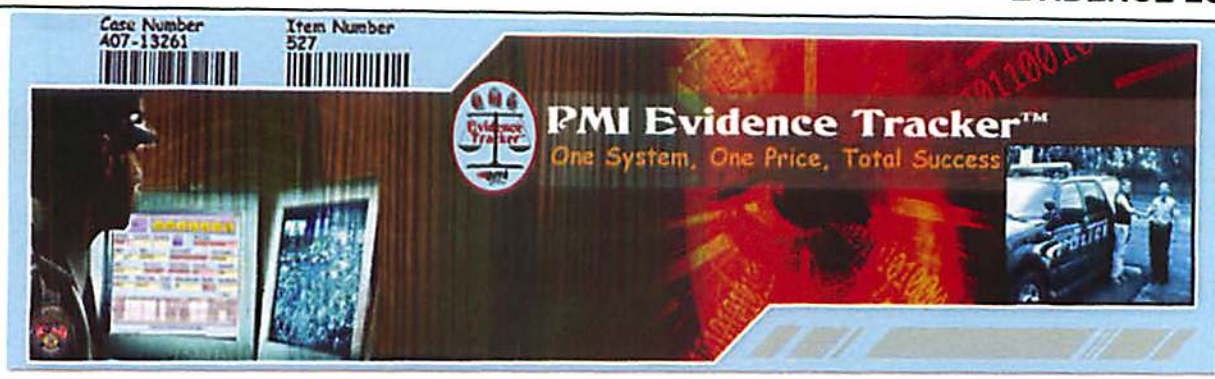

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DOING THE RIGHT THING

By Joseph T. Latta, IAPE Executive Director

Many years ago, as a young rookie police officer, I was given some great advice from an old crotchety training officer. He said, "Joe, in our profession we are continuously challenged in making decisions that effect many people. If you follow this advice you can stand tall and know the decision will probably be correct."

Ask yourself the following questions when having to make those difficult decisions, whether it be in the field, property room, or amongst your friends.

1. **Can you go home and tell your spouse what you did and feel good about it?**
2. **Can you go home and tell your parents what you did & they'll know they taught you right?**
3. **Can you go home and tell your children what you did and they'll respect & look up to you?**
4. **Can you tell your Priest, Minister or Rabbi what you did & he/she will say "you did right"?**
5. **And last... if you read about it in the local newspaper, would you be proud of your own actions?**

If you can answer all of thee questions in the affirmative, you probably did the right thing!

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Cont'd. from page 33

EVENT OR TREND ? Firearm Sales

weapons used in crimes are not for sale because they are kept as evidence, sometimes for decades. Sevine stressed that licensed dealers can only sell to people who can legally own firearms. "We're not selling to any civilian off the streets," she said. "We're very cautious as to how we go about this."

The sheriff's program has netted nearly $30,000 in two auctions, and inspired Vice Mayor Larry Small to propose that Colorado Springs police start selling seized weapons. He shrugged off complaints about guns possibly ending up on the streets, noting that police have long sold other assets seized from criminals. "We auction off cars. It seems to me there's not that much difference between a firearm and a vehicle," Small said. "We've got a number of homes we've seized... We don't send a bulldozer over to them." He thinks residents are comfortable with the idea because he's gotten only a handful of e-mail complaints.

Residents were rather blasé about the possibility of their police selling guns. "If it's going to generate money for the Police Dept. or the city, that's a good thing," said Joe Nason, 28, a six-year Army veteran taking a break from working on a construction project downtown. "People can get weapons anyway. I don't think sales would have an effect on crime or more weapons."

Ty Lewis, 43, a floor installer reclining in square-block Acacia Park, also had no worries. "I don't think it's that much of a risk," he said. "Criminals are going to get their guns illegally." But Susan Jones, an elementary school teacher, had other ideas. "I'm totally against it," she said. "I don't want to have as many guns out there as there already are." Her husband, David, also a teacher, was pushing a pink stroller holding their 11-month-old daughter, Katelyn, while their 9-year-old son, Zach, walked along. He said he didn't necessarily have a problem with the idea. But then he stopped and recalled how, when school districts were in dire need of cash, they allowed in soda and candy vending machines. Now the nation is in the midst of a child obesity epidemic.

"It's got to be managed right," he said, so the police don't find themselves having to confiscate the guns another time.

ORDER IN THE COURT

If you ever testify in court, you might wish you could have been as sharp as this policeman. He was being cross-examined by a defense attorney during a felony trial. The lawyer was trying to undermine the police officer's credibility....

