

THE EVIDENCE LOG[®]

is the Official Publication of the International Association for Property and Evidence, Inc.

HANDLING FIREARMS

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IAPE Standard 11 - Firearms

*Event or Trend?
Should Cops Sell Guns?*

Sheriff Re-Purposes Weapons

*News: Lax Policies
Allowed Gun Thefts to Occur*

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Public

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NEW WEB-SITE LINKS & RESOURCES:

The extensive IAPE web-site now offers up-dated links to numerous law enforcement agencies, programs and resources that pertain to our field. Topics include latest DNA handling practices, training opportunities, on-line classes, new products and vendors; plus current headlines and blog entries hand-picked for your information.

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www.iape.org/resourcesPages/downloads.html



THE EVIDENCE LOG®

*Established to further the education, training
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Published quarterly
as part of a continuous program of I.A.P.E., Inc.*

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by contract with ECS, Inc.*

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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.

*Please address all inquiries concerning this publication
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Volume 2012, Number 1 - April 26, 2012

The Evidence Log

Published Quarterly by:

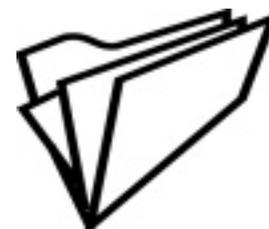
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BOB GILES

EVIDENCE LOG EDITOR

EDITOR'S CORNER

THE GILES FILES



FIREARM ISSUES

This issue of the Evidence Log spotlights problems and suggestions pertaining to the storage and disposition of firearms. As noted in the referenced articles, the disposition of firearms by selling them when they have been in the possession of a law enforcement agency is a very emotional issue, especially for anyone who has a family member who has been harmed by a handgun. IAPE takes no formal position on this issue, as our members are divided on the topic.

For this reason, any agency that chooses to sell firearms should always make them through a licensed firearms dealer, who is responsible for making background checks on the persons who purchase these firearms consistent with all state and federal laws. It must never be easier or cheaper to purchase a firearm that originates from a law enforcement agency sale than it is from the sale of any used firearm from a licensed dealer. This factor should help to ease the argument of those who think that law enforcement gun sales are bad for the community. Since firearms are legal to buy, then they should be OK to buy regardless of where they originate.

It is critical that all existing laws pertaining to the sale or transfer of firearms is followed to the letter in order to keep firearms out of the hands of those persons who are prohibited from legally possessing them due to the criminal history or mental instability. Any failure to adhere to these laws, combined with a criminal act involving the firearm, will surely expose the agency, and perhaps an individual employee, to significant civil liability.

Additionally, there are multiple examples in the news where handguns have been stolen from the evidence room by an employee who had unfettered access. It is incumbent upon the head of each law enforcement agency to limit the number of persons who have access to firearms in storage to only those persons who have an articulable need to enter the secure area. This limits the number of persons to investigate when a firearm is reported missing. Of course, no one will know if a handgun or rifle is missing unless an audit is performed. Consider having a supervisor or manager, outside the evidence room chain of command, conduct such an audit on a regular basis.

In addition to restricting access, having a surveillance camera record of whom enters and leaves the restricted area is also needed to help investigate who was there and how they got in. Many surveillance systems only record 30 days worth of activity; this is not nearly long enough to discover any losses when the audits are conducted on a yearly basis. IAPE suggests that multiple year's worth of surveillance data recording to be saved, and longer if feasible; evidence thefts often take many years to discover.

As always, we are happy to answer any questions or help you resolve any unusual storage issues here, or on our website at <www.iape.org>.

Robert Giles,

Evidence Log Editor

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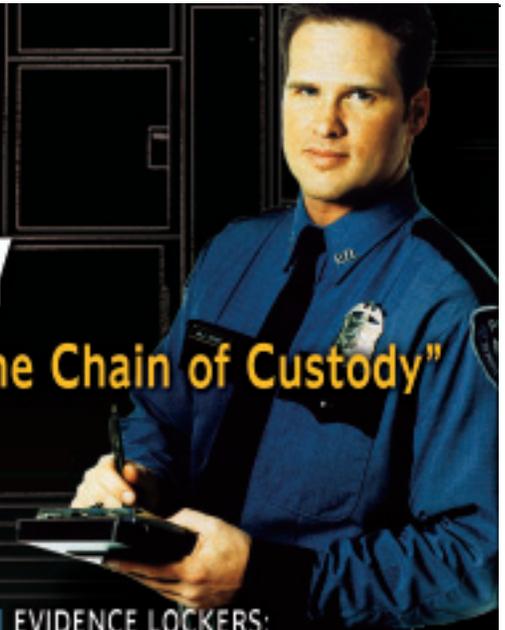
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IAPE STANDARD 11 FIREARMS

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Standard 11.1: Firearms - Packaging

Standard: Firearms should be packaged in a manner that protects the employee, protects the evidentiary value of the item, and permits efficient storage. Safety of employees must be a priority.

Definition: Packaging refers to the container used to safeguard the firearm, trace evidence, and permit appropriate labeling of the firearm.

Reasoning: Firearms need to be packaged in a manner that easily identifies the item as a firearm, in addition to providing a container that safeguards the evidence from contamination and ensures the packaging provides the highest level of safety for employees.

A good practice to prevent a loaded firearm from being submitted to the property room is to insert a nylon safety tie through the action or cylinder when feasible. The tie should not be inserted through the barrel as it may alter barrel markings. Any proposed policy to this effect should be reviewed by the crime lab in use to satisfy any forensic objections.

Firearms may be stored in a variety of containers, such as gun boxes, gun bags, kraft paper, Tyvek bags, paper bags, or manila envelopes. Some agencies elect to not package their firearms at all.

Any container used for the storage of firearms should protect the safety of the employee from biohazardous substances, such as bloodborne pathogens. The firearm should also be protected in its packaging from the loss of evidentiary value by protecting any trace evidence present from cross-contamination or unintentional obliteration.

Selecting the correct method of packaging can greatly impact the effectiveness of storage and retrieval of firearms.

A firearm placed inside a gun box should be secured with nylon tie wraps, zip ties, or cable wraps, after it has been safety checked for being unloaded. Boxes and bags should generally not be reused if the cross-contamination of trace evidence from a previous use may be an issue in the new case.

The exterior of the container should have color-coded labels to indicate if the firearm has been contaminated with biohazards, or if it had been used in a homicide, officer-involved shooting, found property, safekeeping, or any other special issue.

Each department should develop a policy that provides guidance on the submission of live ammunition. Some agencies chose to place ammunition separately inside a gun box, while other may chose to book and store it separately.

Standard 11.2: Firearms - Documentation

Standard: Firearms should be described in a manner that enables the reader to visualize the item without physically examining it. Additionally, the documentation should provide a record of all parties that have handled the item, storage locations, and transaction dates and times.

Definition: Documentation refers to identifying the item with a unique number, describing the item, and providing a record of all parties handling, various storage locations, along with dates and times of the transaction.

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IAPE Standard 11 - Firearms *cont'd.*

Standard 11.2: Documentation *cont'd.*

Reasoning: All firearms evidence needs to be documented in a manner that provides a thorough and accurate description and chain of custody including, chronological documentation, and/or paper trail, showing the seizure, custody, control, transfer, analysis, and disposition of evidence, physical or electronic.

Documentation of the firearm should include a full description including make, model, caliber, type, and serial number. The booking officer should cause the firearm to be queried through NCIC and any state databases to determine its status and history, if known. A good practice is to provide the NCIC or state computer printout to the property room. The property officer should verify the accuracy of the serial number information by comparing the number on the firearm against the paperwork.

Standard 11.3: Firearms - Documentation of Movement

Standard: High profile evidence such as firearms, money, and narcotics leaving the custody of the agency should have the most stringent internal controls to ensure the integrity of the evidence.

Definition: Movement refers to the temporary transfer of a firearm to any external location, such as court, crime lab, other agency, or out for investigations, and its return.

Reasoning: Firearms are considered a high profile item and require extra internal controls that provide a transparent chain of custody. Documenting the person who authorized the transfer, the person who released the item, and the person who received the item along with dates and times is the preferred practice. Any time that property or evidence is released to a person, the receiving and releasing person's signature, destination, date and time should be required.

Providing a subpoena for the court case, or obtaining a supervisor's written approval provides a credible record that the firearm is being taken out of the property room for the reasons stated.

Any time there is movement of firearms from the property room, there should be documentation in the form of a tickler or suspense file that notes when items are "out to the crime lab", "out for investigation", and "out to court", and who is responsible for it. This tickler file will prompt the property officer to inquire regarding the item when it has not returned in a timely manner. The property officer should be required to query all signed out evidence on a periodic basis. For example, firearms, money, and narcotics should be queried on the next working day.

All firearms that have been taken to court and not returned by the end of the court day should have a receipt signed by an officer of the court and a court stamp.

Standard 11.4: Firearms - Storage

Standard: Firearms should be stored separately from general evidence items in a location with enhanced security.

Definition: Regardless of the size needed, a firearm storage area should to be designed in a manner that it is separate from general evidence, provides enhanced security, environmental safety, and easy retrieval.

Reasoning: The size of the firearm storage area needed is dependent upon the quantity of firearms anticipated needing storage. A small agency may only need a locker; a medium size agency may need a closet or cage, while a larger agency may need an entire room.

Firearm evidence should not be commingled with any other property types, except when a common enhanced security area is shared with the storage of narcotics or currency. The following are recommended features for a firearm storage area:

- A firearms room, closet, or cage should be constructed of concrete block, lath and plaster, security screen, or drywall that has been reinforced with plywood or wire mesh.

Continued. on page 10

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IAPE Standard 10 - Firearms *cont'd.*

Standard 11.4: Firearms - Storage *cont'd.*

- The room should not have suspended ceiling access from an adjacent room. Ingress should be via a solid core door equipped with a double cylinder dead-bolt keyed separately from the main property room.
- A locker, cabinet, or locking shelves may be used for smaller quantities of firearms. There should be a separate padlock on a hasp to secure doors.

