



## Internal Audit Overview

"Vigilance Through Knowing"

### Property and Evidence Volume Reduction 10-04

February, 2011

KCPD

Internal Audit

Unit

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### Objectives

The objectives of this audit are to address the issues described in the DEU memo (Exhibit 1) dated Nov 16, 2009.

### Methodology and Scope

- Conduct a literature review of Department Policies that refer to Property and Evidence.
- Conduct interviews with Department Personnel as needed.
- Request information from Department Personnel as needed.

### Findings and Recommendations

1. Monthly intake levels have trended upward over the last 10 years. During the same time, the monthly disposal levels have trended downward. The result has been an overall increase in property and evidence items stored and maintained by the Property and Evidence Unit. Currently, Property and Evidence Personnel estimate that 80% of the available storage space is being utilized.
2. Property and Evidence personnel do not have the authority to determine if most stored items can be disposed. However, the lack of authority is by design and is an industry practice to reduce the potential for fraud. Therefore, cooperation from the investigative follow up unit is needed in order to dispose of property.
3. Investigations Bureau Memorandum 08-01 states that a unit has 30 days to respond to the disposal request. If no response is given then a second response is sent to the Division Commander for assistance. The memo states that these steps are to ensure accountability. However, it does not describe how accountability is to be ensured. Currently, the memo does not direct anyone to produce a report that displays the return rate and non - return rate by individual unit. Therefore, it would be difficult to ensure accountability.
  - **Recommend preparing a detailed report for the Chief that includes the inventory level, non-return rate and return rate (with disposition) of investigative follow up units in order to ensure accountability.**
4. In addition to focusing on the disposal side of the equation of the rising inventory levels, reducing the intake side of the equation would also help reduce the number of items in storage. In an attempt to reduce the number of intake items PI 04-04 (Recovered Property Procedure) lists specific thresholds to determine if the property turned in by citizens for safekeeping should be recovered. The PI indicates that "when possible, members will exercise problem solving alternatives prior to accepting property from citizens". In addition, the PI directs the department member to "make a notation on their Daily Activity Log": However, no examples of "problem solving alternatives" are listed.
  - **Recommend Property and Evidence work with Planning and Research to update PI 04-4 to include a list of potential problem solving alternatives.**
5. The RMS system allows the detective working the case to indicate that evidence in a case can be disposed. Following this process would give Property and Evidence Personnel the authority to dispose of the evidence immediately and thus reduce the number of disposal requests sent to follow up units. However, a test of the process initiated by the Property and Evidence Unit revealed that 20% of the cases indicated for disposal through the RMS system were not meant for disposal.
  - **Recommend implementing regular use of this process after there has been additional training on this feature of RMS and further testing of the process in order to ensure acceptable error levels.**
6. The process of checking the disposition can require a trip to Jackson County in order to check a case through their closed database. Remote access to this database would reduce time away from a department member's current assignment. Jackson County does not oppose this type of access, but currently are having difficulty making the technology to work correctly.
  - **Recommend pursuing this capability.**
7. Some units receive substantially fewer disposal requests than other units. However, all units have the same amount of time to return the disposal requests. In addition, survey respondents noted that there is a significant lag between the property and evidence unit dropping off the request on the 5<sup>th</sup> floor for distribution and the detectives receiving the actual disposal request. Furthermore, the category "too many requests to get done in the time allotted" was the top reason listed as the biggest roadblock to completing the property disposal request by the assigned T-Date.
  - **Recommend adjusting the time allowed for the units that receive substantially more disposal requests more time for completion of the disposal requests. Recommend the reduction of time for units that receive few disposal requests.**
8. The "unit handling follow up" box on the 236 is a key for the routing of disposal requests. However, there does not appear to be much direction listed in the Procedural Instructions or training for the officer in the field to correctly determine the proper unit.
  - **Recommend regular updates by Property and Evidence personnel sent to field officers on common scenarios that produce potential problems.**
9. A survey revealed that 60% of the respondents felt as if they did not receive adequate training in order to determine if property/evidence can be disposed.
  - **Recommend a plan to address regular training of department members in charge of disposing property/evidence. The training should be conducted by department units and property and evidence personnel.**

Endorsement Page

Re: Property and Evidence Volume Reduction Audit, 10-04

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Unit/Section Supervisor

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Unit Commander

Major Pruetting: Attached you will find audit 10-04, Property and Evidence Volume Reduction Audit. It indicates some very difficult problems encountered in the disposal process. I support the auditor's recommendations. I request that after your review the audit be forwarded to the Chief for his information. After that I recommend an audit disposition meeting be held to further discuss the issues raised in the audit. The Chief, yourself, the audit staff and the auditees should all attend this meeting. Its purpose would be to accept or reject the recommendations.

*H. Lee 10/21/11*

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Division Commander

*Chief Forte,*

*I agree with Mgr. Lee and recommend scheduling a post-audit review meeting to discuss the auditor's recommendations.*

*Major Pruetting*

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Bureau Commander

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Chief of Police

*Schedule meeting*

*Chief Forte*

11-1-11

Property and Evidence Volume Reduction 10-04

February 2011

Internal Audit Unit  
Kansas City, Missouri Police Department



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## **Introduction**

The Drug Enforcement Unit (DEU) has had several discussions with Property and Evidence Unit personnel in regard to the system currently in place for the disposal of property and evidence. Those discussions identified several issues for resolution. Both units have different perspectives on these issues. The Internal Audit Unit, at the request of the Drug Enforcement Unit, was given this audit to address the issues raised during the discussions.

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## **Scope**

The scope of this audit will focus on the DEU unit and the Property and Evidence Unit. However, since the disposal process for the DEU unit is the same, from the Property and Evidence Unit perspective, other units may be examined for comparison purposes.

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## **Objectives**

The objectives of this audit are to address the issues described in the DEU memo (Exhibit 1) dated Nov 16, 2009. The issues are listed below.

- The routing of property disposal forms is inefficient
- The process is highly labor intensive on both ends of the process
- The amount of disposals forwarded on a regular basis is often excessive
- Officers conducting field possession cases are not always marking the Form 236's with the proper unit handling the follow-up investigation
- DEU receives many property disposal forms that are for other units
- Technology available is not being used to its full potential to streamline the process and make it more efficient
- Property disposal in DEU requires at least one full-time employee to handle properly yet there is not a position available to dedicate to the process full-time
- Numerous databases at different locations have to be checked to verify property can be destroyed
- The accountability of property disposal forms is ineffective as forms are not always sent to the applicable investigative element and rarely are sent through the chain of command

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## **Methodology**

Conduct a literature review of Department Policies that refer to Property and Evidence.

Conduct interviews with Department Personnel as needed.

Request information from Department Personnel as needed.

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## Discussion

Balancing the need to manage a finite amount of warehouse space against the pressure of detective workloads (i.e. clearance rates) is a difficult necessity. It is understandable that as the priority to clear cases rise the priority to dispose of property and/or evidence will fall. However, both are equally important and the proper management of property and/or evidence levels could affect the ability to properly prosecute a case thereby reducing clearance rates.

Rising inventory levels raise the potential for errors to occur by property and evidence staff. Misplaced and premature disposal of property and or evidence are a very real possibility of an overcrowded warehouse. *Property and Evidence by The Book* (Latta, Joseph). states, "The timely and appropriate disposition of evidence is extremely important to the efficient management of evidence, the integrity of evidence security and the effectiveness of prosecutorial efforts. Overcrowded evidence rooms require more manpower to manage simply because of the size of their inventory has a tendency to slow down routine operations involving evidence location and retrieval."

Any solution put forth to address the disposal process must deal with the reality of a finite amount of storage space. The Property and Evidence warehouse is about 60,000 square feet. An additional temporary storage space is located at Century towers. Currently the property and evidence staff estimates that about 80% of the warehouse space is filled and the inventory levels are on the rise.

The property and evidence unit produces a monthly inventory report. Compiling the information from Jan 2000 thru July 2010 produced the following information. Chart 1 displays the monthly intake totals for the listed time period. During that time the data shows the amount to be trending upward. During the same period, the data in chart 2 shows that the monthly disposal totals are trending downward. On average over the listed period of time, the Property and Evidence Unit has an intake of about 4400 items per month. They dispose of 3474 items per month which leaves a monthly increase of 926 items. Chart 3 displays the total inventory levels, which is the result of the net increase of items of inventory during the listed time period. Interestingly *Property and Evidence by The Book* (Latta, Joseph) notes, "It is generally agreed by Property Officers that only one to three percent of evidence in the Property Room ever makes its way to court as an exhibit. This could easily be translated that over ninety five percent of our space and labor costs are related to items that are non-essential to the prosecution of a criminal case." Property and Evidence personnel agreed with the statement that most of the Department's property and evidence never appears in court. They indicated that they do not keep a log of property and evidence once the property and evidence is returned. Therefore, it would not be possible to determine exactly what percentage of property and evidence does go to court. However, they estimated that the number was five percent or less.