Q: 'Officer -- did you see my client fleeing the scene?'
A: 'No sir. But I subsequently observed a person matching the description of the offender, running several blocks away.'
Q: 'Officer -- who provided this description?'
A: 'The officer who responded to the scene.'
Q: 'A fellow officer provided the description of this so-called offender. Do you trust your fellow officers?'
A: 'Yes, sir. With my life.'
Q: 'With your life? Let me ask you this then officer. Do you have a room where you change your clothes in preparation for your daily duties?'
A: 'Yes sir, we do!'
Q: 'And do you have a locker in the room?'
A: 'Yes sir, I do.'
Q: 'And do you have a lock on your locker?'
A: 'Yes sir.'
Q: 'Now why is it, officer, if you trust your fellow officers with your life, you find it necessary to lock your locker in a room you share with these same officers?'
A: 'You see, sir -- we share the building with the court complex, and sometimes lawyers have been known to walk through that room.'

The courtroom EXPLODED with laughter, and a prompt recess was called. The officer on the stand has been nominated for this year's 'Best Comeback' line -- and we think he'll win.

EVENT OR TREND ?

Outsider Should Conduct Police Evidence Probe

This is an interesting power struggle. The prosecutor issues a statement that as many as 10,000 untested sexual assault cases are in the possession of the Detroit Police according to a third party inspection. The Police Chief's spokesman claims that many of the untested kits don't need testing, or the suspect is known to the victim, or has been identified through other means.

This type of selective testing was recently tried by the Los Angeles Police to resolve their lab's backlog and save money. The result was a political backlash that caused a rethinking of the policy. They now test all samples submitted. The problem with selective testing is that a significant portion of rapes are committed by serial rapists that have not been identified by name. One test of a sexual assault kit where the victim declines to prosecute or where the suspect is already known could prevent the DNA sample from being entered into CODIS and a serial criminal identified – and future crimes prevented.

For this reason the Detroit police should also rethink their policy and commit to testing all samples submitted. Any lesser standard says to the sexual assault victim that her case does not warrant spending the money to brig her assailant to justice. If the budget doesn't immediately permit this, start prioritizing cases, but commit to testing all submitted samples regardless. – Ed.

In contrast to New Jersey State Labs that are enjoying success with their DNA Lab program, the Detroit Police Crime Lab was discredited and subsequently closed due to errors and mishandled evidence.

The Detroit Free Press reports on September 22, 2009 that officials should act decisively to assess thousands of sexual-assault evidence kits found in an evidence facility, and it's going to take an outsider to do it, Wayne County Prosecutor Kym Worthy told Police Chief Warren Evans in an urgent letter sent this month. In a September 8 letter to Police Chief Warren Evans, Worthy said there may be more than 10,000 so-called rape kits and hundreds of other pieces of evidence warehoused, unanalyzed, in a police "overflow property room." The situation raises fears that cases could be affected if evidence is challenged in court, Worthy said.

Detroit police spokesman John Roach said that, so far, the preliminary investigation shows kits include ones "already processed for criminal investigations, as well as many that never required processing because cases were resolved without the need for DNA evidence." The unprocessed kits include cases in which a person didn't want to pursue charges or the prosecutor declined to issue a warrant, he said. Others ended with a plea or involved assaults that would not have left DNA, Roach said.

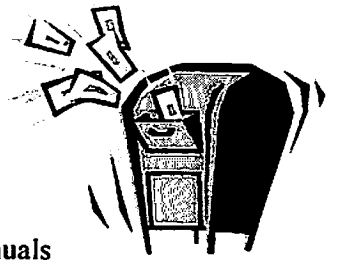
Worthy's letter, however, offered a grimmer view, was filled with sexual-assault evidence kits, known as rape kits, and other evidence that had not yet been analyzed. The problems have been worsened by the destruction of other, unspecified evidence that needed to be retested because of "the sub par work conducted by the lab," Worthy added in her letter.

Boxes of rape kits were found in an evidence room several weeks ago during a routine inspection of police facilities by Michigan State Police. The evidence warehouse also had hundreds of other pieces of evidence and case files, some of which, Worthy wrote, is "unmarked and not catalogued in any intelligible way." If any of the kits are used in court, they are open to challenge "on a number of levels, and my office needs to know the clear gravity of this situation, Worthy wrote.

Roach said the internal probe was under way before Worthy's letter, and "Once the internal affairs report is finalized, the chief will determine whether an outside review is necessary, and will share our findings with the prosecutor". He also said judgment should be withheld until the investigation is concluded, and the department "takes sexual assaults very seriously and is committed to making sure all evidence is handled appropriately."

