



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

Intro to Managing Property and Evidence

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T.C.A. 9-2-102 (Uniform Accounting System)

(a) It is the duty of the department of audit to prescribe a uniform system of bookkeeping designating the character of books, reports, receipts, and records, and the method of keeping same, in all state, county, and municipal offices, including utility districts, which handle public funds. It is the duty of all officials to adopt and use the system and the character of books, reports, and records designated, provided that the comptroller of the treasury may approve any existing system. The approval of such systems by the Comptroller of the Treasury is subject to the concurrence of the Commissioner of Finance and Administration.



T.C.A. 9-2-102 (Uniform Accounting System)

(b) It is the duty of all local governments that are subject to the audit requirements of the comptroller of the treasury and that handle public funds to close their official accounting records and to have those records available for audit no later than two (2) months after the close of their fiscal year.

- Operating funds
- Commissary, booking fees, phone
- Drug funds
- Property & evidence

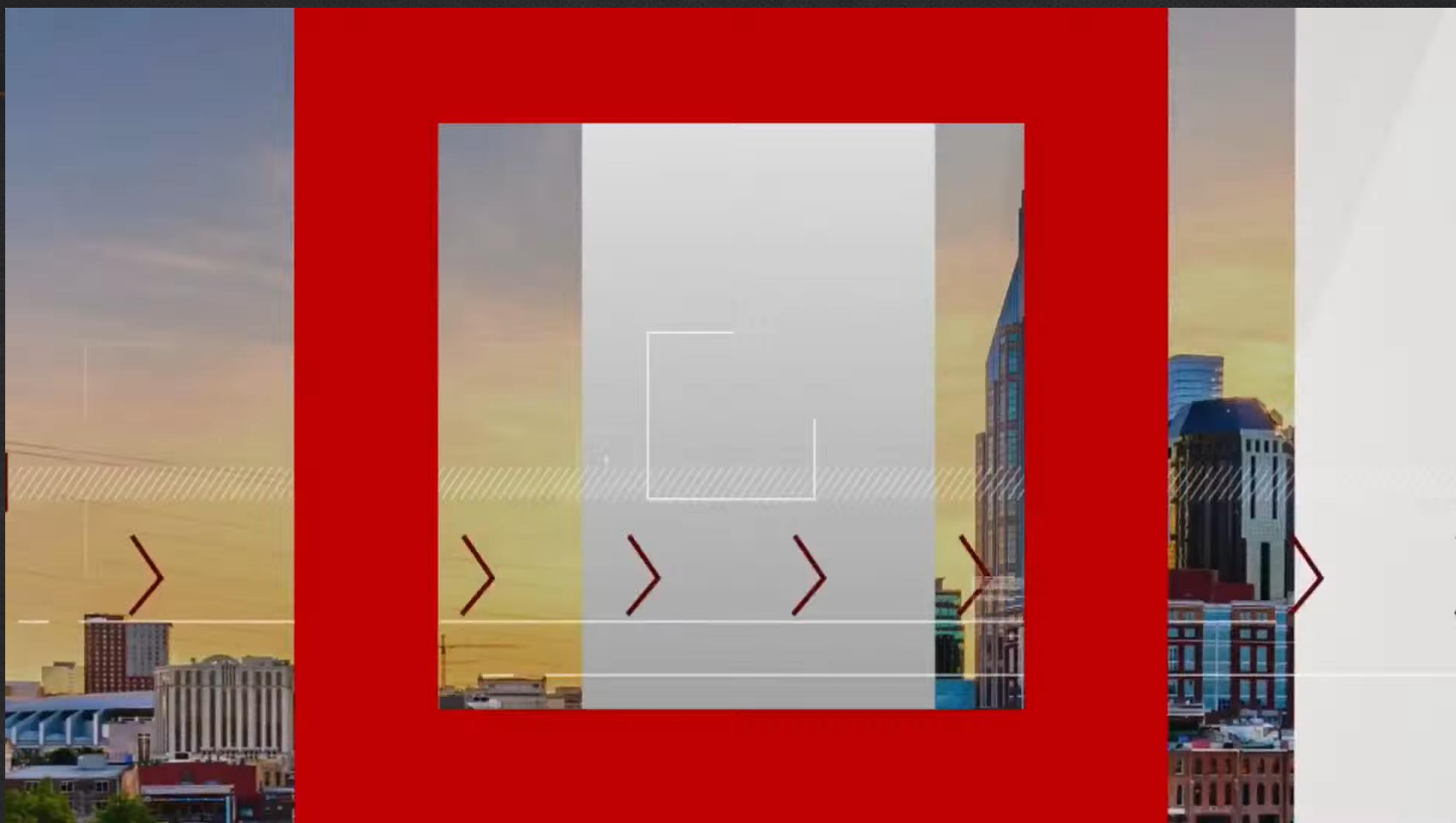


Investigations in Tennessee



(2017) - The Office of the Comptroller of the Treasury investigated allegations of malfeasance related to the Houston County Sheriff's Office property and evidence room. The sheriff had identified discrepancies related to items recorded as held in the department's property and evidence room and notified the Comptroller's Office.