Any room or area that maintains firearms should have a separate alarm and video system to monitor ingress and activity inside.

- If necessary, a “rule of two” may be designed by providing the room key to one person and the alarm code to another.
- Storage shelf and bin identifiers should be consistent with the storage scheme of the main property room.
- Firearms from “Active” cases should be kept separate from firearms “Pending Destruction.” This may be accomplished by using separate shelves.
- Nothing precludes the enhanced security recommendations for firearms, currency, and narcotics from being combined into one common secure area with three distinct storage facilities.
- Rifles and shotguns should be placed in racks or in rifle boxes to permit a consecutive and systematic filing system. Any firearm, with or without a container should be filed on the shelf in a consecutive and systematic manner using the case or control number.
- Using gun boxes allows the rifle and handgun boxes to be stored on edge to permit easy retrieval. Use additional shelves if necessary; vertical clearance between shelves should be little more than the height of the box to avoid wasting space. Avoid stacking boxes one on top of another to eliminate moving multiple boxes during retrieval. Not all long guns will fit in boxes, therefore an area for oversized handguns and long guns should be made available.

- Firearms from active cases should be in one location, and firearms pending destruction should be in another.

Standard 11.5: Firearms - Storage Pending Transfer

Standard: Firearms pending destruction should always be stored in a designated area that has an enhanced level of security in the property room.

Definition: Firearms pending destruction security refers to the area where firearms are maintained prior to the actual destruction.

Reasoning: Firearms pending destruction have the greatest likelihood of being pilfered from storage. Storing these items in a locked room, secured locker, or locked cabinet provides an enhanced level of security.

Additionally, storing firearms for destruction in an area away from active evidence provides a method to better track and visually monitor the quantity of firearms pending destruction.

Policy should define a threshold when firearms that are pending destruction should occur. A threshold can be based on the calendar, for example, twice a year. It may also be based on quantity, such as every 50 firearms. Thresholds make all parties in the destruction process accountable and ensure the process occurs before firearms become a target of theft.

Standard 11.6: Firearms - Disposition: Release

Standard: All releases of firearms should be specifically authorized in writing by the investigating officer to the custody of a specific person or agency.

Definition: Disposition and release refers to the return of a firearm to the rightful owner if he/she is not restricted from possessing a firearm.

Reasoning: Due to the inherent risk of firearm misuse, a firearm should only be released to its owner after this person has demonstrated that they are not prohibited from possessing a firearm pursuant to federal or state laws.

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IAPE Standard 10 - Firearms *cont'd.*

Standard 11.6:

Firearms - Disposition: Release *cont'd.*

A prior history of domestic violence, mental instability, or conviction of certain crimes may prohibit the person from possessing a firearm. Improper release of a firearm to a person that is prohibited has tremendous potential liability if the firearm is used in a crime.

This responsibility for checking the status of claimants should be assigned to one person in the agency, who has been thoroughly trained in gun laws and interpreting criminal histories. The authorization to release must bear the signature of the person authorizing the release.

In the event that the owner of a firearm is NOT permitted to take possession, department policy may enable the firearm's ownership to be transferred by the owner to or by a federally licensed firearm dealer in lieu of being destroyed.

The actual release should be thoroughly documented with a signature of the person physically releasing the firearm, a copy of government issued ID and signature of the owner accepting the firearm, and a photo of the release.

Policy should ensure that NCIC and state computer databases are updated accordingly any time a firearm is released to prevent a legitimately released firearm from remaining listed as stolen.

Standard 11.7: Firearms Disposition - Diversion to Agency Use

Standard: The diversion of firearms for official use of the agency should be memorialized by policy, or codified by local ordinance or state law.

Definition: Firearms that have no rightful owner, or have been approved for destruction, may be retained by the law enforcement agency for public agency use pursuant to local laws.

Reasoning: The diversion of firearms for agency use is generally an acceptable practice for transferring ownership of the firearm for departmental use. The diversion process should include a justification memo from the requesting party, approval from a manager, and approval from the Chief Executive

Officer or agency designee. To add an additional level of transparency to the process, consider having an official from outside the agency - such as a purchasing administrator or a court magistrate approving the request.

Documentation of the diversion process should be maintained by the property unit and the division commander. The diverted firearm should be included on the agency's equipment inventory for audit purposes and transparency.

Standard 11.8: Firearms Disposition - Sale / Trade

Standard: The sale or trade of firearms by an agency should be memorialized in policy, or codified by local ordinance or state law. The sale of a firearm to an employee should be carefully documented and transparent.

Definition: The exchange of firearms that have been diverted for public agency use to a licensed firearm dealer for cash or in-kind goods.

Reasoning: Firearms are generally traded for new firearms or other equipment as a way to purchase new equipment without using budget resources. The sale or trade of firearms has many risks, liabilities, and potential ethical problems. It is customary for the proceeds of any auction or sale to go to the governing body's general fund to avoid the appearance of any direct conflict of interest.

There is a potential for abuse any time there is a direct connection between the law enforcement agency and the sale or trade of surplus firearms. There may be an incentive NOT to find the rightful owner of property if the sale proceeds go directly to the agency.

Once due process for ownership is complete, the Chief Executive Officer should obtain a resolution from the governing body instructing the law enforcement agency to proceed with the sale or trade. This resolution will help to share any responsibility and negative publicity in the event that a firearm is subsequently used in an unlawful manner.

The sales of firearms to employees should be discouraged as some persons may interpret the

Continued on next page

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IAPE Standard 10 - Firearms *cont'd.*

Standard 11.8:

Disposition - Sale / Trade: Release *cont'd.*

action as providing preferential treatment that is not available to the general public. If a sale is made regardless of objections, ensure that the transfer is made through a federally licensed firearms dealer.

Standard 11.9:

Firearms - Destruction Documentation

Standard: Destroyed firearms should provide transparent documentation that identifies all personnel involved in the destruction process and ensures that an independent witness is able to validate that each and every firearm was destroyed.

Definition: Destruction documentation refers to the memorializing of the destruction process to provide a transparent and verifiable chain of custody and final disposal.

Reasoning: Firearms pending destruction have the greatest likelihood of being pilfered from storage or during transportation to a destruction site, as there is generally no longer any interest in the item for prosecution or release. As a result, there is a need for thorough documentation and verification of every step in the destruction process to leave no room for doubt or suspicion as to its final disposition.

Maintaining a running firearm destruction list that includes the case number, item number, tracking number, defendant's name and an accurate description of each item enhances the integrity of the process.

Once the firearms are authorized for destruction and have been listed, they should be staged, verified by an independent witness, and placed in a sealed container with the validated firearm destruction list attached. Each item on the list should be individually initialed, and witnessed.

The documentation should include: who authorized the firearm for destruction, who staged and verified the item on the destruction list, who transported the firearms to the destruction site, and who witnessed and verified each individual firearm being destroyed.

Attaching a copy of the destruction list to the sealed container is a good practice to provide a method to later audit the items prior to destruction. The items

awaiting destruction should never be documented as destroyed until the actual process occurs.

Once the destruction has been completed and witnessed, the original firearm destruction list with witness signatures should be filed, and a copy should be forwarded to the appropriate supervisor or manager for an independent record of the destruction.

In order to best document the destruction process, writing a general case report describing the destruction method, who staged the firearms for destruction, who witnessed the items being placed in the destruction container, who transported the items, and who actually observed the items being destroyed is recommended.

This case report should remain on file within the Records Bureau for the normal report retention schedule.

Standard 11.10:

Firearms - Destruction Method

Standard: All firearms should be destroyed and witnessed in a manner that will totally destroy the item to prevent its future use.

Definition: Firearm destruction method refers to the method or process that is used to render the firearm unusable.

Reasoning: Firearms should be destroyed to prevent its illegal use at some time in the future. Different agencies may use different methods of rendering firearms unusable. Some agencies may choose to burn, chop, melt, or crush firearms as a method of rendering them unusable. The burying of firearms in a landfill is only acceptable when the firearm has been previously rendered unusable. Agencies that strip parts from firearms for official use should still ensure that the portion of the frame containing the serial number cannot be reused.

See Page 16 for Editor's Commentary on IAPE Professional Standard 11
See Pages 18 & 19 for some sample firearms forms you may find useful

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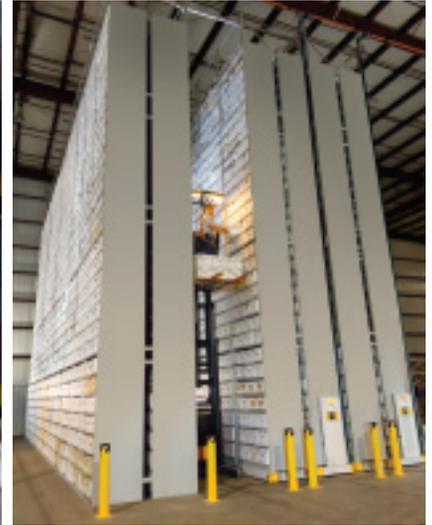
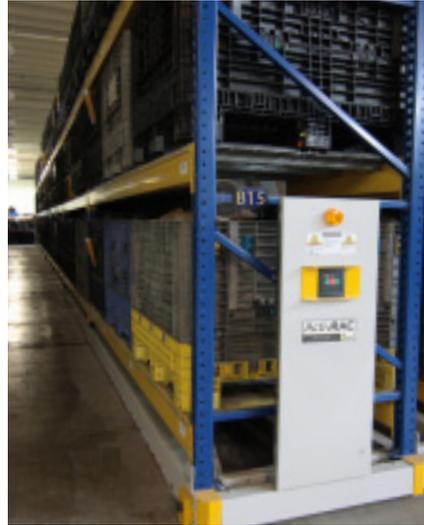
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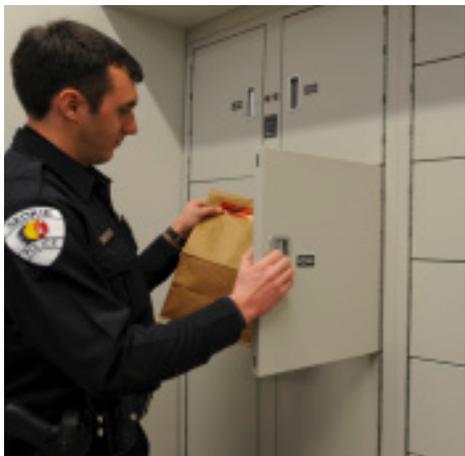


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SAY IT AIN'T SO, JOE

Tulsa Police Say They Mistakenly Destroyed Evidence for Double Homicide Case

The Tulsa World reports on February 6, 2012 that Tulsa Police say they accidentally destroyed the gun they believe an Oklahoma man may have used in a fatal shooting. Officer Jason Willingham said an internal investigation found the gun police believe was used in the shooting death of two persons had been mistakenly destroyed because of a clerical error.

