

# The Property Room: Friend or Foe?

## A case study analysis of the Colorado Springs Police Department

Written by Shannon Turner

**L**AW ENFORCEMENT agencies across the country have learned first-hand the importance of always being able to answer “Yes” to the questions in the adjacent box. Too many chiefs and sheriffs have discovered, albeit too late, that their evidence facility contained ticking time-bombs that proved lethal to their careers. Hindsight being the best teacher, they learned that if they had involved themselves in a proactive approach to their evidence management, it would have revealed and resolved these liabilities before they became a problem. But instead, their department’s “dirty laundry” was aired to the public on the front page of the newspaper.

Evidence mismanagement can manifest itself in acts of omission, such as failure to do regular audits, failure to maintain accurate chain of custody documentation, or failure to provide adequate training. However, it can also come in acts of commission. The worst fear of every evidence manager is that they will inadvertently destroy evidence that is crucial to a case. In April 2006, that fear became a reality for the Colorado Springs (Colorado) Police Department when they discovered that more than 135,000 items had been destroyed in more than 5,000 cases. Looking back, there were warning signs that, if heeded, could have prevented this situation. What acts of omission or commission led to this disaster?

### The Perfect Storm

In 2002, the Colorado Springs Police Department constructed a new building from a Public Safety Sales Tax project to provide more space for the storage of evidence. But even with this new facility, the department found

As a law-enforcement administrator, how often do you ask yourself these six simple questions?

- Have I recently toured our property and evidence facility?
- Am I familiar with our department policies and procedures for evidence management?
- Are the standard operating procedures current, and is my department complying with each policy?
- Do I provide my evidence staff with the tools they need to effectively manage our department’s property and evidence?
- Does our property room have any hidden liabilities I should know about?
- Am I able to account for all the evidence?

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itself facing a burgeoning evidence storage problem. While taking in an average of 44,000 items each year, the annual rate of disposal had only been approximately 18,500 per year.

In 2003, an internal inspection of the department’s evidence unit noted “an alarming backlog” of evidence needing to be sold or destroyed, and the evidence room staff was “barely able to keep up with the day-to-day activity.” The report recommended hiring additional staff to keep up with their department of 600 officers. Previous years’ audit reports had made similar statements, warning that more personnel were needed to reduce the backlog before it got out of control. A commander in the department proposed the merging of two separate computer systems to create an automated system that would enable the department to review and dispose of evidence rather than continue to build additional facilities to house it.

In 2004, a report to the chief again stated that the unit remained several years behind in getting items released, destroyed, or otherwise dispositioned. The report reiterated the recommendation to hire additional people to reduce backlogs. The report also noted a lack of proper annual inventories in the evidence unit as early as 1997 and that the department was unable to develop a realistic estimation of the amount of property that may be missing or misplaced. The same inspection also discovered that federal and state guns checks and background checks on the people who came to claim them as property had not been done at all that year.

A new evidence supervisor was hired in September 2004. The existing problems remained unsolved, and the supervisor and property staff received

little cooperation from case investigators to provide the disposition of cases and authorize the release of evidence.

The evidence unit personnel took matters into their own hands in order to create space for the new evidence being received. Two temporary employees were hired that year to assist with the project. And although a department commander had updated the disposition guidelines earlier that year, those policies were, for all intents and purposes, ignored during the purge process in 2005. Instead, they substituted a self-developed criteria based on the age of the case.

At the end of November 2005, an inspection of the evidence room identified no problems and, based on an interview with the supervisor, they had cut down the evidence backlog by purging more than 135,000 items. However, the concerns in the previous years' report regarding lack of inventories and gun traces were not addressed in the 2005 inspection.

In late December, a Colorado Springs PD detective received a lead in a pending missing-persons case. When he contacted the evidence unit in January to review the evidence in the case, he learned that the evidence had been destroyed six months earlier. The matter was turned over to major crimes to determine if any criminal actions were involved in the destruction of the evidence. It was determined that no crime had been committed; therefore, the matter was turned over to the Internal Affairs unit to evaluate the situation. All disposition of evidence was halted at that time until the investigation was complete.

The city auditor was also consulted in that investigation. The investigation revealed that the database being used to manage the evidence contained corrupt data going back several years. They discovered the old database had reached its record capacity; as new items were entered into the system, it would randomly overwrite a previous barcode in order to create a new record. The failures discovered in the evidence-tracking database were excessive, and—collectively with the other findings of the investigation—the validity of the evidence being held in the property unit was in question.

## BEFORE



*A 2004 report to the Colorado Springs PD's chief of police noted a lack of proper annual inventories in the evidence unit dating back as far as 1997. Not only was evidence disorganized and difficult to locate, it was coming in far faster than it was being dispositioned. A new system was badly needed.*

## AFTER



*Led by Supervisor Joe Kissell, the Colorado Springs PD evidence unit went to work following a new set of evidence-management procedures and implementing a new evidence-management system. The result of those changes is an efficient operation that can be used as a model for other property and evidence units.*

On April 28, 2006, a report was presented to the chief of police that identified 4,177 criminal cases potentially negatively affected in the categories of Child Abuse, Forgery, Homicide, Kidnapping, and Sexual Assault. The report was delivered to the District Attorney on that same day, and a press conference was held that afternoon to disclose these findings to the media and public.

The investigation showed crimes involving assaults and missing persons had been affected, as well. In conjunction with the district attorney's office, a procedure was developed to examine all 4,177 initial cases, an additional 829 assault cases, and eight missing persons cases (5,014 cases total). The examination of the cases revealed a minimal impact on the potential prosecution for the 4th Judicial District. Only seven pending cases were among the 4,177 initially identified, and none had a drastic impact as a result of the destruction of the evidence. There were eight cases that had an outstanding warrant for the suspect. There were also six unsolved missing persons cases from 1986 until 2001 where evidence was improperly destroyed. The DA also identified 25 potential appeals cases for review.