Chart 1 (Monthly Property and Evidence Intake Total 2000-2010)

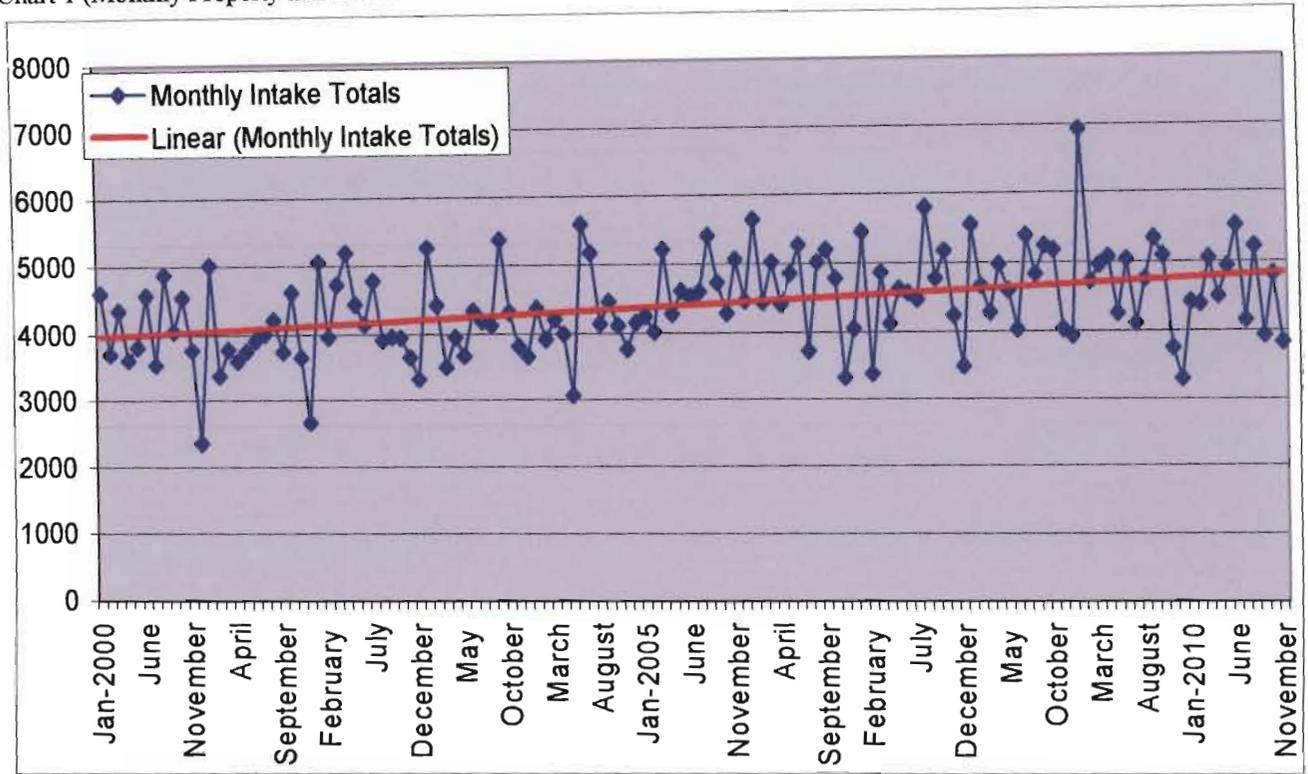


Chart 2 (Monthly Property and Evidence Disposal Total 2000-2010)

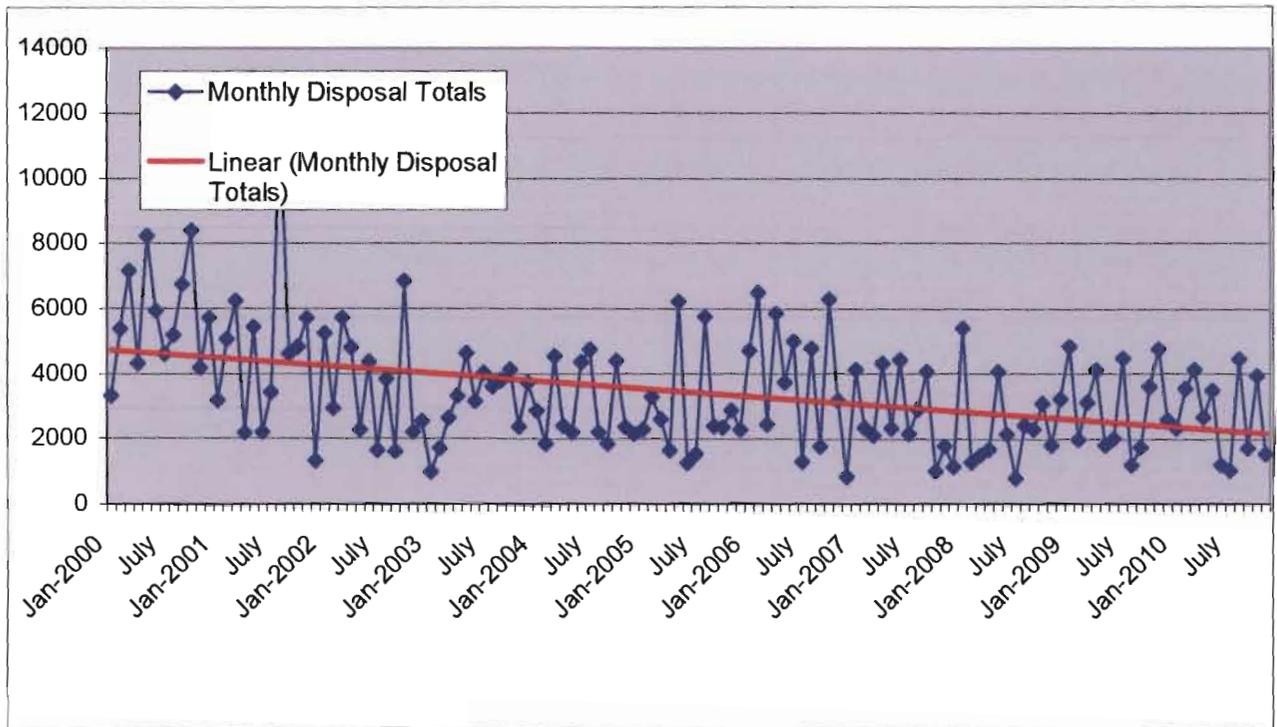
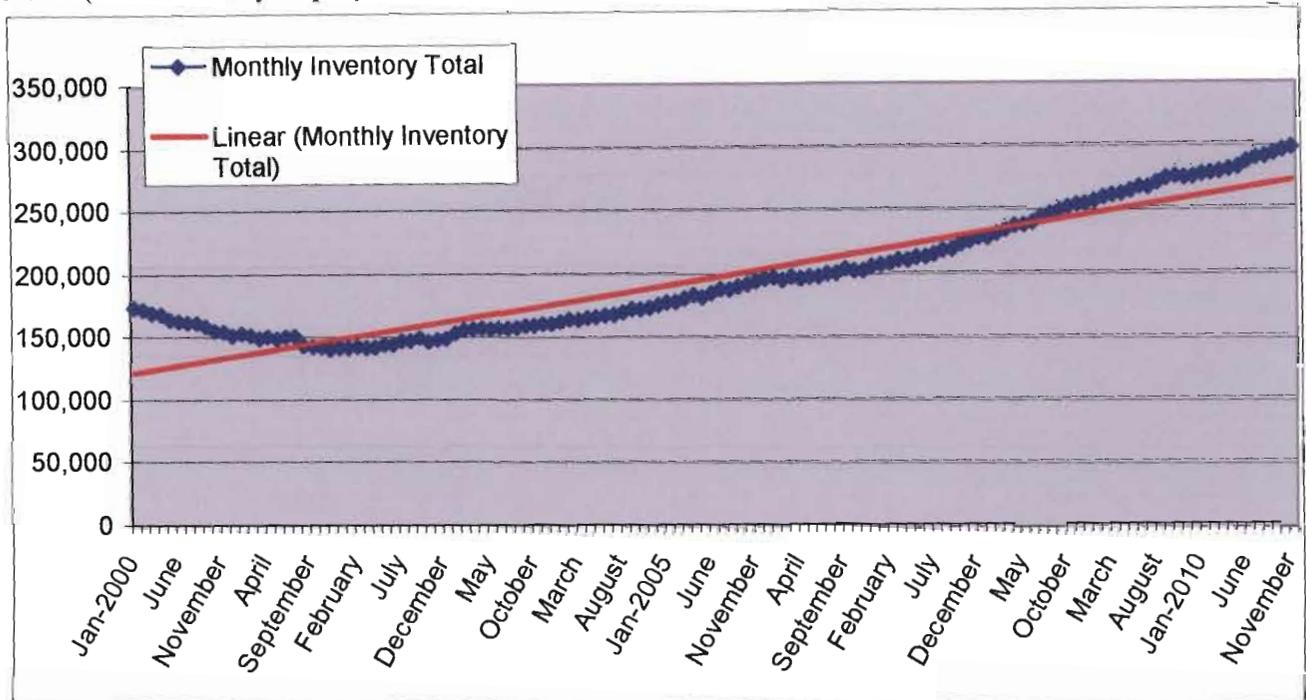


Chart 3 (Overall Monthly Property and Evidence Total 2000-2010)



Based on the above charts, it appears that the rise in inventory levels is a product of monthly intake totals trending upward and monthly disposal totals trending downward. A review of the process from intake of property and evidence by the field officer to the storage by Property and Evidence (P&E) personnel and finally the decision for disposition by the investigative follow up unit may offer a starting point for recommendations toward better management.