- Property and evidence included on the inventory log was not in department custody
- Officials failed to include all property on the inventory log
- Officials failed to utilize critical portions of the department's available resources to account for property and evidence
- Officials failed to perform an annual inventory
- Officials traded a seized weapon that was reported as stolen



Fundamentals of Property and Evidence Management



Policy & Procedure



Integrity AND Security



Chain of Custody



Life Cycle



Preservation



Organization



Documentation



Policy

Policy establishes
and defines
authority, structure
and functionality

Receipted to all
personnel (print or
electronic)

Drafted to meet
specific agency
needs, not
generalized

Allows evidence
custodian the right
to refuse improperly
submitted evidence

Procedure



Procedure determines the method for proper and successful submission



Establishes an expectation



Provides an instrument for supervisors to define it, demonstrate it and review it

Integrity and Security

“Evidence integrity is the assurance to satisfy any judicial assessment that evidence has been correctly and lawfully generated and has not undergone any unauthorized amendment or otherwise been tampered with since its creation.”

Evidential Integrity Definition | Law Insider

Integrity and Security (cont)

Why is evidence integrity and security important?

- It could be the key to solving a crime
- Needs to be admissible to court
- Protects the agency and deputy
- It carries the weight of innocence or guilt

Preservation

- All property and evidence has value
- Most property and evidence have an owner and a manager
- Should be packaged, identified and stored so that it preserves the item in submitted condition

Storage & Organization



Accountability

- **Audit.** A comprehensive compliance evaluation and analysis of evidence management operations.
- **Inventory.** An evaluation process that accounts for all evidence and non-evidentiary property items in the actual custody or control of the agency, reconciled against a list of all items known or believed to be in the custody or control of the agency.

Accountability (cont)

- **Inspection.** A routine internal evaluation of safety and security, facility and working conditions, operational readiness, workload and basic policy and process compliance to ensure sustainable evidence management practices and detect potential problem areas or issues for early intervention.

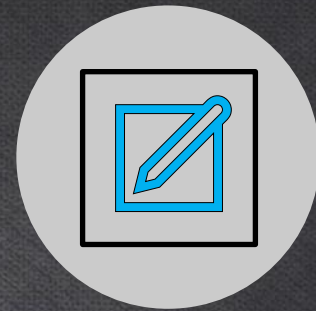
Three Essential Procedures



EVIDENCE
SUBMISSION



EVIDENCE
MANAGEMENT



EVIDENCE
DISPOSAL

Evidence Disposal

- Evidence items should be retained in the custody of the evidence management for the entire duration of the item's required duration of custody until receipt of approval and authorization for the permanent transfer, temporary release, or final disposition of the item is received and documented. *(EMI Standards and Best Practices – Chapter 10 Evidence Retention and Disposition)*

Evidence Disposal

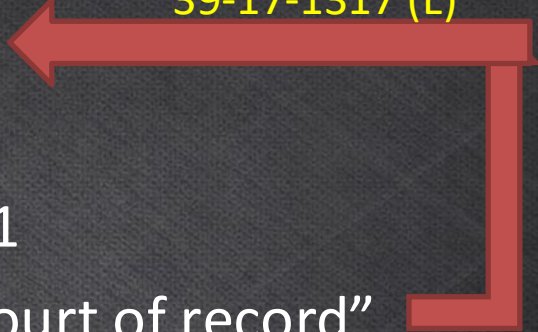
Retention is contingent on:

- State law, including statutes of limitation and evidence retention statutes
- Local policies, which may include policies of local law enforcement agency, policies of associated courts of record and prosecuting attorney offices
- Case and associated case investigative status
- Case and associated case adjudication status
- Offender term of sentence
- Offender term of appeals
- Identification of unknown offenders
- Receipt of approval for disposition from authorized investigator
- Receipt of any required judicial authorization for disposition

Evidence Disposal

- Disposal of physical evidence by a Sheriff is governed by T.C.A 18-1-206 (a)(6)(7)
- Unclaimed property T.C.A. 8-8-501
- Confiscated weapons T.C.A. 39-17-1317
- New Serial numbers T.C.A. 39-17-1318
- Drug and Paraphernalia T.C.A. 53-11-451
- Order for disposal must come from a “court of record”
- Best practice - D.A. signature not required on disposal order but recommended

39-17-1317 (L)



Types of Evidence

Firearms

Drugs

Currency

Biological

Valuables

Firearms

Ensure safe handling



Firearm make, model, caliber, finish and serial number



Confirm firearm is unloaded



Stored away from general storage if possible



Always store in a secure area

Drugs

Packaged using appropriate materials that comply with lab standards

Clearly label with case #, drug type/description, deputy name

Warning labels if necessary (fentanyl)

Stored in environmentally appropriate and secured area.