The lab was closed last year after an audit found an error rate of 10% in firearms cases. The entire lab was shut down out of fear the slipshod practices extended to other testing.

WE GET MAIL...



Dear Joe:

I see sample manuals for Police Departments. Do you have any sample manuals for Clerks of Court? We have to maintain evidence after it goes to trial for quite a long time.

Barbara P.

Thanks for the email. We have had a number of court clerks in our 650 classes and universally the have little information on how to operate the property room.

To answer your question, there is nothing. I would be surprised to find anything based on conversations with other clerks during the last 25 years. However, our class and standards provide a great deal of guidance in the general storage of evidence.

Let us know if we can be of assistance.

Joe

Continued on page 49

NEW COURTHOUSE ARTICLE - WILL EDIT FOR SPACE

See related Article on Page 51

I.A.P.E.

SCHOLARSHIP APPLICATION

International Association for Property and Evidence, Inc.
903 North San Fernando Boulevard, Suite 4
Burbank, California 91504-4327

Tel. 800-449-4273 FAX: 818-846-4543 E-mail: mail@IAPE.org www.IAPE.org

Name of Agency _____

Address of Agency _____
Street City State/Zip

Number of sworn employees _____ **Number of property officers** _____
Number of civilian employees _____ **Sworn** _____ **Civilian** _____

Total budget last FY $ _____ **Training Allocation last FY** $ _____

Name of Applicant _____ **Title/Rank** _____
(First) (MI) (Last)

Signature of Applicant _____

Membership application fee waiver requested? ☐ No ☐ Yes

Tuition waiver to which IAPE Property and Evidence Class is being requested? _____

Location _____ **Date** _____
City / State

Has a prior tuition waiver request been made? ☐ No ☐ Yes **If so, when? Date:** _____

Please give a brief explanation why a tuition waiver scholarship to attend the Property and Evidence Management Class for this person is needed, or why the CPES or Membership fees should be waived.
(Copy this page and continue on reverse if necesasary.)

_____
_____
_____
_____

Signature of agency head or designee: _____

Title _____ **Telephone** ( ) _____

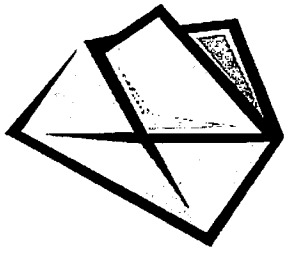
IAPE to Provide Scholarships to Needy Evidence Professionals

IAPE has a history of providing assistance to evidence professionals in times of need. The IAPE Board of Directors recently voted to provide a limited number of scholarships at each class for those evidence professionals who can justify a need.

If you know someone from an agency that can't fund the training and is in need of the training, have them complete this scholarship application. All applications will be subjectively reviewed by the IAPE Scholarship Committee to assess the level of need.

Continued from page 47

WE GET MAIL...



Dear Barbara:

Let me try to provide some additional guidance.

Unfortunately, there is no material that we know of that specifically identifies procedures for the court's handling of evidence. The good news is that most of the evidence handling procedures that we advocate for law enforcement agencies should also apply to the courts. Refer to our professional standards for a great deal of applicable information.

Let's talk about where you store your evidence. Does it meet evidence room standards? Is the location in a basement that is subject to flooding? Is the location in an attic that is subject to hurricane force winds? Is the door secure? Is the door of solid core construction? Are any existing windows or vents secure? Who has a key? Is there an alarm? Do you have surveillance video of the doorway? Do you have an area that has enhanced security for guns, money, and narcotics? Is the storage of items segregated by size? Where do you store larger items? How are shelves labeled? Is your storage area DNA friendly in a "room temperature controlled space (room temperature between 60°F and 75°F with a relative humidity or less than 60%)? Do you reject storing items that come in need of refrigeration or freezing? All these are factors to consider when storing evidence.

Let's talk about documentation. Most court evidence rooms can easily be managed with a paper-based system if protocols are followed precisely. This could be a simple ledger that assigns a control number and storage location. Once the item is accepted, the person in charge of the evidence should have some sort of consecutive control number to file the item by. Most courts probably use their case numbers, but these may not be consecutive if no physical evidence is entered. A unique colored label should be placed on the item to identify the court control number. The court may want to invest in a computer database that may be accessed from multiple terminals if more than one courtroom is in use, and more than one person accepts evidence. Check the pages of this Evidence Log for vendors that specialize in small agency applications. Costs can be controlled by using a secure web-based program.