Summers was originally sentenced to death but the Oklahoma Court of Criminal Appeals ordered a new trial, saying he should have been able to present testimony about an alternative perpetrator. Tulsa County D.A. Tim Harris said the murder weapon's destruction "greatly affects our ability to proceed with a death penalty request" in the retrial. Summers' lawyer, Stanley Monroe, said developments in cases involving Summers - already serving time on unrelated federal charges - have led to a possible plea deal in the murder case.

Willingham said the department also destroyed a rape kit but that the defendant in that case was convicted nonetheless. The department has since added extra precautions to avoid destroying necessary evidence in the future. Their property room brings in 28,000 pieces of evidence each year while destroying about 25,000 items annually from past cases. The gun in Summers' case was only labeled for his federal case - not the state homicide charge, Willingham said. "At that time there was no way to have two holds," he said. "They had no idea it was supposed to be on hold for homicide." Now, the department can list multiple cases for pieces of evidence, Willingham said. There have been no other reports of missing evidence in the last year, Willingham said. "We wish we would not make mistakes on cases as serious as that," he said. "It's a constant job to maintain that property."

This is a very good illustration of why IAPE strongly recommends the use of color-coded labels in addition to any notations in the computer system. Would the person who was purging have done additional research if the label was prominently attached? We certainly think so. - Ed.



Former Clerk Charged with Stealing Gun from Evidence Room

The Kitsap Sun in Washington state reports on August 1, 2011 that a former Poulsbo Police Dept. clerk has been charged by county prosecutors for stealing a gun she was transporting for disposal as part of her job duties. Amanda Dixon, 22, was charged with felony theft of a firearm, that began when her father found a gun when she was moving out of his house, court documents said.

Dixon turned herself in to sheriff's detectives, where she denied taking the gun. When detectives said it was identical to one she was to have taken to be destroyed, and she said she found it in her car and thought it was a gun she'd taken for a friend for safekeeping. Detectives found the friend had never given her weapons for safekeeping. Police Chief Dennis Swiney said Dixon had resigned in June.

Evidence in current or unsolved cases is retained, but Swiney said the department has had a backlog of evidence waiting for destruction. Firearms can either be melted down or rendered inoperable. He added the evidence room is in compliance with department policies and procedures, including the practice of having items documented and having an officer and department employee sign off when it is admitted and removed from evidence.

The practice of having one person transport and destroy firearms or drugs without a witness is problematic. If the firearm had been on a validated destruction list, there would be no doubt that it was in fact the same firearm that she was responsible for destroying. Policy should require that firearms are always staged for destruction, an outside witness (not assigned to the same chain of command) should validate the serial numbers from a destruction list, and the items be sealed until they are physically destroyed and a witness can again attest that the firearm was in fact destroyed and rendered unusable. The independent witness is critical from two perspectives; 1) the witness can attest to the destruction, and 2) the witness alters the behavior of both parties because the witness is equally responsible for any violations of policy. - Ed.



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Firearms Handling Commentary: IAPE Professional Standard 11

Robert Giles, Evidence Log Editor

INTRODUCTION

While firearms are no more dangerous than other tools when properly used, they are dangerous items when they end up in the wrong hands. Stolen and illegally obtained firearms account for the vast majority of all firearms used in crimes in the U.S., therefore, it is incumbent upon all law enforcement agencies to strictly control its inventory of firearms held as evidence, safekeeping, and pending destruction.

SAFETY

Safety should always be the first priority when seizing firearms, and rendering a weapon safe should always be done as soon as possible. There may be times when evidence collection requires a loaded firearm to be examined and photographed knowing that it is still loaded. This should only be done using extreme caution by trained personnel. The firearm should be submitted to the evidence room only when it is unloaded, preferably with a nylon safety strap attached through the action to visually confirm that it cannot be fired, as shown below.



PACKAGING

An evidence packaging manual should be available to all personnel, that describes in detail how the firearm should be submitted, and it (the manual) should include a photograph illustrating a properly submitted item. Proper packaging is vitally important if all forensic testing has not been concluded, especially DNA testing or live-fire ballistic tests. Even the possibility of DNA cross-contamination might be sufficient for a defense attorney to articulate that reasonable doubt exists regarding the accuracy of a test.

There are several methods of packaging firearms

for storage that may produce acceptable results; however, IAPE recognizes that placing firearms in a cardboard box provides the most protection for the item, while enabling efficient storage options such as, multiple boxes to be placed on a shelf on-edge and filed in numerical order. For agencies that re-use gun boxes, consider placing the firearms inside a paper envelope or paper sleeve for long guns. There is little likelihood for arguing cross-contamination when this step is utilized. Always use a new box if there is the possibility



that cross-contamination may become an issue.

SUBMISSION

Some agencies prefer to submit firearms without any packaging at all, letting the evidence technician place them in a box after verifying serial numbers and performing a safety check. This is OK only if there is no need to protect from cross-contamination or hazmat issues due to blood.

Whether the firearm is submitted in a box, or not, it is incumbent upon the evidence technician to safety check the firearm for unloaded status before it is placed inside the evidence room. This means that every person who handles firearms should have a basic understanding and level of training to open actions and visually inspect all types of firearms. This training should be documented and verifiable in the event of a mishap. There are instances of accidental discharges in the evidence room every year; some of these discharges have tragic consequences. Here is one example:

Accidental Discharge in Evidence Room

AP reports that on September 3, 2008, a Lincoln County, Nebraska deputy was accidentally shot in the hand and suffered substantial injury while storing a rusted-out stolen shotgun in the evidence room at the Sheriff's office in North Platte.

Continued on next page

Continued from previous page

Firearms Handling Commentary: *cont'd.*

SUBMISSION (cont'd.)

Deputies recovered the stolen weapon along the river, but it was so rusted, they couldn't get it open to see if it was loaded. The deputy took the shotgun to the evidence room and placed the trigger onto a peg. He grabbed the barrel and it went off.

Ammunition should generally not be placed in the same box as the firearm as a matter of principle. Some agencies like to place loose rounds in a bag inside the box, or leave magazines loaded. This creates the opportunity for sending a potentially loaded firearm to the forensic lab, to Court, or when releasing the firearm to its owner. It is a much safer practice to remove all ammunition, package, and label these rounds separately from the firearms that it came from. This separate packaging may also simplify the release and destruction procedures.

DOCUMENTATION

It is very easy to make a mistake when reading serial numbers, making a verification of the serial number a very important. Could an officer, dispatcher, records technician or property custodian, transpose a number? This verification can effectively be performed by the submitting officer recording the serial number on a form that is used to query NCIC for stolen status. The printout of the query should then be submitted with the firearm where the evidence technician can verify these numbers.

Firearm Entry Form	
Case No. _____	Control Number _____
Serial Number _____	Make _____ Caliber _____
Type: <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun <input type="checkbox"/> Pistol <input type="checkbox"/> Revolver <input type="checkbox"/> Model: _____	
Category: <input type="checkbox"/> Stolen <input type="checkbox"/> Recovered <input type="checkbox"/> Found <input type="checkbox"/> Observation	
Finish: <input type="checkbox"/> Blue <input type="checkbox"/> Stainless <input type="checkbox"/> Nickel <input type="checkbox"/> Parkerized	
Miscellaneous: _____	
Officer: _____	Serial No. _____

Trooper Kills Himself Over a Gun Check *Los Angeles Times* *September 28, 2002*

NORFOLK, Neb. — A state trooper killed himself Friday in despair over botching a gun check on a man who later allegedly took part in a deadly bank robbery.

Trooper Mark Zach committed suicide a day after three men stormed into a local branch of U.S. Bank and fatally shot four bank employees and one customer.

Zach had stopped one of the suspected gunmen, Erick Fernando Vela, on a traffic violation last week. At that time, he arrested Vela for carrying a concealed weapon. But when he entered the gun's serial number

into a police computer, Zach transposed two digits. Had he entered the correct numbers, he would have learned that the gun was stolen and Vela would have been charged with a more serious offense that might have kept him in jail longer. As it was, Vela was able to post bond after just a few hours in custody.

After Vela was arrested in connection with Thursday's holdup, friends said Zach was devastated. He killed himself with his service revolver in a field outside Norfolk at lunchtime on a gorgeous fall day.

The weapon Vela was allegedly concealing when Zach stopped him remains locked up in an evidence room. It was not used in the bank robbery.

"Mark, being the trooper he is, felt he had done something wrong, and that's just not the case," the governor said.

STORAGE

Designated locations for active items and items pending destruction should be established. Once an item is authorized for destruction, it should be removed from the active shelf and placed on the shelf designated as pending destruction.

Color-coded labels for homicide, officer involved shooting, evidence, safekeeping, and found property should be established. This is important to prevent the inadvertent destruction or release of a firearm prior to the conclusion of all proceedings, even civil.

Storage areas should include space for handgun boxes, rifle boxes, and oversize items, such as extra large firearms that do not fit into regular boxes. A storage space should also be designated for gun cases and ammunition. For consistency, rifles and handguns should be removed from their cases and placed in appropriate boxes so that they may be filed in case order with other firearms.