The intake volume is one side of the equation for the proper management of property and evidence inventory levels. Most property and evidence items begin the intake process through recovery by a field officer. Procedural Instruction 04-4 (Exhibit 2) provides guidance when a member is confronted with a situation to recover property and/or evidence. The first decision to be made is whether or not the property and/or evidence must be recovered. PI 04-04 states: "Members will exercise good judgment when recovering property for the sole purpose of safekeeping. Examples include: Property voluntarily turned in or found, with no evidentiary value, little or no monetary value (estimated value less than \$100) and/or no distinguishable identifying characteristics. When possible, members will exercise problem-solving alternatives prior to accepting items from citizens that fall into the above categories."

Once the decision has been made to recover the property, PI 04-4 provides further guidance on filling out Form 236, Physical Evidence/Property Inventory Report. It states that there are several instances where property and/or evidence will be separated. Form 236 contains many boxes to fill in and provide information for the Property and

Evidence Unit. PI 04-04 provides guidance on how to correctly determine which information to include and what check boxes to mark.

One line marked on Form 236 is extremely important in the disposal process. The "unit handling follow up" information is a big concern for the Drug Enforcement Unit. The information was added to the form by Property and Evidence Personnel in order to assist them in determining which unit to direct the disposal request. However, there is no guidance listed on the form or in the above listed PI to assist the field officer in determining the correct response. It is vague and can be confusing. For example, there is no explanation on what information should be entered for a city level case. It should be stressed that this information is what is relied upon by property and evidence personnel to route the disposal requests. Large batches of requests are sent out and looking up each request to determine if in fact the listed unit is the one with the responsibility for follow up would be very time consuming. On a limited basis, property and evidence personnel will attempt to determine the proper follow up unit. Typically this will occur when the property/evidence recovered does not seem to match the listed follow up unit. For example, a Form 236 that lists a drug as the evidence but the follow up unit is South Zone Property Crimes..

Academy personnel stated that the training conducted with the recruits focuses on the actual procedure for bagging and marking the property and evidence. Some training is conducted on determining what would be considered property and or evidence at a scene. However there is a meaningful amount of stored property that is not known to have a victim, suspect or be apart of an apparent crime. An example would be a toolbox found in a citizen's front yard. Property and Evidence state that there is no real reason to recover this type of property. But, no training or guidance is offered on alternatives to storage at a police facility.

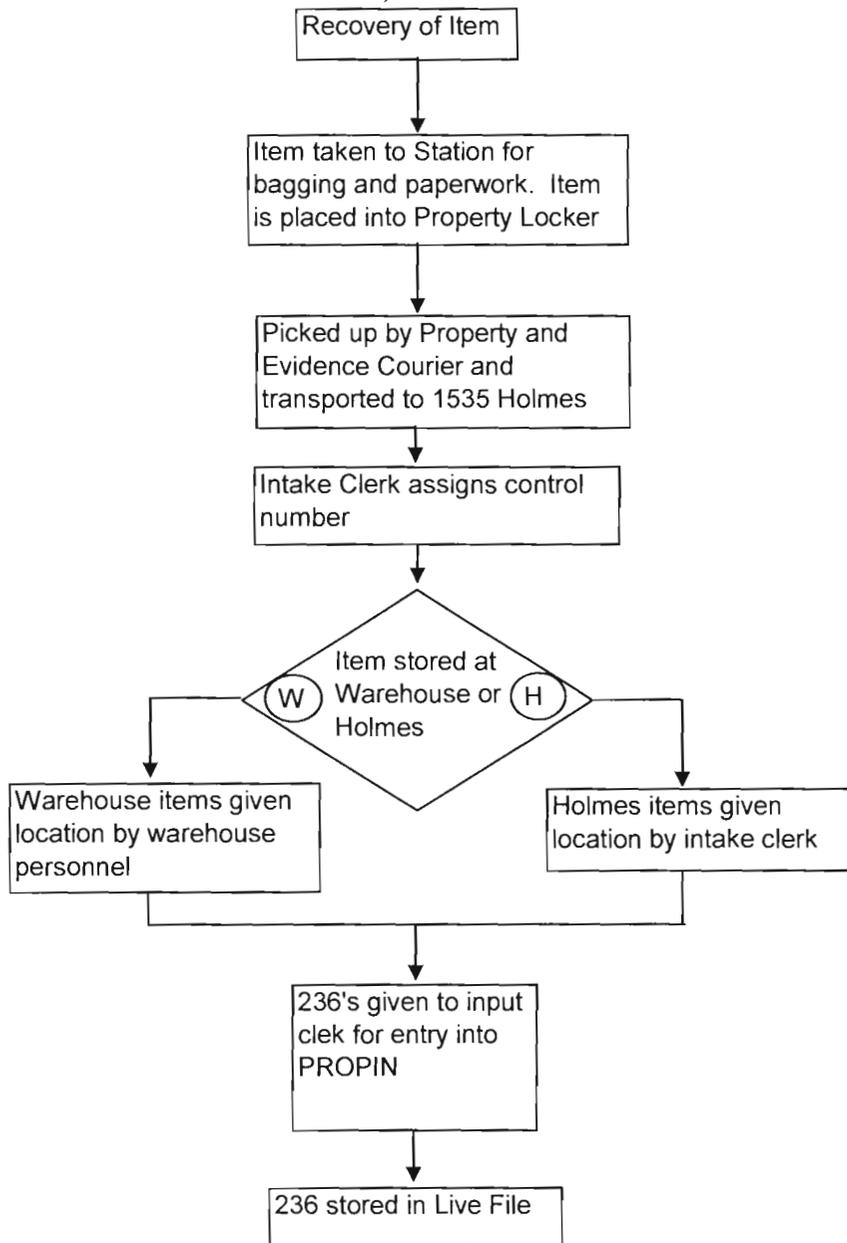
After the 236 has been properly filled out, the property and or evidence must be packaged and sealed correctly. Again, some items must be handled separately.

The next step is to take the property to the on duty desk sergeant as outlined in the PI. "The on-duty desk sergeant will verify entries on the appropriate inventory report forms and property and evidence packaging to ensure all requirements set forth in this directive are met before issuing approval." As the first control in this process the desk sergeants are the gatekeeper to allowing unnecessary items to be recovered. However the phrase "ensure all requirements set forth in this directive" is overlooked. It is meant to include the requirement of only recovering items of value. But as stated before the PI does not give any concrete examples of what would be a "problem solving alternative". Discarding the item and letting the finder keep the item might be acceptable problem solving alternatives. These should be listed as acceptable alternatives and the scenarios in which they might be implemented.

Once the property is approved by the desk sergeant, the property is logged in the property ledger and placed into the property locker. The property is then picked up by a Property and Evidence Courier. They review the property and 236 to ensure the procedures have been followed. Then they sign the property ledger to maintain chain of custody and transport them back to the Holmes building for input control. The input

control officer then logs the information on the 236 into the PROPIN system. They input every item of information from the 236 except the “to be used as evidence”, “stolen property”, “To be deposited”, “Firearms and tool marks”, “Chemistry”, “Trace Evidence” “Fingerprints”, “Documents”, Other” and “Unit handling follow up” boxes. The property is then issued a control number and stored in the appropriate locations. The original 236 is then stored in the live file. A basic flow chart of this process is outlined in Chart 4.

Chart 4 (Basic Flowchart of the Intake Process)



After a certain period of time, a batch of 236’s is pulled for a property disposal request (Exhibit 3). The amount that is in any given batch is a percentage of the overall inventory level. Property and Evidence personnel stated that typically one tenth of the total inventory level is sent out for the year. Therefore, as the items in the inventory

levels rise, the workload for Property and Evidence personnel and the investigative elements also rise because one tenth of an increasing inventory level is a larger and larger number. A copy of the original is made and stamped with a property disposal request tracking number. Then they are separated by follow up units. As stated before, the "unit handling follow up" information is a big determining factor for routing of the disposal request. There are certainly instances where the unit handling the follow up is wrong. Many times the DEU is the "catch all" for any drug case when a field officer has any question of which unit to mark. However, other occurrences are initially marked correctly and then the decision is made for a different investigative element to handle the follow up. An example would be a case initially being marked for handling by DEU and then the Gang Unit is assigned the case. In this instance since the original 236 was marked for DEU and drugs are the listed item, it would be very difficult for the Property and Evidence personnel to know that the Gang Unit is the correct unit to route the disposal request. This type of example is one of the concerns noted by DEU. They are going through all the work of finding out a disposition to a case only to discover that they are not the unit assigned the case. A solution to the issue would be to make sure that if a different unit will be handling the follow up that Property and Evidence Personnel are notified. Property and Evidence Personnel indicated that once they are notified they change the original 236 to reflect the correct unit handling the follow up.