The receipt of evidence should be carefully documented to identify who submitted the item and when. This is probably in the court record along with the names of attorneys involved and the defendant, and the plaintiff's name in civil cases.

Once the case has been adjudicated, what do you do with the evidence? How does the court purge items? Are items returned to the submitting agency? Are records kept of who the items are released to? How long are items kept? If destroyed, is there any record of its destruction? Are defendants tracked to know when evidence may be destroyed, and when it must be retained for post-conviction appeals? Is a long-term record kept of all dispositions?

As you can see, there are a lot of questions to be asked that we have no answers to. Consider bringing this topic up with the Presiding Judge for discussion. How would the court react to a request by the local newspaper to see how your evidence is stored?

The IAPE has entered into discussions with the crime lab association, and we hope to expand our influence into the courts. Our goal is to have the same standards of care apply to evidence from the moment the item is seized, to when it goes to the crime lab, when it goes to court, until it is disposed of or released back to the owner. The public needs to have transparency in order to maintain trust in our system. We hope this has been of some help. – Ed.

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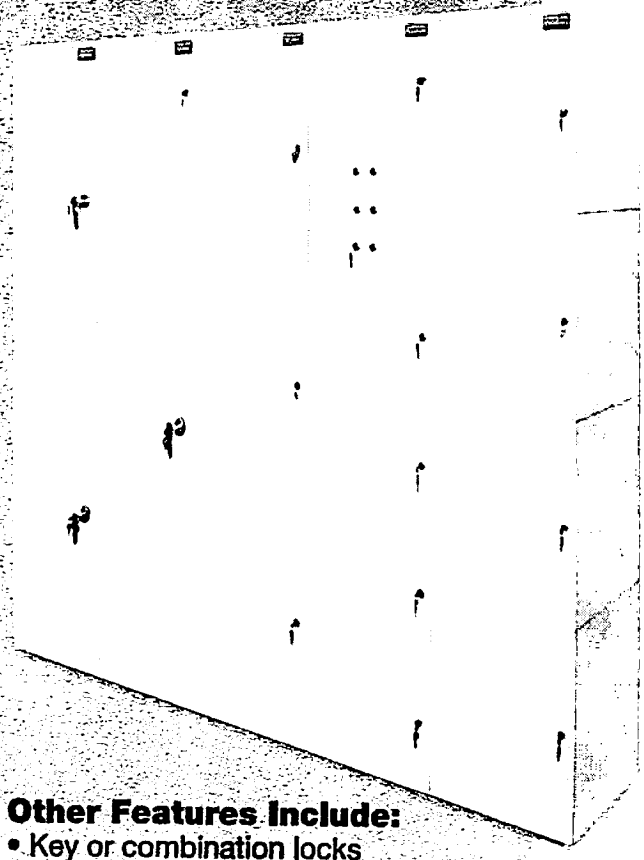

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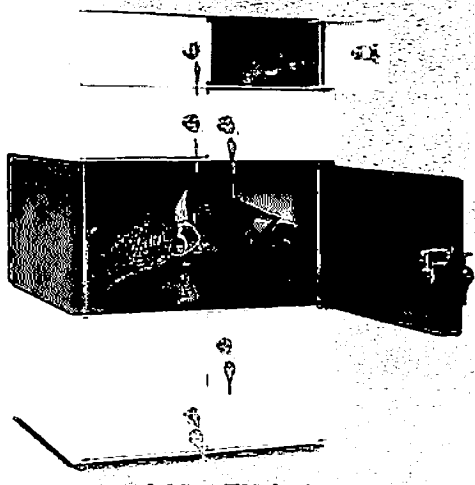

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COURTHOUSE PANEL LOOKS AT EVIDENCE HOLDING FACILITY

Moore Panel Says Courthouse Study Needed

The Fayette Observer reports that on July 16, 2009, the local Facilities Advisory Committee recommended waiting on the Moore County Courthouse replacement until a needs assessment can be completed. Committee member Gerald Galloway, a former Southern Pines police chief, said two prominent issues that need to be addressed are how to bring the existing building up to compliance and what the long-term needs are.

Galloway said the courthouse does not comply with state recommendations for storing biological, or DNA, evidence There are no climate-controlled evidence rooms in the building.

Additionally, three of four evidence storage rooms have drop down ceilings, which also does not comply with state recommendations. Drop down ceilings make it easier to steal evidence.