SECURITY

Firearms are among the type of items most often stolen from the evidence room. Both CALEA and IAPE Professional Standards recommend that enhanced security should be provided for the storage of firearms, narcotics and money. Enhanced security may be defined as an extra level of protection that may consist of extra locks, alarms, or even video surveillance. This requirement could be met by having a locked file cabinet or closet inside the evidence room for a small agency, or it could be a separate vault or secure room for a larger agency. Whatever method or combination of methods is utilized, the purpose is to have extra security measures for "stuff" most likely to be stolen.

Continued on page 20

INTERNATIONAL ASSOCIATION FOR PROPERTY AND EVIDENCE, INC.

Represented here are several firearms handling forms that the IAPE recommends.

Firearms Audit Sheet			
Make	Model	Caliber	
Serial Number	Type	Other	
Name	Suspect () Victim () Owner ()	DOB	
	Initial	Date/Time	Comments
Evidence () Safekeeping () Found () Stolen-Recovered () 72-hour Hold () Restraining Order () Domestic () Destroy Per Owner ()			
Firearm Received in Property			
Firearm Information Verified			
No Registered Owner In System			
Registered Owner in State System Name:			
Firearm Entry in State System			
Letter Mailed to Registered Owner			
Response From Letter			
Restraining Order			
DOJ Serial # Restoration			
Firearm Sent to Latent Prints			
IBIS Form Completed – Gun Sent			
ATF Form Completed/Sent			
Hold for Court Disposition () Hold for Safekeeping () Hold – Other ()			
Owner Cleared Thru Gun Denial Unit Officer _____			
Firearm Released to: _____ Authority By: _____			
Placed on Gun Destruction List Per Authority: _____			
Firearm Destroyed By: _____ Date: _____			
Witnessed By: _____ Date: _____			

SAMPLE

Continued from page 17

Firearms Handling Commentary: *cont'd.*

SECURITY (cont'd.)

It is also noteworthy that nothing in the recommendations prevents more than one of these special categories of items (firearms, drugs, and money) needing enhanced security from sharing space within the security zone. For example, a locked file cabinet containing money could share a room where firearms are kept, using the same video monitoring or alarm system for both.

It is imperative that access to these secure storage areas is limited to only those persons who have a need to enter. Having more keys and giving more access merely expands the scope of the investigation when evidence is missing. This includes the Chief or Sheriff, who often feel a need to have access to the evidence room. If the Chief or Sheriff wants a key, they can have one; however if anything is ever missing, they must be included in the investigation. Of course, there are exceptions in small agencies where the Chief or Sheriff may also be the person in charge of the evidence.

MOVEMENT

Once the storage of the firearms is secure, there must be a method of documenting where the item is sent (forensic lab, ATF, court, other jurisdiction, etc) and who authorized the transfer. This movement must not only be documented, but a signature of the authorized person must be recorded to assign responsibility for the order. Anytime the evidence is retained by another party (lab, court, other agency), a signed receipt should be obtained. This does not differ from the documentation needed to track the movement of any item of evidence. Any time firearms are removed from the property room for court, testing, investigations, etc a tickler system needs to be in place to ensure that the item is returned or accounted for in a timely manner.

DISPOSITION

Only when all court proceedings are complete (including Federal and any other state), and only then may the item qualify for disposition (return to owner, destroy, diversion to agency use, trade, museum, or auction). Departmental policy should designate who is responsible for conducting the research to ensure that all proceedings are complete and the firearm

will not be needed for post conviction appeals, or further forensic examination. Remember, most officer involved shootings result in civil cases and there should be written approval from the agency's legal counsel before disposing of these items. At no time should the firearm be disposed of without the written approval and signature of the case investigating officer or supervisor.

Firearms that are released should have a trained person examine the owner's criminal history to determine if he or she is a person who is prohibited from possessing a firearm. If a person is found to be prohibited owner as a result of current court action, consider permitting the owner to sell or trade to a licensed firearm dealer at the station. Consider getting a court order when firearms are not returned to the owner to avoid civil liability. Some states also require the agency to get a court order to retain the gun.

When a firearm is OK to destroy, remove the item from the shelf with active cases and place it in a location called "Pending Destruction". Placing all firearms pending destruction items in one place gives a visual indication of when there are sufficient number firearms waiting to be destroyed to justify the time needed. At no time should firearms be listed on the paperwork as destroyed until they are physically destroyed.



One of the best methods to verify which firearms are being destroyed prior to the actual destruction is to lay out all the firearms and have an independent witness, not assigned to the evidence unit, match the destruction approval to the firearm. Once these have been verified, then they may be placed into a box and sealed. There is much less likelihood that a firearm would go missing using this technique.



EVIDENCE LOG SEEKS SUBMISSIONS

We are always looking to our readers for suggestions of articles to publish in future issues of the Evidence Log.

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WE GET MAIL...

Editor's Note: *We try to respond to as many letters as we can, with information which may be relevant to the broadest audience possible. However, on occasion, we are unable to come up with a suitable response, as in the letter below, and open up the question to you, our membership, in an effort to broaden use of the Evidence Log as a resource and open forum. We thank you for your continued participation in this process.*

I have a question about using a non specific location for temporary storage prior to items being logged into the evidence building. Example, having officers place items into a "temporary storage" location, without having specific locker numbers attached.

Thanks -
Kenny Thatcher
Chandler, Arizona

Dear Kenny:

Thanks for the question. The practice of identifying which locker is used is an internal control that is not universally employed, and IAPE does not have an official position on the need to do so.

Many agencies have the practice of placing a non-specific item of general evidence into a temporary locker without mention of which locker it was placed in. Not every locker has a tag identifying it, especially casework wooden lockers that are custom made. Since the casework lockers often have slam locks, they could look the same, and not be uniquely identifiable. Given this lack of specificity, it is difficult to identify in the report which locker it was placed in.

Metal lockers, on the other hand, often have metal tags or individual keys that may identify which locker is used.

A number may be stenciled on the door of each locker to give it an identifying number, both on the inside of the evidence room, and the outside where the items are submitted, if additional controls are deemed to be necessary. This is especially helpful when a large number of lockers are used.

Additionally, some agencies may have a locker specified for a particular type of evidence. For example, photos on memory cards might go in a slot in the door of a specific locker. Rifles might go in one or two specific long lockers. Money and drugs should generally not go into slots; they should be placed in individually locked lockers for increased security.

Regardless which type of locker is used, stating in the report that the item was placed in locker number "x" is a good practice. Identifying a witness in the report that sees the evidence being submitted into a specific locker when the evidence consists of drugs or money is even better.

The best witness is a surveillance camera that records items being submitted and items being retrieved on the inside, if the recorded information is kept for longer than a year.

If you are identifying which lockers are being used, please continue to do so. If you are not identifying which lockers are used, and you think additional controls are needed, you might consider using one of the other internal controls mentioned.

Robert Giles
Evidence Log Editor



Continued on page 37



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Number of sworn employees _____ Sworn _____ Civilian _____

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Signature of Applicant: _____

Membership application fee waived requested? [] Yes [] No

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Four horizontal lines for providing a brief explanation.

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IAPE FEATURED MEMBER NEWS

What used to be a jail now holds more than 16,000 pieces of evidence ranging from counterfeit money to automatic weapons.

LaGrange, Illinois police's evidence manager Cora Jones-Scott holds the old-fashioned keys to those pieces of evidence. "Our evidence room is well-secured because it's the old jail," Jones-Scott said. "It's like Fort Knox."

Behind the thick metal doors is a sea of electronics, drugs, guns and evidence boxes.

"Our evidence room is continuously filled," she said. "I have some really, really old evidence. I could show you evidence that we've had for so long the writing has faded away."

When the evidence room begins to fill up, Jones-Scott removes items used as evidence in cases that have been completed. "I'm in the process of purging right now," she said. "It's a long process, it's a tedious process."

A purge consists of Jones-Scott going through items in evidence and taking it to the proper place. Once a case has worked its way through the justice system and the evidence is no longer needed, the officer who collected the evidence tells what should be done with the related item or items.

For evidence that is to go back to the owner, Jones-Scott sends out a letter to the owner's last known address. She also uses newspapers to run a notice for four weeks with information about the pieces of evidence available for pickup.

When there is no response from the property owner, the police have a few options as to what to do with the item. "If it's not a good item, we destroy it," Jones-Scott said. "If it has some sort of value, we donate it to the Salvation Army. If it's an electronic or something that is re-sellable, we sell it." Items from the station are picked up and sold on <http://www.propertyroom.com>. The website auctions off the pieces of evidence and sends the money to the police. The money goes in general funds.

When money is evidence and it is not condemned by the court, the police run a notice in the newspaper. If it is not claimed, it also goes into the general fund.

Not all evidence can leave the room. Jones-Scott said the department keeps evidence of rape forever. Evidence in murder cases is held until the appeals process is complete and the evidence will not be needed.

"We hold (evidence for aggravated assault) until at least seven years after and then we'll go back and visit



*Evidence Manager Cora Jones-Scott
IAPE Member since 2000*

them," Jones-Scott said. "We keep all that because those are very important cases."

The items that have to be destroyed can be disposed of in different ways. Drugs are taken to the county landfill to be destroyed and buried. Jones-Scott said there must be at least two witnesses for drugs to be destroyed. Other items must be taken to an incinerator to be disposed. "We use the Georgia Power incinerator for blood and guns," Jones-Scott said. "It's amazing to see the steel just melt away." West Point Foundry and Machine Co. also allows the police department to destroy evidence there.

There is some evidence that Jones-Scott hopes never needs to be destroyed. "We have an urn back there that's been there since 2003. It was taken from a place on Clark Street, and it's William H. Thomas," she said. "We don't want to destroy it. I feel guilty."

The urn holding Thomas' ashes was taken in as evidence and has not been claimed by its owner. Jones-Scott hopes someone will claim it soon, but in the meantime the remains of Thomas have not been forgotten. "I visit him every day," she said. "Somebody should know him."

- Matt Chambers, LaGrange News

Great to see Evidence Manager Cora Jones-Scott implementing storage and purging techniques advocated by IAPE....keep up the great work!

- Ed.