Other times cases listed for DEU are in fact city cases. If the case appears to be a city case then Sgt. Schilling will review and determine if a disposition can be determined. One way to spot errors is to look at the amount of drugs being recovered. If the amount does not reach the threshold for a state case then the disposition of the case will be investigated to see if there is a disposition listed in ALERT. Sgt. Schilling does have the authority to dispose of evidence from city cases. However, sometimes the weight is not enough to bring state charges but it is the probable cause used to initiate an arrest. Therefore, the evidence is needed for the state case and would fall under the follow up unit's responsibility to determine if the item can be disposed. Because of this possibility Property and Evidence personnel will not make the decision to dispose of a city case if there is any doubt as to whether it will be used as evidence in a state case.

Charts 5 and 6 are two real examples that the P&E Unit received. In Chart 5, the unit handling follow up is listed as CPD property crimes. However, the offense is listed as a narcotics case not a burglary or a stealing. Also, the item description clearly indicates that it is a narcotic that would be a state charge. In Chart 6, the unit handling follow up is listed as DEU and the offense is listed as narcotics, which seems to make sense. However, the item description describes "green leafy substance" which is the common description used for marijuana. The address is listed as 45<sup>th</sup> and Askew which is in Jackson County. Typically this type of information would not represent a state charge and Sgt. Schilling would flag it as a city case and attempt to find the disposition instead of sending it to DEU. However, there is no weight information listed in the item description. The weight description coupled with the county would shed some light on the level of the charge. To make things more confusing the person that approved the report was a CST (Crime Scene Technician). This would be very unlikely to occur if the case was simply a city case.

Chart 5

LABORATORY USE ONLY		BIN BAR CODE <b>25376</b>	CONTROL BAR CODE <b>84609</b>
Lab Page #	<b>1</b>		
Exam. Date			
PROPERTY ROOM USE ONLY			
Location			
Rec'd By	<i>[Signature]</i>		
Date Rec'd			
Disposition			

Approved by *[Signature]* **4443** Date 9-20-06 Page 1 of 1  
**KANSAS CITY, MISSOURI POLICE DEPARTMENT** Supp. CRN 06059632  
**PHYSICAL EVIDENCE/PROPERTY INVENTORY REPORT**

Type of Offense:  Homicide  Rape  Robbery  Assault  Burglary  Stealing  Auto Theft  Narcotics  Forgery  Other  
 To Be Used As Evidence?  Yes  No / May Property Room Release Or Dispose of Property According To Approved Procedures?  Yes  No  
 U.S. Currency / Coin To Be Held in Original Form - Do Not Deposit -  To Be Deposited  Authorized by CPD Prop. Crimes  
 STOLEN PROPERTY  YES  NO Unit Handling Follow-up Investigation CPD Prop. Crimes

Victim (1) Last First MI R/S DOB Victim (2) Last First MI R/S DOB  
 Suspect (1) R/S DOB Suspect (2) R/S DOB Suspect (3) R/S DOB  
 Location of Recovery 51 + Wabash Address Jaco County  
 Vehicle Recovered From Year Make Color License Number State Year V.I.N. Number  
 Recovered From Last First MI Race Sex DOB  Victim  Suspect  Finder  Other  
 Address Phone Number  
 Owner of Property Last First MI Address Phone Number  
 Person Arrested Last First MI Booking Slip # / GOS # / UTT # (Circle One)

Firearms and Toolmarks  Chemistry  Trace Evidence  Fingerprints  Documents  Other

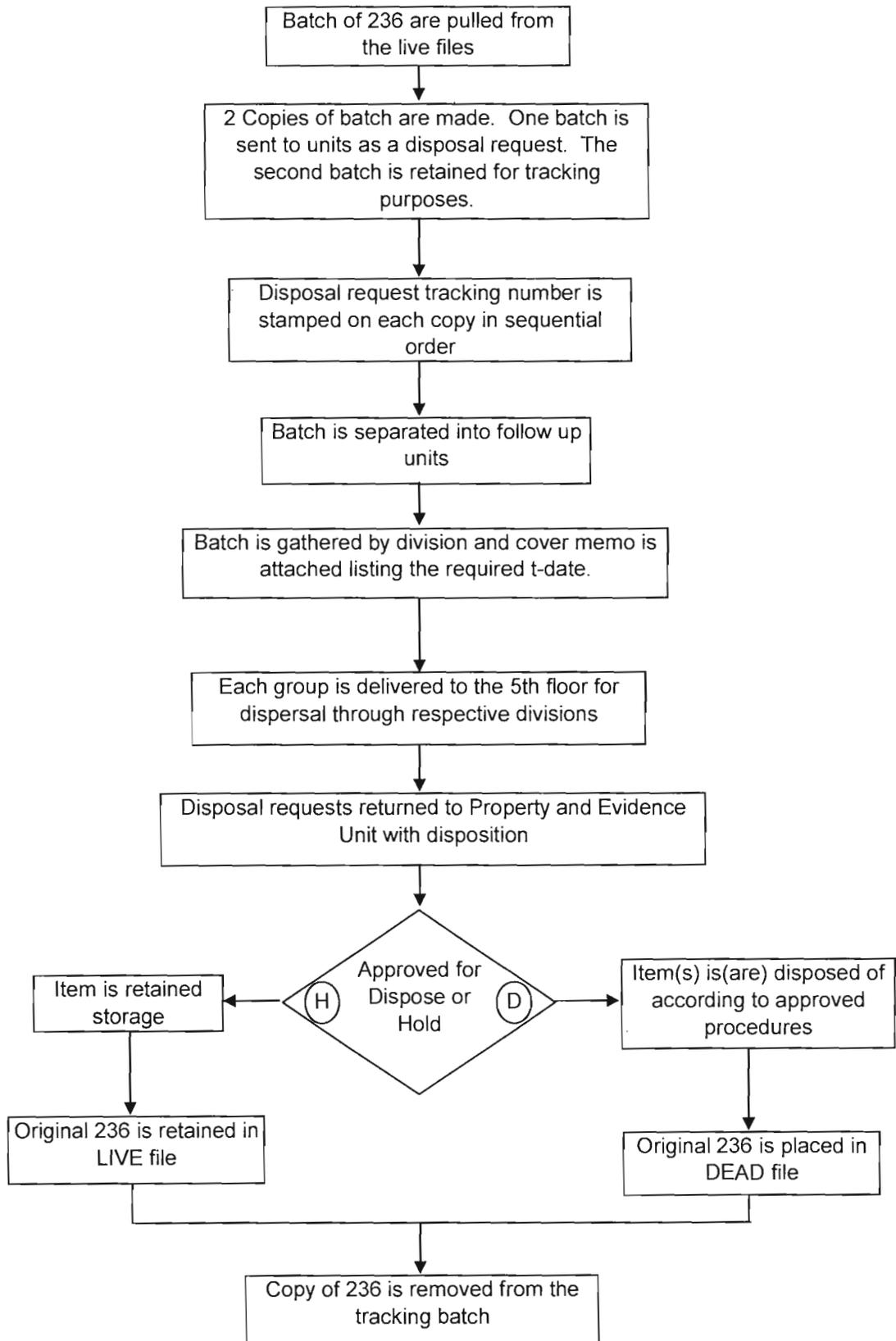
ITEM NO.	BAG NO.	NO. OF ARTICLES	NARCOTICS FIELD TEST +/-	DESCRIPTION	SERIAL NUMBER	ESTIMATED VALUE
1	1	1	+	0.3 grams of beige <del>rock</del> like substance	-	0
2	2	1	+	2.4 grams of green leafy substance	-	0
<i>Power 5246</i>						
Total						0



Property Officer shouldn't be making final decisions on the disposition of property and evidence; the disposition should be based on the input and signed approval of the investigating officer." The separation of this process is important. Not having one person with the authority to accept and dispose of property reduces the chance for fraud and intentional mishandling of evidence.

Once the 236s have been separated into their respective follow up units as best as can be determined, a cover memo is attached that states the requested t-date. The memo and stack is hand carried to the 5<sup>th</sup> floor for deliver to the inbox of the division commander of the follow up unit. The process is outlined as a flow chart on the next page (Chart 7).

Chart 7 (Disposal Request Tracking process)



At this point the units get these requests and follow their respective unit manuals to determine the appropriate action for the disposal request. Since this audit is focused on the Narcotic and Vice Division (NVD) we will outline their process.

NVD receives their stack and immediately Civilian Betty Erickson attempts to group them by all similar case report numbers. Then she determines if they are in fact a DEU case and not a Metro meth case. If they are meant for someone else then she will give them to the appropriate unit. The requests are then split up among the detectives with a t-date. The detectives then go through them and attempt to find a disposition by checking an assortment of databases. If something can not be found Civ. Erickson will check them in person at Jackson County's in house database to see if they have simply not updated the case. The requests are then sent back to Property and Evidence.