This article is significant because it is one of the first we have found where Courtrooms evidence facilities are being examined and planned as a priority issue. The Fayetteville Facilities Advisory Committee is to be commended for their attention to this issue for two reasons. First, they acknowledge that the security in the existing facility is deficient. Secondly, they acknowledge the need for climate controlled evidence holding facilities to protect DNA and store biological evidence.

Although the committee has demonstrated forethought on its evidence storage needs, we will have to wait and see if this remains a priority when the building cost estimates begin to come in over budget. The future expansion needs will be significant, and the desire to maintain secure, climate controlled evidence storage may become a victim to the budget cutting ax. Let's keep our fingers crossed.

IAPE has been advocating that evidence handling should be equally controlled from the moment it is collected by the investigating agency, sent to the crime lab, sent to court, until it is finally released or destroyed. Many courthouses are seriously lacking in evidence security and management capabilities. The Moore County Facilities Advisory Committee in Fayetteville is one of the first reported to make this a priority. – Ed.

See related Article on Page 47

I'VE GOT SOMETHING YOU DON'T HAVE !!!

MINNESOTA VIKING SWORD ?

Joe Latta & Mark Ryan from Maple Grove, Minnesota examine a Viking Broadsword . . .

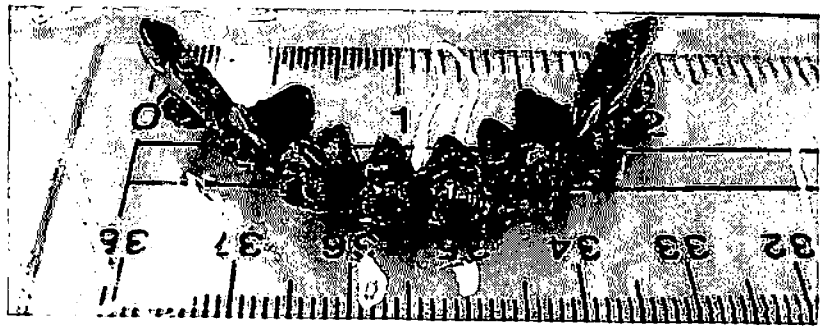
Is this a great tool for budget cuts, or what?

--- *OR* ---

Do you know what's in your wallet, eh?

COPS GET TEETH INTO CASE

In the market for a set of used grills once worn by a perp? Well, Tennessee cops may have some gold for your cash. The Nashville Police Dept. is auctioning a confiscated "set of custom made teeth grills," with the proceeds of the sale earmarked for the Police State Drug Fund. As seen in the photo below, the mouth ornament is adorned with six topaz stones and two citrine stones. It is made of 10 karat yellow gold and carries an appraised value of $349. It is unclear in whose mouth the item previously resided, but the grill was most recently stored in Nashville P.D.'s property room, according to a city worker who was assured that the grill had been thoroughly cleaned by a jeweler. Prospective bidders can inspect the jewelry--but not try it on--at a municipal warehouse.



EVENT OR TREND ?

Regional Evidence Storage Solutions Sought

The Clarion-Ledger reports on July 13, 2009 that Mississippi law enforcement agencies lack both the space and expertise to store DNA evidence that a new state law requires them to preserve. The law that went into effect in March says the evidence from criminal cases must be kept - but doesn't say where.

The Mississippi Crime Lab was the location agencies hoped would preserve and store DNA evidence for them after their cases were resolved, but the lab also lacks storage capacity.

Holmes County Sheriff Willie March, newly installed president of the Mississippi Sheriffs Association, believes that a regional state warehouse is the best location to properly store long term dormant DNA evidence. Each of Mississippi's 82 counties handle DNA evidence in different ways. Some may not collect DNA in all investigations because it is too costly.

The new law says that if DNA evidence is collected as part of the regular investigation into a criminal case, it is to be preserved. The evidence would be kept while the felony crime remains unresolved or the time the person convicted of the crime remains in custody.

Taylor said Jackson has always sent certain items to the state Crime Lab
for testing and receive them back once the testing is complete.

Will McIntosh, staff attorney for the Mississippi Innocence Project, said he can understand law enforcement's concern about DNA or other biological evidence piling up and becoming unmanageable, but he said it shouldn't be a worry because *the law allows for only samples room items to be kept*. He cited as an example a mattress with DNA evidence. He said the entire mattress wouldn't have to be kept, only a sample. The bill also allows DNA evidence to be destroyed after a period of time if notice is given to all parties and they agree to it, McIntosh said.