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A close-up photograph of a hand with bright red blood smeared on the fingers and palm. The hand is holding a red and white evidence bag, which is also stained with blood. The background is dark, making the red colors stand out.

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IAPEIN0112

Continued from page 23

WE GET MAIL... cont'd.



Good day Mr. Latta:

I was wondering if you can point me in the right direction for the following information? I have read Property and Evidence By the Book and I am particularly interested in temperature storage settings. I have several questions:

First, is there a “standard” for temperature that an evidence room should be set at?

Second, is there a “standard” for temperature that a vault area, such as used for narcotics be set at? (My narcotics evidence is stored in plastic bags, then in manila envelopes and then in a bankers box inside a vault.)

I have been in many evidence rooms and they are usually cool. I am having issues with temperature control in my department and was hoping there has been some research (none that we are aware of for drugs), as to what is the best temperature for rooms and vaults to be kept at, so there is no breakdown of evidence and cross contamination with other evidence

Thanks,
“New Property Officer”

Dear “New”

Generally speaking, there are no known standards for evidence room temperatures and humidity levels. I have been in property rooms in the southeast where it was 100 degrees with 80% humidity in the summer. I have seen cargo containers in the southwest, where the temperature was well over 110 degrees with no humidity, and then it freezes in the winter. Newer, or remodeled property rooms are now generally air-conditioned and are considered to be room temperature controlled – between 60-75 degrees temperature with no more than 60% relative humidity.

Biological evidence has become a big concern within the forensic community, as it is believed by some that heat and humidity can cause degradation of the evidence over time. Biological storage is handled in many different ways. Some regions of the country freeze everything, some refrigerate, some only freeze or refrigerate items after they come back from the crime lab, some keep tested items at room temperature and some keep tested items in the cargo container behind the station.

High heat and humidity for drugs before they are tested at the crime lab may be an issue, but how it is stored after testing is generally considered less important. Check with your local crime lab for their recommendations. Temperature issues for general evidence (bikes, TV's, documents, etc.) are generally not a concern.

When it come temperatures controls for drug storage, the only information that has been written that I am aware of has been around air quality (IAPE Standards - Chapter 9), not temperature issues. Do not seal green marijuana in plastic within a hot or warm environment, as it can quickly degrade into a harmful toxic sludge.

Good news may be on the horizon. About 18 months ago, I.A.P.E. was invited by the National Institute of Justice (NIJ) and the National Institute of Standards and Technology (NIST)) to assist in the development of national guidelines for the packaging, submission, storage, tracking and management of bio-evidence.

Hopefully the completed document by the end of 2012 will give law enforcement some guidance so that everyone has the most current information from a science and legal perspective.

Good Luck!
Joe

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EVENT OR TREND ?

Police Weapons Auction Violates Law

KRQE News 13 reports on October 31, 2011 in Truth or Consequences New Mexico that the Chief of Police apparently violated state laws when he decided to auction firearms that were no longer needed as evidence.

Chief Patrick Gallagher had one of his lieutenants round up all the guns in the department's evidence room that had been used in suicides, dropped off over the years for safekeeping or were no longer needed for criminal prosecutions, and sold them to the public at an auction in Las Cruces.

And that would have been perfectly legal had Gallagher followed state law. But he didn't.

In fact, the chief and his department completely ignored all three things they were supposed to do under New Mexico law before selling the weapons.

Gallagher said that if he made mistakes with the auction, he will make sure to toe the legal line if the department decides to sell off guns again. "This auction was not conducted with any malicious or nefarious intent in mind," Gallagher said in a news release. "If we become aware of any errors or mistakes made in the process they will be rectified."

Sources told News 13 that Attorney General Gary King's office has launched an investigation into T or C's

gun auction, though a spokesperson refused to confirm or deny the inquiry.

State law says that in order to dispose of or destroy weapons, law enforcement agencies must first advertise to try and find the original owners. Then the agency has to contact a representative of the state museums, who must be allowed to inspect the guns for any historical value. Finally, the department must obtain an order from a District Court judge authorizing the disposal.

Gallagher admitted he didn't do any of those things before sending 87 handguns, rifles, assault rifles and shotguns to an auctioneer in Las Cruces. A group of registered gun dealers and gun aficionados cleared by law enforcement bought the weapons June 26, 2010 at an auction in Las Cruces, according to documents obtained by News 13.

Less than a month later, T or C police received a check for \$10,451 from auctioneer Charles Dickerson for the guns, according to the documents.

In addition to admitting he didn't follow the law, Gallagher told News 13 he wasn't concerned about putting more guns back on the streets of New Mexico. And he's not alone. The Dona Ana County Sheriff's Office regularly sells evidence room guns at auction, according to a spokesperson. However, the agency follows the parameters set out in state law before selling the guns, she said.

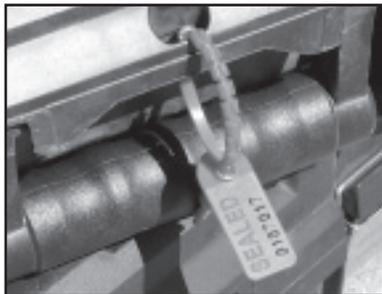
But police chiefs in the state's three largest cities told News 13 they are concerned about selling evidence room guns to the public. In fact, departments in Santa Fe, Albuquerque and Las Cruces follow policies calling for the destruction of weapons that are no longer needed.

APD went so far as to buy a specially designed gun-muncher a few years ago that slices the weapons in half, rendering them forever inoperable. "I think it's the last thing anybody would want is to have a firearm that was in our possession that somehow got sold and then somehow ended up in the wrong person's hands and then was used in a crime," said Albuquerque Police Chief Ray Schultz.

Schultz said APD stopped selling weapons from the evidence room to the public more than 30 years ago. "If they can be destroyed, let's destroy it because, unfortunately, there's many, many more out there in the wrong hands," he said. "It's not worth taking the chance and we don't need the money that bad."

This article illustrates how divergent the views of police chiefs in two counties within the same state can be. One chief sees no problem is selling firearms, while another chief in a more urban setting thinks they should all be destroyed if possible. New Mexico is also the only state we know of that has a museum clause to permit an inspection of all weapons for historical significance before they are destroyed or sold. - Ed

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Rules of Evidence Govern Video Storage

IAPE has seen many agencies implement in-car video, officer cams, and station security video only to find out that they don't have clue what to do with the data after it is captured, they store it ineffectively, or they don't retain it long enough.

What good is station security video if it's only retained 6 months, and you discover an evidence room theft during an audit at the end of the year? What good is officer-cam video if you only keep incidents involving an arrest and you receive a subpoena for video all contacts within a one-year period? How do you defend agency from accusations of racial profiling when you only keep stops that involve citations and arrests?

These are all questions that deserve the following answer. If you capture video data, you need to keep ALL of it for a retention period that corresponds with all satutory regulations. Any less than this period can be argued by a plaintiff as the destruction of evidence.

The following article suggests cloud computing storage solutions that meet the security needs for evidence retention. -Ed.

From video recorded by police vehicle cameras to that of a crime recorded on a retail outlet's CCTV, video is an essential tool of law enforcement. But while video might be of use to police when investigating a crime, it might be months before an arrest is made, and - depending on the crime- a year or more before the footage is presented as evidence in court. So what to do with the video in the meantime?



Photo by J.J. Smith

Officer Walter Smith demonstrates a police vehicle camera.

Since the Takoma Park PD uses the same cameras as the Montgomery County Police Dept., Takoma Park stores its video evidence in the computer archives of the Montgomery County PD. Law enforcement agencies have to ensure that digital evidence is handled in a way that conforms to federal rules of evidence and that is defensible in court, said Mike Fergus, program manager for the International Association of Chiefs of Police (IACP).

"Video files, in particular, can be really huge. I talked to one agency that had just gone to digital in-car cameras, and he said the video files were about three times his total

data storage for his department," said Fergus. That means video not only has to be stored, but stored in a way that it is unchanged during the storage period, he said.

Video evidence is "a unique form of evidence in that you have to make sure when you're saving it, you're not damaging it in any way," Fergus said. Not damaging video includes not compressing it, which is a common technique used by broadcasters and DVD producers to reduce a video's bandwidth thereby making it easier to store.

NO COMPRESSION

When police departments first began storing the video collected from vehicle cameras, "they would turn to their IT departments to figure out how to store all this stuff that they were collecting," Fergus said. The IT people - who were used to dealing with text documents - would compress the video so it would not take as much room on their servers, "but when you're compressing the video, you're damaging it, you're throwing away pieces of information that's in there," he said. Fergus compares compressing video to destroying evidence. If a shotgun recovered at a crime scene did not fit into the evidence locker, the officer in charge of the locker would never consider cutting the gun's barrel off and throwing it away, Fergus said. "But that's what you're doing when you compress video or photos, because you are throwing away parts of that image and could be causing damage to it," he said. "So it is important for agencies to be aware of that when they are storing the video and to make sure it's stored properly."

In addition to his work for the IACP, Fergus is a member of two National Institute of Justice committees developing standards for law enforcement video equipment. Aspects of storage are important parts of the standards, and the panels are developing security requirements, and recommendations for the transfer of video to storage. "We're recommending that 'a hash' be applied to it before and after to make sure that nothing happens to it during the transfer process," he said. While details have yet to be made public on how the video hash would be used, it generally will identify and manage the video, according to Fergus.

Such standards need to not only cover protection of the video, but also the need to safely share it among investigators who have to view it during an investigation, says Jim U'ren, ATTO Technology Inc.'s product manager for bridges and storage controllers. Evidence video has to have an access capability that is "read only" so all that forensic data cannot be disrupted or modified. Without that feature, and the safeguards connected to it, that could destroy the chain of custody nullifying the video evidence, he said.

There are software packages that ensure the video is read only, and that software will help limit access to a specific drive, U'ren said. In addition, there are hardware devices that will stop the rights to a drive, depending on the technology in use, he said.