Since DEU is not located at HQ, Civilian Erickson must drive to Jackson County and check case dispositions through their database. . This was another issue raised by DEU. *Numerous databases at different locations have to be checked to verify property can be destroyed.* DEU stated during meetings that having the ability to check the internal Jackson County database for case dispositions would save much time and improve the efficiency of completing the disposal requests. Dawn Parsons (Jackson County Chief Trial Assistant *Kansas City Drug Unit*) indicated that having that ability would be very beneficial and had no reason to oppose the access. She has requested the capability to access the database remotely as well. The remote access utilized a VPN (Virtual Private Network) and initially did work. However due to technical difficulties that ability no longer functions properly. She indicated that it is unclear how long it would take to resolve the issue.

In the mean time, if Property and Evidence did not receive the requests by the t-date they send them back out. This is another area of concern expressed by DEU. *The accountability of property disposal forms is ineffective as forms are not always sent to the applicable investigative element and rarely are sent through the chain of command.* This issue involves the automatic t-date retrigger put in place by the tracking process implemented in Investigation Bureau Memorandum No 08-01 - Property Disposition Form 5743 P.D (Exhibit 4). The memo states, "If the forms are not returned to the Property and Evidence Section after thirty (30) days, a second notice will be forwarded to the respective Division Commander for assistance." During meetings with DEU they made the statement that they are regularly completing the same disposal request over and over again and in the process are receiving a new memo indicating that they did not get them done so a new request has been generated. The current process would generate this type of issue if any unit sends the disposal request back to Property and Evidence after the requested t-date. Another reason a unit may receive the same disposal request multiple times is the information in the "unit handling follow up" field was entered incorrectly. In this scenario, the receiving unit will forward the request to the appropriate unit after spending time to look up basic information about the case. Of course this adds even more frustration to the process after they learn that the original unit is not working the case. If the correct unit follows up on the forwarded disposal request and sends it back to Property and Evidence before the t-date expires, the request will be removed. If the correct unit does not follow up at all or they miss the t-date, Property and Evidence personnel will continue to send the original unit the

request. In order to stop this cycle, the original unit must notify the Property and Evidence Unit about the correction. The Narcotics and Vice Division is so concerned with the proper accountability of the system that they are tracking every request that they are given by Property and Evidence (Exhibit 5).

Once a disposal request is returned, Property and Evidence personnel pull the tracking copy from the tracking stack to indicate that the request was returned. The approved procedure for the indicated disposition ("hold", "dispose" or "release") is followed. The original requests that were returned with "hold" checked are retained in the "live" file. The original requests that were returned with "dispose" or "release" are sent to the "dead" file after the property has been disposed or released.

Several Property and Evidence meetings produced the following concerns. The disposal requests were not being returned by the requested t-date as required by Investigations Bureau Memorandum 08-01 (Exhibit 4). Second, many of the disposals were suspected of being marked hold instead of being investigated for a disposition. In an attempt to improve these areas of concern, Property and Evidence developed the disposal request tracking process described above. However, the process produced limited accountability

Limited accountability of the tracking process occurred because of the lack of detail produced. Currently the Property and Evidence Unit can produce a report that lists which disposal requests have not been returned. Therefore, in any given batch, a report showing the returned disposal requests for the Department as a whole and a report for the non returned requests by unit could be produced. However, the process could not break down the return rate by unit. Also, there is no method to differentiate a request that is returned and marked "hold" versus a request that is marked "dispose".

In order to gain data for analysis about the concerns made by the P&E Unit, an audit of two disposal request batches was conducted. The first batch had already been sent under the tracking process developed by Property and Evidence personnel. However, none had been returned as the t-date had not expired. Therefore, an additional copy of the tracking batch was sent to the audit unit. Batch 1 had been sent out on July 19 with a return date set for Aug 19. In the meantime since the first batch had not been separated into units before the tracking number was added, a list of every tracking number had to be developed with the corresponding follow up unit. Each tracking number and the accompanying unit was chronologically input into an excel spreadsheet. This step would allow the return rate by unit to be produced. The process used by the P&E Unit was to shred the disposal request after it was returned to them. Therefore, the only requests in the tracking pile were the ones that had not been returned. A copy of the tracking pile was made on September 7. The date was chosen because it was well after the requested t-date. This date would give enough flexibility for units to turn in as many requests as possible and not be able to make the assertion that they had barely missed the t-date.

The analysis of the data is displayed in Chart 8. The data is broken down by Division, Unit and follow up squad. This mirrors how the Department is divided organizationally. The Unit totals are highlighted in light grey. The Division totals are highlighted in purple. Column titles are defined as the following.

- Disp = Disposal Requests that were returned and marked "Dispose"
- Hold = Disposal Requests that were returned and marked "Hold"
- NR = Disposal Requests that were (N)ot (R)eturned.
- Grand Total = The total number of Disposal Requests that were sent to the Division/unit/follow up section.
- Tot% = The percentage of requests based on the Total number of batch
- Disp% =The percentage of requests that were returned and marked "dispose" out of only the requests sent to them.
- Hold% = The percentage of requests that were returned and marked "hold" out of only the requests sent to them.
- Ret% (D+H) = The percentage of requests returned which represent the total number of requests marked (D)ispose plus (H)old.
- NotRet% = The percentage of requests not returned.

Chart 8 (Batch 1 Disposal Request Return Breakdown)

Division	Unit	Follow Up squad / sec	Grand			Ret%			NotRet%			
			Disp	Hold	NR	Total	Tot%	Disp%		Hold%	(D+H)	
CPD	CPD	CPCS	18	6	3	27	3.26%	66.67%	22.22%	88.89%	11.11%	
		CPD Total	18	6	3	27	3.26%	66.67%	22.22%	88.89%	11.11%	
	CPD Total		18	6	3	27	3.26%	66.67%	22.22%	88.89%	11.11%	
EPD	EPD	EPCS	20	5	1	26	3.14%	76.92%	19.23%	96.15%	3.85%	
		EPD Total	20	5	1	26	3.14%	76.92%	19.23%	96.15%	3.85%	
	EPD Total		20	5	1	26	3.14%	76.92%	19.23%	96.15%	3.85%	
MPD	MPD	MPCS	15	17		32	3.86%	46.88%	53.13%	100.00%	-	
		MPD Total	15	17		32	3.86%	46.88%	53.13%	100.00%	-	
	MPD Total		15	17		32	3.86%	46.88%	53.13%	100.00%	-	
Narcotics & Vice	DEU	Career Crim	5	22		27	3.26%	18.52%	81.48%	100.00%	-	
		DEU	83	18	3	104	12.56%	79.81%	17.31%	97.12%	2.88%	
		DEU-1820	8	2		10	1.21%	80.00%	20.00%	100.00%	-	
		DEU-Int	7	2		9	1.09%	77.78%	22.22%	100.00%	-	
		FIS			2	2	0.24%	-	-	-	100.00%	
		Metro Meth	11	8		19	2.29%	57.89%	42.11%	100.00%	-	
	DEU Total		114	52	5	171	20.65%	66.67%	30.41%	97.08%	2.92%	
	SCU	Gang	6	5	25	36	4.35%	16.67%	13.89%	30.56%	69.44%	
		SCU			6	1	7	0.85%	-	85.71%	85.71%	14.29%
		SNU	2	23	8	33	3.99%	6.06%	69.70%	75.76%	24.24%	
Vice		2		1	3	0.36%	66.67%	-	66.67%	33.33%		
SCU Total		10	34	35	79	9.54%	12.66%	43.04%	55.70%	44.30%		
Narcotics & Vice Total		124	86	40	250	30.19%	49.60%	34.40%	84.00%	16.00%		
NPD	NPD	NPCS	14	5		19	2.29%	73.68%	26.32%	100.00%	-	
		NPD Total	14	5		19	2.29%	73.68%	26.32%	100.00%	-	
	NPD Total		14	5		19	2.29%	73.68%	26.32%	100.00%	-	
SCPD	SCPD	SCPCS	15			15	1.81%	100.00%	-	100.00%	-	
		SCPD Total	15			15	1.81%	100.00%	-	100.00%	-	
	SCPD Total		15			15	1.81%	100.00%	-	100.00%	-	
SOD	Patrol Supp	BAS	2			2	0.24%	100.00%	-	100.00%	-	
		Patrol Supp Total	2			2	0.24%	100.00%	-	100.00%	-	
	Traffic Invest	AIS	2	1		3	0.36%	66.67%	33.33%	100.00%	-	
		Hit/Run			1	1	0.12%	-	100.00%	100.00%	-	
		TIS	1	1		2	0.24%	50.00%	50.00%	100.00%	-	
	Traffic Investigation Total		3	3		6	0.72%	50.00%	50.00%	100.00%	-	
SOD Total		5	3		8	0.97%	62.50%	37.50%	100.00%	-		
SPD	SPD	SPCS	8	2		10	1.21%	80.00%	20.00%	100.00%	-	
		SPD Total	8	2		10	1.21%	80.00%	20.00%	100.00%	-	
	SPD Total		8	2		10	1.21%	80.00%	20.00%	100.00%	-	
Violent Crimes	Homicide	Assault			105	105	12.68%	-	-	-	100.00%	
		Homicide	1		174	175	21.14%	0.57%	-	0.57%	99.43%	
		Homicide Total	1		279	280	33.82%	0.36%	-	0.36%	99.64%	
	Robbery	Forgery			15	15	1.81%	-	-	-	100.00%	
		Fraud			5	5	0.60%	-	-	-	100.00%	
		Robbery			105	105	12.68%	-	-	-	100.00%	
	Robbery Total			125	125	15.10%	-	-	-	100.00%		
	Special Vic	CAC	2		8	10	1.21%	20.00%	-	20.00%	80.00%	
		DV			7	7	0.85%	-	-	-	100.00%	
Sex Crimes		4		15	19	2.29%	21.05%	-	21.05%	78.95%		
Special Victims Total		6		30	36	4.35%	16.67%	-	16.67%	83.33%		
Violent Crimes Total		7		434	441	53.26%	1.59%	-	1.59%	98.41%		
Grand Total		226	124	478	828		27.29%	14.98%	42.27%	57.73%		