The task force report didn't mandate a centralized location for storing DNA evidence but suggested the state Crime Lab in Jackson as the most suitable location.

This article is interesting because it illustrates the effect of an unfunded State mandate upon local and county government. The State passes a law with good intentions without considering the consequences of its actions. Many agencies are already dysfunctional or out of room, and the added long-term storage of DNA evidence in cold storage, or storage in a room temperature controlled environment may be a huge issue.

The idea of a central repository run by the state is an interesting concept Every agency in the state could then submit closed cases for long-term storage in an approved manner without being held responsible for mishandling or losing it.

An interesting note is the Mississippi Innocence Project's spokesman who thought that just keeping a sample of the large item would suffice. Is he willing to waive his client's right to search the whole item for additional evidence? – Ed.

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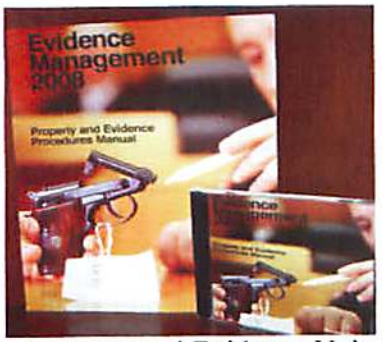
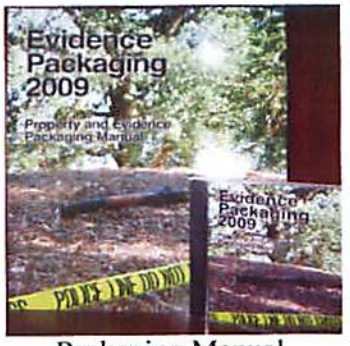


Property and Evidence Unit Procedure Manual



Packaging Manual

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IAPE MEMBERSHIP DUES FOR 2010 ARE DUE

The International Association for Property and Evidence, Inc. (IAPE) Annual Membership Dues statements should have already arrived in the mail. Please be aware that if payment has not been received and cleared by March 31, 2010, your membership, as well as your subscription to the Evidence Log, will be cancelled. Due to rising publication and postage costs, we can no longer sustain lapsed memberships while awaiting delinquent payments. To ensure your continued benefits of membership, and to keep on receiving the Evidence Log without interruption, we encourage you to submit your payment of dues as soon as you are able.

A copy of the 2010 Membership Application can be found on Page 35. Or for more information, our contact information is listed below.

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MISSING EVIDENCE RECOVERED

This appears to be another example where an annual inventory of all items in the evidence room would have prevented a great deal of embarrassment for the agency and would help to account for missing items in a more timely manner. The annual inventory, if done all at once, is a time-consuming exercise. If the inventory is done one manageable portion at a time, then it is not an onerous task. The inventory also would have uncovered the large amount of unlabeled and uncatalogued evidence items. – Ed.

Of 2,155 items missing from Brooksville Police Department, only 13 are unaccounted for.

The St. Petersburg Times reports on September 18, 2009 that an investigation begun more than two years ago into 2,155 items – including guns, drugs and money - missing from the Brooksville Police Department evidence room has concluded, with all but 13 of the items located.

The Florida Department of Law Enforcement began the audit in May 2007 after a request by interim police Chief Frank Ross, who initially sought help from the Hernando County Sheriff's Office.

The audit by the Sheriff's Office revealed two dozen guns, more than $4,000 in cash and unknown quantities of drugs were missing. At the recommendation of Sheriff Richard Nugent, Ross asked the FDLE to get involved.

The audit cast a cloud over the management of the evidence room during the controversial tenure of longtime Brooksville police Chief Ed Tincher, whom Ross replaced.

While some of the items in the initial audit were missing, others were unmarked or never catalogued. The inventory in 2007 showed 6,129 items on hand while the department's evidence computer's database listed only 3,901 items. More than 1,500 pieces were not labeled with any case number or other information. The FDLE report concluded that the evidence discrepancies were the result of substandard record-keeping and control.

Brooksville police Chief George Turner agreed, saying that without proper tracking and handling, "things get mislabeled, put in the wrong place or just plain forgotten."

Turner, who took over as chief in September 2007, recalls being greeted by FDLE investigators on his first day on the job. Since then he estimates his staff has put "thousands of hours" into sorting through the massive number of items that had accumulated over the years.

"We had stuff in there dating back to the 1980s that didn't need to be there," Turner said. "Drugs, weapons, all kinds of things that nobody around here knew anything about."