Continued on page 56



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IN THE NEWS



Baltimore Police Gun Traced to Oklahoma Killings

Girls, ages 11 and 13, Shot in Ditch in Rural Town

The Baltimore Sun reports on December 17, 2011 that a handgun that previously belonged to the Baltimore Police Department was used in an Oklahoma double homicide of two young girls.

Baltimore police - whose commissioner coined the crime-fighting strategy of targeting "bad guys with guns" - are very sensitive to the fate of their old weapons. The department refuses to sell guns back to manufacturers, and has barred officers from buying their guns when they retire.

In 2001, city police refused to sell thousands of 9 mm handguns back to Glock when the agency switched over to .40-caliber because officials were concerned about adding to the proliferation of weapons on the streets. The principled stand cost the city more than \$500,000 in rebates. Even with such precautions, though, guns can get into the wrong hands, so police still worry about the ramifications of the most innocent transfer. This gun, for example, had been returned to Glock because it was broken, and now Oklahoma authorities are trying to find it as part of the double-murder case. They're offering a \$5,000 reward.

"If we put guns back on the street and they're used in a crime, do we bear some responsibility for putting them back into circulation?" retired Deputy Police Commissioner Bert F. Shirey, who led the 2001 discussion about the gun changeover, said last week. "There are plenty of guns rolling off the assembly lines," said Shirey, who retired in 2002 after 37 years on the force. "But do we want to put more out there? We see so much carnage already. If one of our guns is used in a crime - or to kill a child, as in this case - we don't want that on our conscience."

Baltimore police returned the Glock to the company about six years ago, along with a batch of weapons with defective firing pins and other problems. Glock refurbished the guns, and the one from the Police Dept. ended up in an Oklahoma gun store, where authorities said it was bought by Kevin Joe Sweat in the fall of 2007.

About a week ago, police charged Sweat with using a .40-caliber Glock and a .22-caliber pistol to shoot Taylor and her best friend, Skyla, both members of the cheerleading squad, as they walked to Bad Creek Bridge after a slumber party in the summer of 2008. Authorities linked the double killings to the gun through bullet casings found near the bodies; others found at Sweat's father's house, where Sweat did practice shooting; and a casing kept on file at the Baltimore Police Dept., where it had been test-fired. The weapon itself is still missing; police believe it was sold at a Tulsa gun show after the killings.

No one is criticizing city police or Glock - whose representatives did not return repeated phone calls - for

the gun ending up in Oklahoma. Okfuskee County District Attorney Max Cook praised Baltimore for keeping a single shell casing from the gun - that helped authorities draw a link to the weapon used in the slayings. All city police weapons are test-fired, and casings matching each one are filed away before the weapons are distributed to officers. When a semiautomatic is fired, unique grooves are left in the sides of the ejected metal casings, and those can be traced like fingerprints.

The casing on file in Baltimore gave Cook a link to the gun, because the weapon's serial number is also recorded. In court, that could help the district attorney draw a connection between the still-missing weapon and the suspect.

"I'm very pleased the Baltimore police had the records they did," Cook said. "Every bit of evidence will be crucial." Of the Glock's circuitous trip from Baltimore police to Weleetka murder suspect, the prosecutor said, "The weapon got to the suspect through legitimate sales. The Baltimore police didn't do anything wrong."

Baltimore authorities gave the gun back to Glock at a time when state law forbade law enforcement agencies from returning old weapons to manufacturers. Instead, the law required departments to sell weapons that were no longer needed to officers or other police agencies, or to melt them down. But agencies were still allowed to return defective weapons, legislators said.

It is unclear how many police departments in the state sell back their old guns. Many agencies around Baltimore, including the city, state and Anne Arundel County, now forbid officers from buying their department-issued weapons, which had been a common practice up until about five years ago. And even though it's now allowed, city police are still refusing to sell the stockpile of old 9 mm Glocks from 2001, preferring to keep more than 2,000 of them in storage. Glock had offered a discount when Baltimore police upgraded to .40-caliber guns if the city gave back the older 9 mms. That would have saved \$500,000 on the \$1.4 million purchase of 3,350 guns, but officials declined because of the restrictions in state law at the time and because the company was going to resell the weapons overseas.

Shirey, the deputy police commissioner at the time, said last week that the discussions over what to do with those weapons was intense. The city could have used the money, he said, but commanders debated moral issues and the political implications of police guns used in crimes. "Do we really want that kind of problem?" Shirey said. "We decided it was not in our best interest to let those weapons out." A decade later, Baltimore Police

Continued on next page

Cont'd from previous page



IN THE NEWS - cont'd.

Gun Traced to Oklahoma Killings

Commissioner Frederick H. Bealefeld III has no plans to sell the old guns. "We don't know where those guns would end up," said his spokesman, Anthony Guglielmi.

Former state Sen. Larry E. Haines, a Carroll County Republican who sponsored the gun sale legislation, said last week that the city was being shortsighted. The option of selling guns back to manufacturers saves localities money at a time when revenue is most needed, he said.

"One argument from O'Malley was that these guns would get back on the street," said Haines, who led the veto override that passed 135-4 in the House of Delegates

and unanimously in the Senate. "That firearm that was used in Oklahoma, it could've come from anywhere. I don't think it's relevant that it came from the police."

.....

This is yet another example of what happens when a firearm previously owned by a law enforcement agency is subsequently used to commit a crime. No one did anything wrong, but the mis-perception that a law enforcement gun was used to kill these young girls is hard to overcome. - Ed.

MORE NEWS...



Lax Policies at Police Department Allowed Gun Thefts

The Chicago Tribune reports on July 15, 2011 that the evidence room of the Clarendon Hills (Illinois) Police Department was poorly organized and did not properly document items before 2009 that were collected outside criminal investigations, according to the results of a review of the department released by village officials.

The two-month review was prompted by the arrest in May of former Clarendon Hills Police Officer Daniel Ryan, 48, of Westmont, on suspicion of stealing five guns from the department's evidence room while working there in 2007. Ryan has pleaded not guilty to charges of aggravated possession of a stolen firearm, unlawful possession of a stolen firearm, theft and official misconduct, all of which are felonies.

A two-month review conducted by the law firm of Hervas, Condon and Bersani found the thefts did not indicate a systemic problem within the department. Hervas conducted "a series of interviews with individuals currently and previously employed by the village and others with knowledge of the case". Between Jan. 1, 2007 and Dec. 31, 2007, when prosecutors allege the thefts occurred, Ryan had unfettered access to the evidence room. The guns he is accused of taking were turned in as part of a gun collection program. They include an M1911 A1 World War II U.S. Army .45 caliber gun, a .22-caliber Short Butler, a Smith and Wesson .38 caliber Airlight Special, a Mossberg 590 12-gauge shotgun and a Connecticut Valley Bobcat .50 caliber gun.

When the thefts were initially discovered, former Police Chief Patrick Anderson investigated the matter, and believed Ryan was responsible. However, he did not believe a formal accusation could be proven, so no charges were pursued. Anderson stepped down as chief about a week after charges were filed against Ryan. Deputy Chief Ted Jenkins replaced him. According to the statement from village officials, the report detailed other incidents

of disciplinary action against Ryan, including an incident in 2009 that involved items taken from the evidence room. That incident prompted Jenkins to remove Ryan from his duties in the evidence room and launch an investigation of the department's policies and procedures. After the department changed its policies to require all items to be logged and Ryan was removed from the evidence room, no further thefts occurred, according to the statement.

The report found the department's current policies adequate to prevent additional thefts, but also recommended that the department conduct annual unannounced inspections of the evidence room, destroy any weapons received as part of the turn-in program, and launch a formal internal investigation for all major disciplinary incidents.

Hervas' report offered a number of recommendations for the department:

- Maintain current evidence room policies & procedures.
- Conduct unannounced yearly inspections of the evidence room, as per current policy.
- Destroy any weapons currently in custody as part of the turn-in program.
- Better communicate with the village manager on disciplinary matters.
- Utilize a formal internal investigation process for all major discipline incidents.
- Consult with the village attorney for disciplinary matters that arise in the future.

- H. Macdonald, Tribune writer

.....

IAPE contends that an agency that has good policies and sound internal controls should not experience any gun thefts that go undetected. According to this article, this agency did not have adequate policies and there was no auditing being done. Res ipsa loquitur. - Ed.

EVENT OR TREND ?

Should Cops Sell Guns?

The Tennessean reports on August 10, 2011 that inside the Wilson County Sheriff's Office is a vault containing racks and racks of hundreds of seized guns. For the most part, they just sit there. "These are already crowded evidence areas, they crowd them up," said Sheriff Terry Ashe. But efforts are afoot to force authorities to sell seized guns to the public instead of letting police departments destroy them, trade them for service weapons or stockpile them. The effort exposes a longstanding dispute among law enforcement, gun dealers and gun rights advocates. While police say they don't want to see more guns on the streets - particularly guns already used in crimes — gun supporters say that police should sell them to law-abiding citizens not only on principle, but also as a way to raise additional revenue for police departments.

It's now illegal for police in Tennessee to destroy guns they seize, thanks to legislation that became law last year. Some states, such as Kentucky, have been auctioning such firearms for years, bringing in an estimated half-million dollars a year. But instead, most police departments in the Nashville area hoard the guns, unwilling to sell them to the public, to the dismay of some legislators.

"Guns don't pull their own trigger," said state Sen. Stacey Campfield, R-Knoxville, who sponsored a stalled bill in the last legislative session to force authorities to sell seized weapons to the public. "There's nothing wrong with them, they're functional. This would just put it in law-abiding people's hands." Though his bill failed, Campfield said it "most definitely" will be pushed during the next session. That prospect worries Jacci McGee-Russell. Her son, Marcus, 19, was shot and killed in 2008 during a robbery at a gas station where he worked.

"You're putting back on the street guns that may have killed somebody," she said. "Whether the crime has been solved or not, I think they should be destroyed. There are too many guns available to potential criminals."