Analysis of the first batch displayed some interesting data. Narcotics and Vice Division (30.19%) and the Violent Crimes Division (53.26%) received 83.45% of all disposal requests sent in this batch. There were 828 disposal requests sent out by the Property and Evidence personnel in the batch. 57.73% were not returned by the date of this analysis which was well after the requested t-date. 14.98% of the total disposal requests sent out were returned and marked "hold". Examining only the requests that were returned (226 + 124 = 350) 35.43% were marked "hold". Lastly, the Violent Crimes Division did not return 98% and the Narcotics and Vice Division did not return 16.00% of the disposal requests sent to them in batch 1.

The second batch followed a slightly different process but the data format was the same. Batch 2 had been sent out on Aug 26 with a return date set for September 26. After the form 236s were pulled from the live files, they were separated by unit. The next step was to then put the disposal tracking request number on them. Therefore, all disposal requests for a specific unit would be in sequential order. The change made it much easier to track the number of requests that were sent out to the individual units. Now only the units would need to be listed with the beginning and ending number for each recorded. This was different from batch 1 because in that process each number had to be listed with the corresponding follow up unit. The number of requests in each batch is large and variable. However, the number of follow up units is smaller and relatively fixed. In addition, if each unit had a beginning and ending tracking number listed on a sheet, it would be much easier to get data from previous batches.

A copy of the tracking pile was made on October 5. The data for batch 2 is displayed in chart 9. The analysis of this batch revealed a slightly different result. Narcotics and Vice Division (37.58%) and the Violent Crimes Division (42.46%) received 80.04% of all disposal requests sent in this batch. This is similar to the first batch and there were double the requests (1658) sent out by the Property and Evidence Unit. However, in this batch 24.19% were not returned by the date of this analysis. 18.15% of the total disposal requests sent out were returned and marked "hold". Examining only the requests that were returned (956 + 301) 31.90% were marked "hold". Lastly, the Violent Crimes Division did not return 46.59% and the Narcotics and Vice Division did not return 11.08% of the disposal requests sent to them in batch 2.

Chart 10 is a combination of the data in batch 1 and batch 2. The format is the same and is provided to offset the situation in which a unit may have had one bad batch.

Chart 9 (Batch 2 Disposal Request Return Breakdown)

Divison	Unit	Follow up Squad/Sec	Disp	Hold	NR	Grand Total	Tot%	Disp%	Hold%	Ret% (D+H)	NR%
CPD	CPD	CPCS	43			43	2.59%	100.00%	-	100.00%	-
	CPD Total		43			43	2.59%	100.00%	-	100.00%	-
CPD Total			43			43	2.59%	100.00%	-	100.00%	-
EPD	EPD	EPCS	47		1	48	2.90%	97.92%	-	97.92%	2.08%
	EPD Total		47		1	48	2.90%	97.92%	-	97.92%	2.08%
EPD Total			47		1	48	2.90%	97.92%	-	97.92%	2.08%
MPD	MPD	MPCS	54			54	3.26%	100.00%	-	100.00%	-
	MPD Total		54			54	3.26%	100.00%	-	100.00%	-
MPD Total			54			54	3.26%	100.00%	-	100.00%	-
Narcotics & Vice	DEU	Career Crim		10		10	0.60%	-	100.00%	100.00%	-
		DEU	175	15	19	209	12.61%	83.73%	7.18%	90.91%	9.09%
		DEU-1810	3			3	0.18%	100.00%	-	100.00%	-
		DEU-1820	14		6	20	1.21%	70.00%	-	70.00%	30.00%
		DEU-Int	1	7		8	0.48%	12.50%	87.50%	100.00%	-
		FIS		2		2	0.12%	-	100.00%	100.00%	-
		Metro Meth	27	3		30	1.81%	90.00%	10.00%	100.00%	-
	DEU Total		220	37	25	282	17.01%	78.01%	13.12%	91.13%	8.87%
	SCU	Gang	119	4	40	163	9.83%	73.01%	2.45%	75.46%	24.54%
		SNU	57	115		172	10.37%	33.14%	66.86%	100.00%	-
Vice		2		4	6	0.36%	33.33%	-	33.33%	66.67%	
SCU Total		178	119	44	341	20.57%	52.20%	34.90%	87.10%	12.90%	
Narcotics & Vice Total			398	156	69	623	37.58%	63.88%	25.04%	88.92%	11.08%
NPD	NPD	NPCS	47	5	1	53	3.20%	88.68%	9.43%	98.11%	1.89%
	NPD Total		47	5	1	53	3.20%	88.68%	9.43%	98.11%	1.89%
NPD Total			47	5	1	53	3.20%	88.68%	9.43%	98.11%	1.89%
SCPD	SCPD	SCPCS	36			36	2.17%	100.00%	-	100.00%	-
	SCPD Total		36			36	2.17%	100.00%	-	100.00%	-
SCPD Total			36			36	2.17%	100.00%	-	100.00%	-
SOD	Patrol Support	BAS	16		1	17	1.03%	94.12%	-	94.12%	5.88%
		Patrol Support Total		16		1	17	1.03%	94.12%	-	94.12%
	Traffic Investigation	DUI	4			4	0.24%	100.00%	-	100.00%	-
		TIS	25			25	1.51%	100.00%	-	100.00%	-
Traffic Investigation Total		29			29	1.75%	100.00%	-	100.00%	-	
SOD Total			45		1	46	2.77%	97.83%	-	97.83%	2.17%
SPD	SPD	SPCS	39	11	1	51	3.08%	76.47%	21.57%	98.04%	1.96%
	SPD Total		39	11	1	51	3.08%	76.47%	21.57%	98.04%	1.96%
SPD Total			39	11	1	51	3.08%	76.47%	21.57%	98.04%	1.96%
Violent Crimes	Homicide	Assault	4	1	151	156	9.41%	2.56%	0.64%	3.21%	96.79%
		Homicide	32	21	32	85	5.13%	37.65%	24.71%	62.35%	37.65%
	Homicide Total		36	22	183	241	14.54%	14.94%	9.13%	24.07%	75.93%
	Robbery	Forgery	42	6	1	49	2.96%	85.71%	12.24%	97.96%	2.04%
		Fraud	12	8		20	1.21%	60.00%	40.00%	100.00%	-
		Robbery	108	4	1	113	6.82%	95.58%	3.54%	99.12%	0.88%
	Robbery Total		162	18	2	182	10.98%	89.01%	9.89%	98.90%	1.10%
	Special Victims	CAC	5	63	27	95	5.73%	5.26%	66.32%	71.58%	28.42%
		DV	42	15	1	58	3.50%	72.41%	25.86%	98.28%	1.72%
		Sex Crimes	2	11	115	128	7.72%	1.56%	8.59%	10.16%	89.84%
Special Victims Total		49	89	143	281	16.95%	17.44%	31.67%	49.11%	50.89%	
Violent Crimes Total			247	129	328	704	42.46%	35.09%	18.32%	53.41%	46.59%
Grand Total			956	301	401	1658		57.66%	18.15%	75.81%	24.19%

Chart 10 (Combined Batch (1 and 2) Disposal Request Breakdown)