The report noted that 13 items remain unaccounted for, including three handguns, two of which were involved in death investigations; and a little more than $700 in cash.

However, Assistant State Attorney Don Barbee said that his department reviewed all of the discrepancies, and found "no issues with our criminal cases."

Turner said that the department has taken steps to improve operations at the evidence room, including specialized training for workers, an evidence tracking software program, video and security upgrades, purging all closed case exhibits and following state standards. "This is one thing that won't happen again," Turner said.

CONGRATULATIONS!

to all of our recently designated
Certified Property & Evidence Specialists
(since last issue)

Atkinson, Keith	CCPES - The Warren Group	South Carolina
Backes, Kelly A.	Missouri State Highway Patrol	Missouri
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Bardugon, Lara	Gwinnett County Police Dept.	Georgia
Bautista, Robert S.	Fayatteville Police Dept.	Georgia
Bennett, Elizabeth A.	Raytown Police Dpet.	Missouri
Bentley, Machell	Edina Police Dept.	Minnesota
Brown, Carrie	Laramie County Sheriff's Dept.	Wyoming
Bruce, Diedra M.	Botetourt County Sheriff's Office	Virginia
Budde, Juliann R.	Will County Sheriff's Office	Illinois
Carlsson, Zacharia M.	Salt Lake City Police Dept.	Utah
Chesnavage, Clare	Columbus Police Dept.	Mississippi
Colburn, Randy	CCPES - The Warren Group	South Carolina
Crede, Tracy	Arapahpe County Sheriff's Office	Colorado
Daughetee, Jim	Hamilton County Sheriff's Office	Tennessee
Doss, Mary L.	Palm Beach County Sheriff's Office	Florida
Dowling, Brian K.	Johnson County Sheriff's Office	Kansas
Durkos, John	Inglewood Police Dept.	California
Flores, Orlando	Gwinnett County Police Dept.	Georgia
Gossett, Jeffrey L.	Fairfax County Police Dept.	Virginia
Gurule, Denise M.	City of Durango Police Dept.	Colorado
Harris, Cori D.	Bridgeport Police Dept.	Texas
Hartley, Char	Skamania County Sheriff's Office	Washington
Howell, Richard	Palm Beach County Sheriff's Office	Florida
Kendrick, Larry E.	Fairfax County Police Dept.	Virginia
Koho, Tara	Nampa Police Dept.	Idaho
LeBlanc, Marguerite F.	Palm Beach Conty Sheriff's Office	Florida
Lopez, Edward J.	Sahuarita Police Dept.	Arizona
Lowe, Liset	West Plam Beach Police Dept.	Florida
Lynn, Kathy E.	Arapahpe County Sheriff's Office	Colorado
Maugeri, Melanie A.	CCPES - The Intelligence Group	New Jersey
Mongeon, Todd	Western New England College Police	Massachusetts
Pacini, John C.	Gilbert Police Dept.	Arizona
Pharr, Cynthia	Gwinnett County Police Dept.	Georgia
Phillips, Sammie D.	Wise County Sheriff's Office	Virginia
Plock, William R.	Columbus Police Dept.	Georgia
Rivers, Jennifer A.	Winston-Salem Police Dept.	North Carolina
Roberts, Debbie S.	Winston-Salem Police Dept.	North Carolina
Robertson, Brad R.	Tehlequah Police Dept.	Oklahoma
Romero, Cindy	Araphape County Sheriff's Office	Colorado
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Smith, Richard A.	Palm Beach County Sheriff's Office	Florida
Stedman, Lori A.	Forsyth County Sheriff's Office	Georgia
Tadlock, Susan K.	Las Vegas Metropolitan Police Dept.	Nevada
Vaughn, Nina M.	Las Vegas Metropolitan Police Dept.	Nevada
Wood, Debra S.	Jefersontown Police Dept.	Kentucky
Zemo, Lori	Winston-Salem Police Dept.	North Carolina

Bits and Pieces

This page is designed for members who would like to publicize up-coming property and evidence related events. Please contact us via the web-site if you have something to include for the future.