At stake are thousands of firearms used in crimes, millions of dollars in possible revenue and an unusual tension between lawmakers - some of whom are usually allies to law enforcement - and police. "It is this police department's firm position that guns used in the commission of crime should not be returned to the streets through auction or other means where they stand the chance of again falling into the hands of criminals," said Don Aaron, spokesman for Metro police. Aaron estimates the agency hauls in 150 to 200 firearms each month in crime-related seizures, but declined to provide the total number of guns the agency has stockpiled.

Ashe estimates his evidence lockup has "hundreds" of firearms, a handful of which he'll trade for police service weapons, the rest he stockpiles.

New law says police can't destroy guns

Last year, Tennessee passed a National Rifle Association-backed law that banned police departments from destroying guns seized from crimes. Sponsors said the public should get access to departments' vast stockpiles of usable firearms.

On March 4, 2010, the day after former Gov. Phil Bredesen signed the law, John Patrick Bedell walked into the Pentagon and shot two police officers. Bedell was killed by return fire. Both officers survived. One of the guns he used, a 9mm Ruger, was exchanged by the Memphis Police Dept. with a dealer in 2008 for a police service weapon and eventually ended up in Bedell's hands. That prospect terrifies authorities. "We don't want more weapons on the street. We don't want to be the ones providing them," said Williamson County sheriff's spokesman Hugh Tharpe, whose agency has been warehousing firearms since it cannot destroy them. "If we could either destroy them or turn them in to state or federal governments so they could give us money for them, that's what we'd like to see."

Kevin Cecil, a gun owner from Arrington, said a gun's history is irrelevant. "A gun is an inanimate object, incapable of action in and of itself. A 'crime gun' sold to a buyer that undergoes a standard background check poses no more risk of being used in a crime than any other gun," he said. "The police sell the cars seized in drug raids, and cars are used more often in crimes than guns are."



Seized guns fill the property and evidence room of the Wilson County Sheriff's Office

Many agencies, such as the Wilson County Sheriff's Office, have engaged in limited exchanges with a handful of gun dealers for service weapons. The move means taxpayers won't have to pay for deputies' and officers' firearms. But Campfield said some departments have cherry-picked dealers, enriching a few while amassing massive arsenals.

Continued on next page

Continued from previous page

EVENT OR TREND ? - cont'd.

Should Cops Sell Guns?

"We had some people who were only allowing licensed gun dealers to bid at these auctions instead of regular people. The intent was for regular people to get the guns, not just the dealers," he said.

"There are some people that have stockpiles and stockpiles and stockpiles of them." Curtis Dodson, owner of The Armory in Lebanon, said he hasn't seen that favoritism in Wilson County, but has seen it elsewhere. "It's absolutely not fair," Dodson said. "I think if anything it should be opened up publicly."

Gun sales could provide revenue

There's also money to be made with seized guns. Campfield said that a Knoxville business, Powell Auction & Realty, approached him, frustrated that police weren't opening up gun exchanges and sales beyond a small group of dealers.

That became part of the motivation for his bill.

"He said, 'Hey, they're getting 10 cents to the dollar, but if they were to open them up ...,'" Campfield said. "They're more or less dealing them to their friends and they're making a fortune on them."

It also could provide a new revenue stream for police who are continually battling to protect their budgets from cuts in the current economic climate. Kentucky, for example, holds auctions every other month where seized

guns are auctioned to licensed firearms dealers to benefit local police departments. It has estimated bringing in about \$500,000 each year from those auctions.

"The obvious answer, seeing that all levels of government are perpetually looking for more revenue, is to sell them at public auction, just like seized cars, boats, etc.," said Greg Herbert, a gun owner from Lafayette. A confiscated gun wouldn't pose any more danger if sold than would a new gun sold in a gun store. Destroying them would be just another example of government waste."

- Brian Haas, The Tennessean

This is a very complex and emotional issue that is discussed in this article. Chiefs and Sheriffs are prevented from destroying seized firearms, yet they don't want to sell them back into the community where they may have been used to commit crime. The result is that the inventory of firearms in the evidence room is increasing.

Gun advocates want the firearms to be sold directly to the public, not just to licensed dealers. They claim that used handguns are no more lethal than new handguns, and that licensed firearms dealers are getting these arms at a fraction of their retail value.

Crime victim advocates say that placing more handguns in their communities will increase crime, while gun advocates say that handguns are an inanimate object that is no more dangerous than a vehicle, if used responsibly. Yet two shooting incidents occurred the day after the bill was signed using handguns originating in a Tennessee jurisdiction.

IAPE takes no formal position on this issue. Some members want every handgun and rifle seized to be destroyed, and some members want every handgun and rifle seized to be sold at auction or traded to a licensed dealer. Which way is right? Some people would say that no one has been injured or killed by a firearm that was destroyed. Some people would say that our Constitution gives us the right to bear arms, and those who compromise their rights for their security have neither. - Ed.

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SHERIFF TO 'RE-PURPOSE' WEAPONS



The Corsicana Daily Sun in Texas reports on June 11, 2011 that Navarro County Sheriff Les Cotten found a novel use for destroyed firearms. What do you get when you take a few hundred pounds of old guns and rifles, add a few thousand degrees of heat, some more old iron, a bunch of sand molds, and turn it all over to skilled local craftsmen? Paperweights.

But, not just any paperweights, mind you. Some very special paperweights commemorating the Great State of Texas and a great local law enforcement organization. Navarro County Sheriff Les Cotten took the destruction of about 160 old weapons -- confiscated and collected from a variety of criminal and non-criminal activities -- and made a "green" decision to recycle those useless leftovers into something useful. Oil City Iron Works provided the skills and manpower to make it happen, just as it did first for Cotten in 1994 when "Big Eric" Meyers and Cotten decided to make a similar memento out of old guns -- a heavy-duty paperweight/desk ornament in the shape of the state of Texas.

"In 1993 when I took over as sheriff we had an accumulation of guns that had been in the property room that had been in the property room since 1966 or 1967," Cotten explained. The weapons had been ordered destroyed, no longer needed as "evidence" for any prosecutions or needing to be returned. Completing all the necessary paperwork to destroy the weapons, the project got underway -- ending in an inventory of over 300 of the Texas-shaped mementos, a few of which he still had in a cabinet in his office. As a "side project," Meyers took one of the old pistols and embedded the barrel of the weapon in the molten iron, leaving the handle exposed. To this day, it serves as a "door stop" in Cotten's office at the Justice Center. A similar souvenir was produced with another handgun this week as well.

"I've had that in my office and joked that anybody that can pull that gun out of the iron can be the sheriff," Cotten said with a laugh, noting that to date, no one has accomplished that. The gun and iron made in 1994 together weigh about 80 pounds or so. The 2011 version just crafted comes in somewhat lighter, but no less impressive.

Do You Know Where Your Trash Is?

Redding.com reports on November 21, 2011 that a pair of 11 year old Redding, California girls had to be tested for HIV, hepatitis and drug exposure Saturday after finding a garbage bag of evidence someone had taken from an unlocked Dumpster behind the Shasta County Sheriff's Office evidence locker.

The two girls were walking along an irrigation canal when they found a black garbage bag lying by the canal. Inside, they found broken glass, glass pipes, vials that were labeled "contaminated needles and syringes" and folders containing photos of women covered in bruises and scratches. Most of the cases were labeled 2005.

Sheriff Tom Bosenko said Monday there were no drugs in the bag, but he acknowledged the photos and other papers should have been shredded before being thrown away. He said the envelopes were empty because the evidence they had contained had been purged.

Not knowing what to do with the bag, the girls picked it up and brought it back home. The county's chief evidence technician, Shasta County sheriff's Sgt. Lisa Lozada, said the bag contained four broken glass smoking pipes with burned residue inside. She said the drugs, which she didn't identify, were not of usable quantity. The bag also contained torn evidence envelopes and items from closed cases, she said. Lozada said there were no syringes, because those are sent to the county's public health department for disposal before trash is placed in the Dumpsters. "Our Dumpsters are locked except the evening before pickup, and that's probably when someone got into them and removed this bag," she said. "This morning, I called Redding Solid Waste Management and made arrangements for our old Dumpster to be switched to a new one which has a secondary locking system so that it will always be secure. In addition, all used drug paraphernalia will be treated as hazardous materials and disposed of as such."

IAPE has long advocated having a locked trash dumpster to dispose of general trash (non-hazardous or non-medical waste). According to the article, this agency appears to have done just that, however, their practice was to unlock it the evening prior to pick-up. This is easy to fix.

Even though there were no usable drugs, there was the potential hazard created by dirty broken glass. There is also no doubt that criminal file information should have been shredded. The PR hit the agency took over this oversight is not insignificant as the community will probably remember this incident for years to come.

– Ed.



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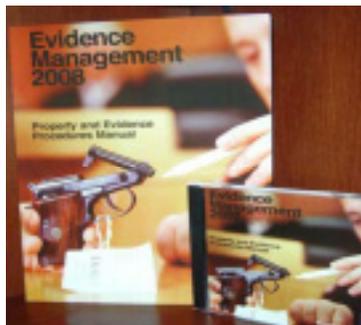
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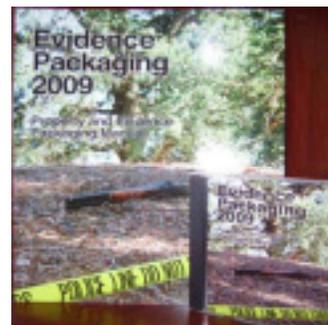
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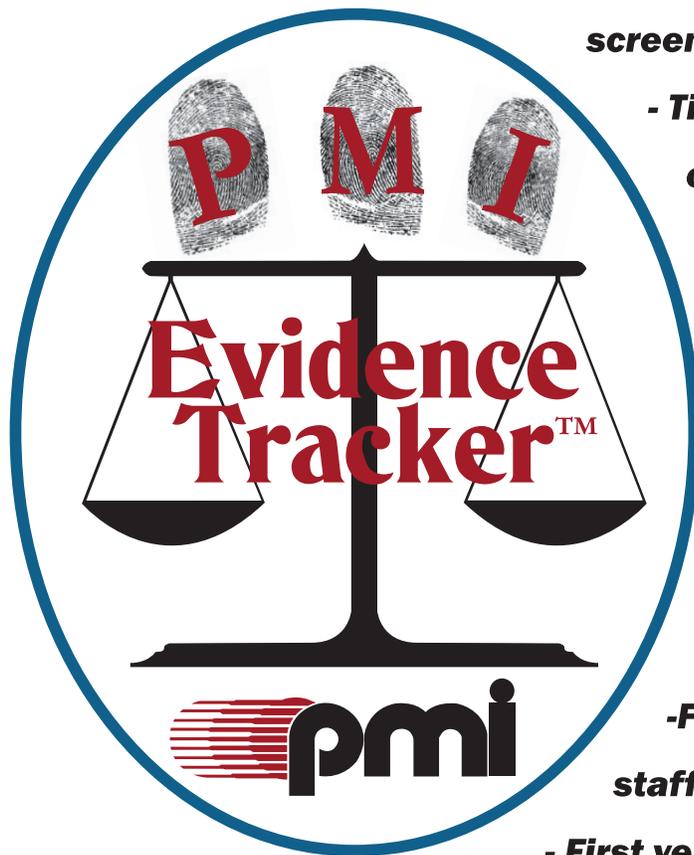


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Bits and Pieces

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.