Following a vote of no confidence and despite his earlier statements that he would not step down, the Colorado Springs Police chief announced his retirement in July 2006.

#### Corrective Measures

Management intervention was swift; however, it took almost three years to identify practices that were problems and to implement corrective actions throughout the department. A sergeant from the training academy was assigned to supervise the evidence unit. Some evidence unit employees were terminated or disciplined and the remaining employees were retrained in their responsibilities and procedures. Additional evidence technicians were also hired. An evidence redesign team consisting of patrol officers was formed to oversee the implementation of all the approved recommendations from the various inspections.

Because the evidence database had a significant error rate, they assigned

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IT resources to fix the inefficiencies of the database. They also determined a 100% inventory of the remaining evidence was required to verify the integrity of the data. With an inventory of approximately 300,000 items, they estimated it would take up to 12 months to accomplish this. Also, at the request of the district attorney, the scope of the original investigation was expanded to include all of the 75,982 cases that had evidence dispositioned between September 2004 and March 2006.

The administration implemented a comprehensive set of management controls and procedural oversights to identify and address evidence issues. They also issued several department bulletins that addressed the criticality of the gathering and submittal of evidence, as well as the supervisory oversight by case agents that must be present in order to properly manage and disposition evidence.

A complete change in mindset was generated throughout the department in how evidence was perceived, and a team of personnel from both within and external to the Colorado Springs PD was formed to examine every aspect of evidence handling—from initial intake to storage, through the prosecution stage, and finally to disposition or long-term retention. The department also consulted with other law enforcement agencies and disseminated their information throughout the law enforcement community in order to incorporate the best practices of evidence handling.

Joe Kissell was appointed the supervisor of the evidence unit in 2008, having previous experience as a commander at the El Paso County (Colorado) Sheriff's Office and as chief of police of Monument, Colorado. Kissell and his staff continued to follow the new evidence-management procedures and analyze the capabilities of their existing evidence database. They discovered that daily evidence management required a considerable amount of repetitive manual labor and paper documentation. Officers spent a staggering amount of time completing hand-written property sheets and tags. The evidence techs then devoted more than 350 hours per month entering that same information into the evidence system. And although they were using barcoding to track the evidence, the pre-printed barcodes contained no information—only the barcode—forcing them to decipher the officers' handwriting on the bags. Operation of the barcode scanners was labor-intensive, and they were so outdated that they were no longer supported. The system was limited in search options and required routine assistance from IT staff to run reports and statistics. It was clear to Kissell that an updated evidence-management system would provide the tools needed to further streamline their processes and eliminate repetitive work effort.

After an extensive search of evidence management systems, the Colorado Springs PD implemented the EvidenceOnQ system developed by FileOnQ, Inc. in Seattle, Washington. According to Kissell, the transition to the new system was "seamless" for the entire department. In fact, the officers actually expressed their appreciation to Kissell for implementing a user-friendly system that made their evidence submission process fast and easy. The evidence staff has seen enhancements to literally every duty in the property room. The table on the following page shows a side-by-side comparison of the time devoted to evidence management tasks using their old evidence management system and after the EvidenceOnQ system implementation in October 2010.



TASK	BEFORE	AFTER
Data entry	90 hours / week	10 hours / week
Intake	55 hours / week	30 hours / week
Preparation of letters & forms	40 hours / week	15 hours / week
Producing chain-of-custody reports	4 minutes / case	1 minute / case
Preparing statistical reports	30 minutes / month	5 minutes / month
Performing system searches	15 minutes / request	5 minutes / request
Preparing for auction	5 hours / month x 9 technicians = 45 hours / month	5 hours / month x 1 technician = 5 hours / month
Disposition review	80 hours / week	50 hours / week
Checking items in	3 minutes / item	5 seconds / item
Checking items out	2 minutes / item	1 minute / item
Purging	80 hours / week	80 hours / week (able to purge more items)
Answering calls from officers, detectives, district attorney's office	40 hours / week	20 hours / week

*This table shows a side-by-side comparison of the time devoted to evidence-management tasks using their old evidence-management system (BEFORE) and the time consumed once the department's new evidence-management system became operational in October 2010 (AFTER).*

In an effort to broaden the scope of the team-effort mentality instituted as a result of the 2006 situation, the Colorado Springs PD reached out to the El Paso County Sheriff's Office and the District Attorney to further streamline their evidence-management procedures. The sheriff's office had implemented the same evidence system a year earlier, and the District Attorney purchased EvidenceOnQ in 2011. With access via the web, the DA can now manage cases and prepare for trial more efficiently. Rather than making phone calls, sending e-mails, or traveling to the agencies' evidence units, they have immediate access to information about the evidence: chain-of-custody documentation, lab reports, crime-scene photos, and even audio and video recordings. The DA can submit specific requests and authorizations from within the system that are immediately sent to the appropriate agency.

When preparing evidence for trial, both the Colorado Springs PD and the El Paso County Sheriff's Office are able to export the pertinent information from their evidence-management system. The data is transported along

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with the evidence to the DA's office, where it is imported into their own EvidenceOnQ system. The new records are populated automatically for the evidence to be managed throughout the trial proceedings.

The Colorado Springs PD took a disastrous situation and not only survived, but excelled above and beyond the expectation. They accepted total accountability for their actions and immediately set in motion a plan to regain their credibility in the minds of their own employees, their criminal justice partners, and the victims and families of crimes, and the public. The evidence unit at the Colorado Springs PD has seen improved effi-

ciency and has become a model evidence facility by implementing technology, establishing guidelines, and instituting a new mindset for managing their evidence.

### **About the Author**

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