Avoid sharps if possible

Currency

- Requires special handling consideration.
- Should be accurately documented with respect to total amount submitted. Two-person counting rule
- Documentation should include who, what, when, where, why and how.
- Unless cash is needed for evidence do not keep it (check with DA to determine the need to maintain as evidence. Case by case)

Currency (cont)

T.C.A 5-8-207 – All funds must be deposited within three days of collection



If needed the county can issue a check to return the money



Do not keep in a drawer, locker or trunk of vehicle.



If you don't know...ASK!!

Biological

- Biological evidence; due to its unique evidentiary value, forensic value, specific storage and preservation requirements, and the potential health risks associated with handling of biological evidence, requires special handling considerations for associated evidence types. *(The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers)*

Biological (cont)

- Forensically appropriate packaging materials
- Clearly marked with a biohazard label
- Packaged and sealed to prevent cross contamination
- Appropriate environmental storage conditions *(The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers)*

Valuables

- Secure storage.
- Jewelry, collectable items, documents, items with a high replacement cost, or items that are considered to possess historical value.
- Appropriate packaging, documenting.
- Accurate documenting. No implied or explicit value descriptors that cannot be verified at the time of submission.

Valuables (cont)



- Example:, a silver-colored metal ring with a single clear stone should not be described as a “silver diamond ring.” Items should be described by appearance, color and shape
- Unintentional descriptors can give it unintended value

Special Considerations

- Collector's coins and currency
- Heirloom jewelry
- Deeds and titles
- Important documents
- Historical documents



Vehicles as Evidence

- Vehicle processing is dependent on type crime and evidence being sought.
- Can it be processed at the scene?
- Should it be processed at impound lot?
- Does it need to go to the crime lab?
- Is there a secure location?
- Does vehicle need to be inside?



Vehicles as Evidence (cont)

- Evidence vehicles should be clearly marked with case # and date
- Measures must be taken to preserve vehicle in condition it was received
- Best efforts must be taken to prevent any or further damage (tarps and tape)
- Potential liability for damage or neglect

Vehicles as Evidence

Considerations

- Who has access to “evidence” vehicle?
- Is vehicle being held for a search warrant?
- Is there property still inside vehicle?
- Has an inventory been completed?
- Did vehicle contain explosives, clandestine lab or drugs?

Video Evidence

T.C.A. 10-7-504: Confidential Records-Exceptions

- (1) Video taken by a law enforcement body camera that depicts the following shall be treated as confidential and not subject to public inspection:
- (A) Minors, when taken within a:
 - (i) School that serves any grades from kindergarten through grade twelve (K-12);
 - (ii) Child care agency, as defined in § 71-3-501;
 - (iii) Child care program, as defined in § 49-1-1102;
 - (iv) Preschool; or
 - (v) Nursery school;
- (B) The interior of a facility licensed under title 33 or title 68; or
- (C) The interior of a private residence that is not being investigated as a crime scene.

Video Evidence (cont)

- (2) Nothing in this subsection (u) shall prevent the district attorney general or attorney general and reporter and counsel for a defendant charged with a criminal offense from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subsection (u).
- (3) Nothing in this subsection (u) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (u)(1); provided, that confidential information shall be redacted before any access is granted to a member of the public.
- (4) Nothing in this subsection (u) shall be construed to limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.

Video Evidence

What the statute doesn't cover

- Storage
- Management
- Retention
- These should be governed by policy



Non-Evidentiary Items

- Safekeeping property
- Found property
- Abandoned property
- Unnecessary property!

Policy & procedure should include a “right to refuse” evidence

Inspections, Audits & Inventory

- As mentioned earlier there are three ways to ensure accountability and compliance
- Inspections should be done monthly
- Complete audits should be done annually
- Sampling audits should be done on a regular basis
- Inventory should be done annually

References & Resources

- Tennessee Comptroller of the Treasury
- CTAS-MTAS Drug Management / Disposal of Property – CTAS Website under “References – Public Safety”
- Evidence Management Institute – Standards and Best Practices – (8 hours free online training)
- International Association for Property & Evidence
- 2013 National Institute of Standards and Technology – NIST

References & Resources (cont)

- The Biological Evidence Preservation Handbook
- State Patrol, W. (2016, May). Officer's Evidence Handbook (pp. 18–21). Washington State Patrol.
- Henderson, S. H. (2023). Evidence Management Institute. EMI Standards and Best Practices. Retrieved January 17, 2023, from <https://evidencemanagement.com/resources/emi-standards-and-best-practices/>

Website & e-Li



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www.ctas.tennessee.edu

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