Division	Unit	Follow Up squad/sec				Grand Total	Tot%	Disp%	Hold %	Ret%	
			Disp	Hold	NR					(D+H)	NR%
CPD	CPD	CPCS	67	0	3	70	2.82%	95.71%	0.00%	95.71%	4.29%
	CPD Total		67	0	3	70	2.82%	95.71%	0.00%	95.71%	4.29%
	CPD Total		67	0	3	70	2.82%	95.71%	0.00%	95.71%	4.29%
EPD	EPD	EPCS	72	0	2	74	2.98%	97.30%	0.00%	97.30%	2.70%
	EPD Total		72	0	2	74	2.98%	97.30%	0.00%	97.30%	2.70%
	EPD Total		72	0	2	74	2.98%	97.30%	0.00%	97.30%	2.70%
MPD	MPD	MPCS	86	0	0	86	3.46%	100.00%	0.00%	100.00%	0.00%
	MPD Total		86	0	0	86	3.46%	100.00%	0.00%	100.00%	0.00%
	MPD Total		86	0	0	86	3.46%	100.00%	0.00%	100.00%	0.00%
Narcotics & Vice	DEU	Career Crim	27	10	0	37	1.49%	72.97%	27.03%	100.00%	0.00%
		DEU	276	15	22	313	12.59%	88.18%	4.79%	92.97%	7.03%
		DEU-1810	3	0	0	3	0.12%	100.00%	0.00%	100.00%	0.00%
		DEU-1820	24	0	6	30	1.21%	80.00%	0.00%	80.00%	20.00%
		DEU-Int	10	7	0	17	0.68%	58.82%	41.18%	100.00%	0.00%
		FIS	0	2	2	4	0.16%	0.00%	50.00%	50.00%	50.00%
	DEU Total		386	37	30	453	18.22%	85.21%	8.17%	93.38%	6.62%
	SCU	Gang	130	4	65	199	8.00%	65.33%	2.01%	67.34%	32.66%
		SCU	6	0	1	7	0.28%	85.71%	0.00%	85.71%	14.29%
		SNU	81	116	8	205	8.25%	39.51%	56.59%	96.10%	3.90%
		Vice	4	0	5	9	0.36%	44.44%	0.00%	44.44%	55.56%
	SCU Total		221	120	79	420	16.89%	52.62%	28.57%	81.19%	18.81%
Narcotics & Vice Total			607	157	109	873	35.12%	69.53%	17.98%	87.51%	12.49%
NPD	NPD	NPCS	66	5	1	72	2.90%	91.67%	6.94%	98.61%	1.39%
	NPD Total		66	5	1	72	2.90%	91.67%	6.94%	98.61%	1.39%
	NPD Total		66	5	1	72	2.90%	91.67%	6.94%	98.61%	1.39%
SCPD	SCPD	SCPCS	51	0	0	51	2.05%	100.00%	0.00%	100.00%	0.00%
	SCPD Total		51	0	0	51	2.05%	100.00%	0.00%	100.00%	0.00%
	SCPD Total		51	0	0	51	2.05%	100.00%	0.00%	100.00%	0.00%
SOD	Patrol Support	BAS	18	0	1	19	0.76%	94.74%	0.00%	94.74%	5.26%
		Patrol Support Total	18	0	1	19	0.76%	94.74%	0.00%	94.74%	5.26%
	Traffic Investigation	AIS	3	0	0	3	0.12%	100.00%	0.00%	100.00%	0.00%
		DUI	4	0	0	4	0.16%	100.00%	0.00%	100.00%	0.00%
		Hit/Run	1	0	0	1	0.04%	100.00%	0.00%	100.00%	0.00%
		TIS	27	0	0	27	1.09%	100.00%	0.00%	100.00%	0.00%
Traffic Investigation Total		35	0	0	35	1.41%	100.00%	0.00%	100.00%	0.00%	
SOD Total		53	0	1	54	2.17%	98.15%	0.00%	98.15%	1.85%	
SPD	SPD	SPCS	49	11	1	61	2.45%	80.33%	18.03%	98.36%	1.64%
	SPD Total		49	11	1	61	2.45%	80.33%	18.03%	98.36%	1.64%
	SPD Total		49	11	1	61	2.45%	80.33%	18.03%	98.36%	1.64%
Violent Crimes	Homicide	Assault	4	1	256	261	10.50%	1.53%	0.38%	1.92%	98.08%
		Homicide	33	21	206	260	10.46%	12.69%	8.08%	20.77%	79.23%
	Homicide Total		37	22	462	521	20.96%	7.10%	4.22%	11.32%	88.68%
	Robbery	Forgery	42	6	16	64	2.57%	65.63%	9.38%	75.00%	25.00%
		Fraud	12	8	5	25	1.01%	48.00%	32.00%	80.00%	20.00%
		Robbery	108	4	106	218	8.77%	49.54%	1.83%	51.38%	48.62%
	Robbery Total		162	18	127	307	12.35%	52.77%	5.86%	58.63%	41.37%
	Special Victims	CAC	7	63	35	105	4.22%	6.67%	60.00%	66.67%	33.33%
		DV	42	15	8	65	2.61%	64.62%	23.08%	87.69%	12.31%
		Sex Crimes	6	11	130	147	5.91%	4.08%	7.48%	11.56%	88.44%
Special Victims Total		55	89	173	317	12.75%	17.35%	28.08%	45.43%	54.57%	
Violent Crimes Total			254	129	762	1145	46.06%	22.18%	11.27%	33.45%	66.55%
Grand Total			1305	302	879	2486		52.49%	12.15%	64.64%	35.36%

By following the second batch process, the P&E Unit could produce this report for each batch or quarterly without having to enter this into a spreadsheet. A sheet that denotes the beginning and ending tracking number for each unit would be all that is needed to produce this report.

Because the VCD and the Narcotics and Vice Division make up about 80% of the total disposal requests sent out, a survey was developed to get an idea of how the detectives view the disposal request. There were 103 responses collected from the survey. The survey was developed in survey monkey and a link was forwarded to the respective division commanders.

#### Questions:

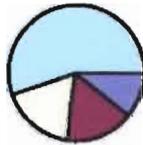
1. How many years of service have you been a detective?
2. How many years of service do you have with the Dept?
3. Does your unit manual have a section that outlines a property and evidence disposal process?
4. (If yes to question 3) How confident do you feel if you follow the process outlined in the unit manual that you will not release or destroy property prematurely?
5. (If yes to question 3) How confident do you feel if you follow the process outlined in the unit manual that you will AVOID DISCIPLINE if property was found to have been released prematurely?
6. (If no to question 3) What guideline do you use to determine if property and evidence can be disposed?
7. (If no to question 3) How confident do you feel that if you follow this process that you will not release or destroy property prematurely?
8. (If no to question 3) How confident do you feel if you follow this process that you will AVOID DISCIPLINE if property was found to have been disposed of prematurely?
9. Do you mark hold on the property disposal request even after a case has reached a final disposition? If yes, please describe the reason
10. Do you feel that you received adequate training in order to determine if property/evidence can be disposed?
11. How often do you mark "Hold" on the property disposal request without checking the final disposition in order to make the t-date?
12. In general, how confident do you feel making the decision to get rid of property/evidence?
13. Have you ever heard of discipline occurring over a property disposal request incident?
14. (If yes to question 13) How much does the discipline incident that you heard about affect your ability to sign off on property disposal requests?
15. What is the biggest roadblock to completing the property disposal requests by the assigned t-date? (list any additional reasons).
16. Please list any specific suggestion to improve the current property disposal request process?

The survey provides some interesting data. First, over 75% of the survey respondents had at least 9 years experience with the department and 55% had at

least 6 years experience as a detective. Second, having a unit manual that outlines the disposal process does not seem to make a noticeable difference. Questions 3,4,5,7 and 8 which deal with the issue are all displayed together (p. 24). If there is no unit manual (question 6), the participating member of the survey was asked to describe the process which they utilize (p. 25). In both cases similar levels of confidence dealing with premature release or destruction of property and discipline over that event were recorded. Third, another belief was that an incident involving early release of property/evidence that lead to discipline of another department member would cause a detective to not mark a disposal request as "dispose". However the survey recorded that about 50% had never heard of an incident involving discipline involving that situation (p. 27). The respondents that answered yes to that question had mixed levels of how that incident impacted their decision. Fourth, question 15 (p.31) had some interesting written responses. The biggest listed reason was the lack of time to complete the amount of requests by the t-date. The written responses seem to indicate that there is a substantial lag between the disposal requests on the fifth floor for the division commander and the detective receiving them. Finally, question 16 (p.33) asks what can be done to improve the process. One response indicated that the RMS (Record Management System) would eventually take care of the problem. Utilizing technology to help the process was also an area of concern expressed by DEU. *Technology available is not being used to its full potential to streamline the process and make it more efficient.* Part of the Tiburon RMS system allows a detective to check a box that indicates that the property of the case can be released or disposed. DEU wanted this feature to be utilized by Property and Evidence to reduce the number of disposal requests sent to them. If a system dump of all cases that can be disposed is completed before preparing the disposal requests the total number that is sent would be less. Property and Evidence agreed that this would be a good feature and are not opposed to utilizing that process. However, to test the process to make sure it was working properly they pulled 100 cases from RMS that were marked for disposal. Then they followed up with the paper disposal request to make sure they were meant for disposal. 20% returned with an indication to not dispose. It would appear that training needs to be conducted on this feature and some more testing would need to occur before any level of confidence could be attained in this process.