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

Property & Evidence Association of Florida

www.peaf.net

Illinois Association of Property and Evidence Managers

www.iapem.org

Nebraska Association of Property & Evidence

www.ne-nape.com

North Carolina Association of Property & Evidence

www.ncape.net

Texas Association of Property,
Evidence & Identification Technicians

www.tapeit.net

Nebraska Association of Property & Evidence

FALL CONFERENCE

When: September 2012 - *Dates TBA -*

Where: Sarpy County Sheriff's Office
Papillion, Nebraska

For more more info. and details, visit:
www.ne-nape.com

North Carolina Association of Property & Evidence

FALL CONFERENCE

When: October 15 - 16, 2012

Where: Randolph Community College
Asheboro, North Carolina

For more more info. and details, visit:
www.ncape.net

Texas Association of Property, Evidence & Identification Technicians

ANNUAL CONFERENCE

When: October 18 -21, 2012

Where: Omni Hotel at the Colonnade
San Antonio, Texas

For more more info. and details, visit:
www.tapeit.net

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



CONGRATULATIONS!



to all of our recently designated
Certified Property & Evidence Specialists

(since last issue)

Tyer, Debra	Mesa Police Dept.	Arizona
Wilske, Keri	Big Horn County Sheriff's Dept.	Wyoming
Holcomb, Ann	Shawano County Police Dept.	Wisconsin
Lupton, William	Gordon College	Georgia
Sones, Bradley	Department of the Interior	Maryland
Hammers, Hillary	Winston-Salem Police Dept.	North Carolina
Schultz, Lori	Winston-Salem Police Dept.	North Carolina
Brush, Lorraine	McCall Police Dept.	Idaho
Petersen, Paulette	South Dakota DCI Crime Lab	South Dakota
Hyde, Peggy	South Dakota DCI Crime Lab	South Dakota
Nelson, Samantha	Missouri Highway Patrol	Missouri
Earl, Anje	Carson City Sheriff's Office	Nevada
Perl, Ana Gabriela	International Criminal Court, The Hague	Netherlands
Scheffler, Olivier	International Criminal Court, The Hague	Netherlands
Herridge, Stefani	Idaho State Police	Idaho
Woodard, Karen	Apex Police Dept.	North Carolina
Dutton, Gregory	Washington Dept. of Fish & Wildlife	Washington
DePlancke, Suzanne	Sterling Heights Police Dept.	Michigan
Ragan, Elaine	Criminal Court Clerk's Office, Nashville	Tennessee
Hume, Erin	Charlotte County Sheriffs Office	Florida
Saxer, Leanna	Charlotte County Sheriffs Office	Florida
McNeill, Angela	Charlotte County Sheriffs Office	Florida
Shinner, Melody	Charlotte County Sheriffs Office	Florida
Zeidler, Gerard	Danville Police Dept.	Pennsylvania
Burton, Jasmine	Prineville Police Dept.	Oregon
Logan, Maria	Columbia Police Dept.	Missouri
Heater, Michelle	Columbia Police Dept.	Missouri
Allen, Donna	Columbia Police Dept.	Missouri
Packard, Mark	Madison Police Dept.	Wisconsin
Plachta, Alyssa	NMS Labs - CCPES	Pennsylvania
Nixon, Cody	Salt Lake County Sheriff	Utah
Tegdesch, Jeff	Minnesota Bureau of Criminal Apprehension	Minnesota
Routley, Ty	Portland Police Bureau	Oregon
Antone, Debra	Portland Police Bureau	Oregon
Lanoux, Debbie	Minnesota Bureau of Criminal Apprehension	Minnesota
Shamblen, Janelle	Chesterfield Township Police Dept.	Minnesota
Wicklender, Beth	Santa Clara County District Attorney	California
Constant, Michelle	San Juan Sheriff's Office	New Mexico
Phillips, Greg	Ridgeland Police Dept.	Mississippi
Segreto, Laurie	Palm Beach Gardens Police Dept.	Florida
Gittlen, Jacob	Portland Police Bureau	Oregon
Munoz, Adriana	El Paso Sheriff's Office	Texas
Flores, Carmen	El Paso Sheriff's Office	Texas
Cowan, Janet	Colorado Division of Gaming	Colorado
Houlberg, Christine	Greensboro Police Dept.	North Carolina
Gladney, Sherod	Greensboro Police Dept.	North Carolina
Dishman, David	State of Alaska Dept. of Revenue	Alaska

CPES DESIGNEES AT THE INTERNATIONAL CRIMINAL COURT

By: William P. Kiley, M.S.

In December of 2011 the list of Certified Property and Evidence Specialists (CPES) was expanded to include two Evidence Custodian from the International Criminal Court that is located in The Hague, Netherlands. Olivier Scheffler and Ana Gabriela Perl, members of I.A.P.E. completed their "Property and Evidence Management" class via the new online, on-demand Internet based Video Training program. I.A.P.E. President Joyce Riba, Executive Director Joseph Latta, and the entire Board of Directors were delighted to see that our association has been recognized at the International Criminal Court for our standards and our training. The value of the CPES certification is also acknowledged by the I.C.C. based upon the applications of Ana Gabriela and Olivier.

Here is a brief explanation of the purpose of the Int'l. Criminal Court from the Court's Web site:



International Criminal Court General Introduction

The International Criminal Court (ICC) is the first ever permanent, treaty-based, international criminal court. It was established to promote the rule of law and to ensure that the gravest international crimes do not go unpunished. The Rome Statute of the ICC was established by on 17 July 1998, when 120 States participating in the "United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court" adopted the Statute. The Statute entered into force on 1 July 2002.

The ICC is a court of last resort. It will not act if a case is investigated or prosecuted by a national judicial system unless the national proceedings are not genuine, for example, if formal proceedings were undertaken solely to shield a person from criminal responsibility. In addition, the ICC only tries those accused of the gravest crimes.

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>)
 2. Completion of On-Line Video Training (equivalent to class attendance) Found at: http://iape.org/pdfFiles/20081129_CPES_Online_Class_Registration_Form.pdf
- Submission of a Recertification Application along with payment (\$100) and proof of completion of required training.

NOTE: Recertification is for another 5 year period.

(Recertification application can be found 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

Continued from page 41

Video Storage - cont'd.

CLOUD SOLUTIONS

But police departments still have to deal with the problem of video files taking up more server space than they have. Therefore, law enforcement agencies are increasing looking to cloud companies to store video, and Front Porch Digital is one of those companies providing content storage management services.

“The next generation of law enforcement personnel, as well as the general public, are very video oriented, with video is becoming an important part of the overall way that we communicate,” said Steve Atkinson, Front Porch Digital’s director of federal sales.

Cloud systems have to meet the requirements of the evidence chain of custody, and Front Porch Digital offers “a central repository” of video allowing access to the video by those within a department or agency who have to have access to that video, Atkinson said.

Maintaining the security of the video - with regards to the evidence custody chain - is a primary concern, so Front Porch Digital’s DIVArchive system has a set of algorithms that are analogous to folders that keeps those who lack the authorization from viewing the videos, Atkinson said. Only those who have permission to see a group of videos would have to have the right password to gain access to that group.

In addition to security, Atkinson stressed that Front Porch Digital’s DIVArchive system does not compress the video. “We don’t implement any compression beyond what is in the raw stream. The video stream remains pristine from when we receive it, to when we restore it to the requesting party,” he said.

Written by J.J. Smith

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System on the market today



Chain - Of - Custody

The BEAST Evidence Management System chain of custody is designed to capture a complete log of possession from collection in the field to ultimate disposition of the evidence. Utilizing RF ID, Standard Barcodes, Wi-Fi, integration with Laboratory LIMS systems, CAD/RMS, and Court Systems, the BEAST records and tracks the movement evidence and its location at all times.

Audit Log

The validity of the data provided by the BEAST is the ultimate concern of any agency. With any computer-based system data entry mistakes will occur. By utilizing user-based security and embedded audit tracking, the BEAST can control who is allowed to modify previously saved data and track exactly what that user changed. Every modification is time-stamped and recorded with the user's name, PC they utilized, and both the original value and the new value as recorded.

Digital Documents

Agencies are always looking to reduce the filing and warehousing of paper records, but in law enforcement some level of paper is required. The issue is making those paper records easily accessible and convenient for those looking for them. With the BEAST system, digital images from scanners and cameras can be linked and annotated to the specific digital record they represent. This could be at the case level, the individual or the exhibit level. Digital media files such as .DOC, .XLS, .PDF, .MP3, and .WAV can also be linked to these records.

Integration

The BEAST system has been designed to integrate with many other systems utilized in law enforcement. The following are samples of the types of interfaces currently in use by the BEAST: CAD/RMS, LIMS, DNA Robotics, GC/MS, Mugshot, CODIS, Auto Pound, Court Management and in-house systems. Our application designers can customize an interface for you as well.

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