California Association for Property and Evidence

21st ANNUAL CONFERENCE

When: May 10 - 14, 2010
Where: Rancho Las Palmas Resort & Spa
Rancho Mirage, CA

For more registration information, fees and other details, visit: **www.cape-inc.us**

Colorado Assn. of Prop. & Evidence Technicians

SPRING CONFERENCE

When: May 2010
Where: Mount Vernon Country Club
Genessee, CO

For more more info. and details, contact:
cthurston@greenwoodvillage.com

Property Association Websites

International Association for Property & Evidence
www.iape.org

Arizona Association for Property and Evidence
www.azape.org

Arkansas Association for Property and Evidence
www.arproperty.org

California Association for Property & Evidence
www.cape-inc.us

Colorado Association of Property & Evidence Technicians
www.capet.com

Illinois Association of Property and Evidence Managers
www.iapem.org

Property & Evidence Association of Florida
www.peaf.net

Oregon Association of Property & Evidence Officers
www.opoa.info *(click "Training/Events" tab)*

Texas Association of Property, Evidence & Identification Technicians
www.tapeit.net

Illinois Assn. for Property & Evidence Mgmt.
Illinois Division Int'l. Assn. for Identification

I.A.P.E.M. *I.D.I.A.I.*

2010 Training Conference
May 19, 20 & 21, 2010

Harrah's
JOLIET CASINO & HOTEL
151 N. Joliet St.
Joliet Il. 60432

Conference reduced room rate of $89/night.
For hotel rates and booking, call Harrah's at 815-774-2663, use booking code S518IAI

Please refer to Page 25 for the most current schedule of up-coming IAPE classes.

C.P.E.S. Recertification Requirements

C.P.E.S. initial certification is valid for a period of 5 years. To maintain certification, C.P.E.S. designees must complete continuing training during the five year period. The I.A.P.E. Board of Directors has established the following criteria for recertification:

- **Continued dues paid membership in I.A.P.E.**
- **Completion of continuing education through 1 of 2 options:**

1. Attendance of another 2 day "Property & Evidence Management" course during the 5 year period (for a class schedule go to: http://iape.org/classes/classRegistration.php) **OR**
2. Completion of at least 5 I.A.P.E. online classes. The application for the online classes can be found at: http://iape.org/pdfFiles/20081129_CPES_Online_Class_Registration_Form.pdf

These are current classes available online ($250. per bundle of 5):

R01 Packaging & Labeling Property & Evidence
R02 Access Control, Video Surveillance & Alarms
R03 Destruction of Firearms
R04 Destruction of Narcotics
R05 Conducting Audits of the Property Room
R06 Conducting Inventories of Property Room
R07 Storage Long Term
R08 Evolving Trends in Property & Evidence
R09 Destruction, Disposal and Purging

- **Submission of a Recertification Application along with payment ($100) and proof of completion of required training.**

NOTE: Recertification is for another 5 year period.

(Note: The Recertification application can be found on the I.A.P.E. Web site at: http://iape.org/pdfFiles/20081129_Recert_Application_FormFill_v5.pdf)

Questions: Billing or payment for recertification or classes, call I.A.P.E. at: 1-800-449-4273
Technical questions regarding the online classes, call Kiley Associates at: 1-631-628-2823

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The Crime Fighter BEAST

Computerized Barcoded Evidence Analysis, Statistics, & Tracking Program

The Most Powerful Evidence Tracking System Available On The Market!

Standard System Includes:

- ⇒ **BEAST** Property & Evidence Tracking Software.
- ⇒ Industry Leader in Handheld Laser Scanners: the Symbol LS 2208
- ⇒ Advanced Palm Powered™ PDT for inventories & custody transfers with signature capture: the Symbol SPT1800
- ⇒ Versatile and Affordable desktop printing: the Zebra thermal transfer (TLP) 2844 bar code printer.
- ⇒ Onsite Installation, Training & Transition Assistance

Standard System Key Features:

- ⇒ Chain of Custody Tracking
- ⇒ Advanced Querying Capabilities
- ⇒ Customizable Fields & Data
- ⇒ Digital Signature Capture
- ⇒ Digital Image Archiving
- ⇒ Secure Officer Input
- ⇒ Field Level Evidence collection and bar-coding
- ⇒ Secure Audit Trail
- ⇒ Compatible with over 75 State and Local Crime Labs
- ⇒ Used in over 300 Police Department Property Rooms

Advanced Features Include:

- ⇒ Available on Oracle or MS SQL databases
- ⇒ MDT evidence submission
- ⇒ Custom interfacing to any RMS system
- ⇒ Support for in house lab analysis and report writing
- ⇒ Posting of selective evidence information, to agency website for lost or stolen property searches by public. (Including available images of property)

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Schaumburg IL 60193
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Fax: (847) 584-0556
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Email: BEAST@porterlee.com

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Visit Our Home Page at http://www.iape.org
Contact us at www.iape.org/form_contact.html

Membership / Renewal form is located on Page 35