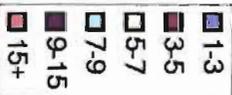
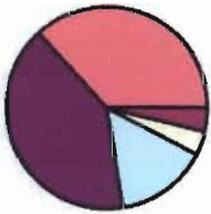
**How many years of service have you been a detective?**

0-2	10.7%	11
2-4	16.5%	17
4-6	17.5%	18
6+	55.3%	57



**How many years of service do you have with the Dept?**

1-3	0.0%	0
3-5	3.9%	4
5-7	3.9%	4
7-9	14.6%	15
9-15	40.8%	42
15+	36.9%	38





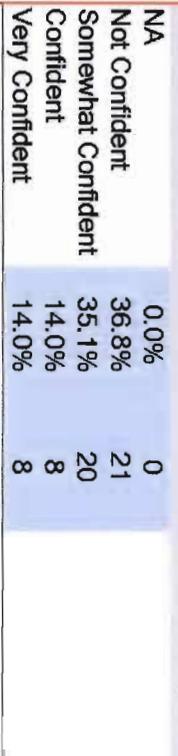
How confident do you feel if you follow the process outlined in the unit manual that you will not release or destroy property prematurely?



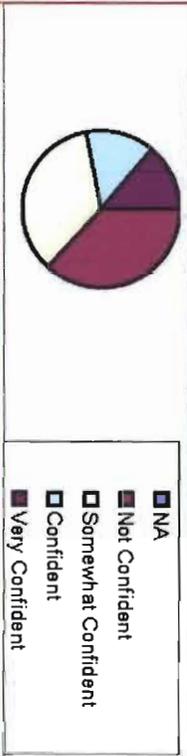
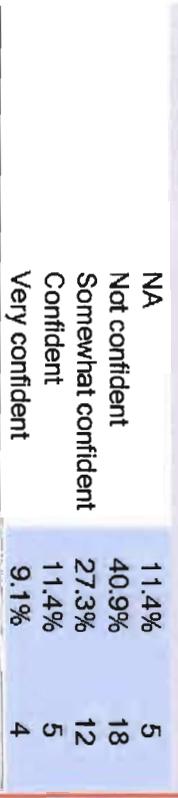
How confident do you feel that if you follow this process that you will not release or destroy property prematurely?



How confident do you feel that if you follow the process outlined in the unit manual that you will AVOID DISCIPLINE if property was found to have been released prematurely?



How confident do you feel if you follow this process that you will AVOID DISCIPLINE if property was found to have been disposed of prematurely.



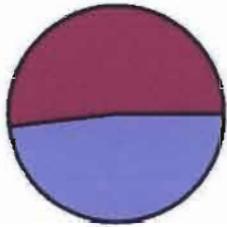
**What guideline do you use to determine if property and evidence can be disposed?**

- 1 if the case has been rendered
- 2 If the statute of limitations has expired. If the suspect was charged and did his time. I mark evidence to be held if the suspect has not completed time served because the sentence could be appealed.
- 3 Review Suspect info via Criminal History - to determine if sent to court - was case disposed of. If yes, dispose of property. If not or undetermined, we keep the property.
- 4 Statute of limitations and if the case has been disposed of
- 5 check case disposition- via ALERT, the Database, Tiburon
- 6 If the case has been adjudicated. If the case has been assigned for investigation or not. If the statute of limitations has expired or not. Is the case still active?
- 7 Is the case in the appeals process?  
Is the case open for a possible appeal?  
Is the case still within the statute of limitation?
- 8 Attempt to determine status of case, suspect, and court proceedings.
- 9 if the case has been adjudicated or the statute of limitations has expired without charges being filed.
- 10 Per the appropriate supervisor's decision after reviewing state & federal guidelines.
- 11 non homicide cases - naturals, suicides, accidents - property can be released after 6 months of disposition.  
Homicide cases - review each piece individually if it is not needed as evidence it is released with Sgts. approval. These normally would be items of sentimental value to victim's family ie jewelry, photos, identification.
- 12 review the NCIC record or case.net record to determine if it can be disposed
- 13 1. If the case has been inactivated and will not be submitted for prosecution.  
2. If the prosecutor has rejected the case and will not refile it.  
3. If a couple of years have passed since the case was disposed of in court.
- 14 When a case file is inactivated
- 15 Look back and see if the case has been charged or not? And if it has gone through trial, etc, ...if not, we need to hold it
- 16 I don't, the sgt. does.
- 17 If the case has been disposed of through court, plea or inactivation.
- 18 Conviction-DNA- Statute of Limitations- Appeals- YES, but determine if it could be re-tried- Criminal History of the suspect
- 19 Case is inactive- Statute of limitations has run out on a case- No appeals process applicable
- 20 I will only release or dispose of property if there is a disposition in the case. Retain all evidence in a homicide.
- 21 Check the status on case to see if it has reached final disposition. If so, check on number of suspects and if there could be an appeal.
- 22 recovered property PI
- 23 I look at the case disposition and determine if it is able to be released.
- 24 I attempt to find out if anyone has been charged and if there is a statute of limitations left on the case. If the case is Federal then it is easier to decide if the property can be disposed of or needs to be kept. If the case is a State case then there is no reliable way to know if the appeals have been disposed of so I hold the property until the suspect finishes the sentence. If I am in doubt then I hold the property.

25 Do I need the evidence for the prosecution of the offense. If not, I release the property.  
26 if the case has reached its final disposition.  
27 1. Release the property once the case has been disposed of in court and the Prosecutor authorizes the release. []  
28 2. Release the property if it does not have any evidentiary value for the case.  
29 Complete database searches to determine if the case has been disposed of.  
30 statute of limitations- case clearance type- victim assistance- prosecution status  
31 department policy  
32 When assigned a disposal, I first attempt to get the disposal form to the case detective. If the case detective is no longer available, I check the  
33 Criminal History for disposition of case, or contact Criminal Records for the disposition of the case or contact the Prosecutor's Office for the  
34 disposition of the case. If I'm not able to determine the disposition of the case then I save the property.  
35 Case disposition  
36 P.I.  
37 I do not dispose of any property  
38 Need.  
39 I make sure the statute of limitations has ran out and there are no chances of someone appealing a court decision.

Have you ever heard of discipline occurring over a property disposal request incident?

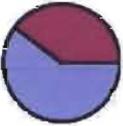
No	48.0%	48
Yes	52.0%	52



■ No  
■ Yes

Do you feel that you received adequate training in order to determine if property/evidence can be disposed?

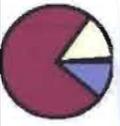
No	60.0%	60
Yes	40.0%	40



■ No  
■ Yes

How often do you mark Hold on the property disposal request without checking the disposition in order to make the T-Date?

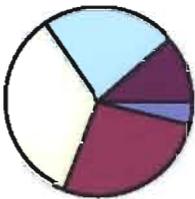
NA	11.0%	11
Never	74.0%	74
Sometimes	14.0%	14
Often	0.0%	0
Always	1.0%	1



■ NA  
■ Never  
■ Sometimes  
■ Often  
■ Always

How much does the discipline incident that you heard about affect your ability to sign off on property disposal requests?

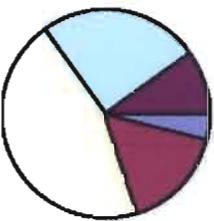
NA	3.8%	2
Does not affect	26.9%	14
Somewhat affects	34.6%	18
Affects decision	23.1%	12
Greatly Affects	11.5%	6



■ NA  
■ Does not affect decision  
■ Somewhat affects decision  
■ Affects decision  
■ Greatly Affects decision

In general, how confident do you feel in making the decision to get rid of property?

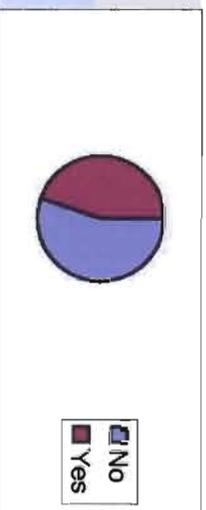
NA	4.0%	4
Not Confident	16.0%	16
Somewhat Confident	45.0%	45
Confident	25.0%	25
Very Confident	10.0%	10



■ NA  
■ Not Confident  
■ Somewhat Confident  
■ Confident  
■ Very Confident

**Do you mark hold on the property disposal request even after a case has reached a final disposition?**

No	55.0%	55
Yes	45.0%	45
If yes, please describe the reason		46



- 1 If the evidence has any DNA possibilities
- 2 If the suspect is serving time and may appeal his case.
- 3 Because the suspect could appeal his sentence.
- 4 If the suspect is still in custody, on probation or parole. Basically in the suspect might appeal the case
- 5 Holding DNA evidence should it need to be used in a different case. Ex: Buccal swabs that can be used to identify suspects that are not in CODIS or another database.
- 6
 

If the case has went to trial and the suspect plead guilty or was found guilty, the case for all intense and purposes is done and adjudicated, thats fine however, what if the suspect is granted an appeal for the conviction and we do not have the physical evidence of the crime for the appeals process? That means the bad guy walks, not all the time but it can happen.

2nd Point

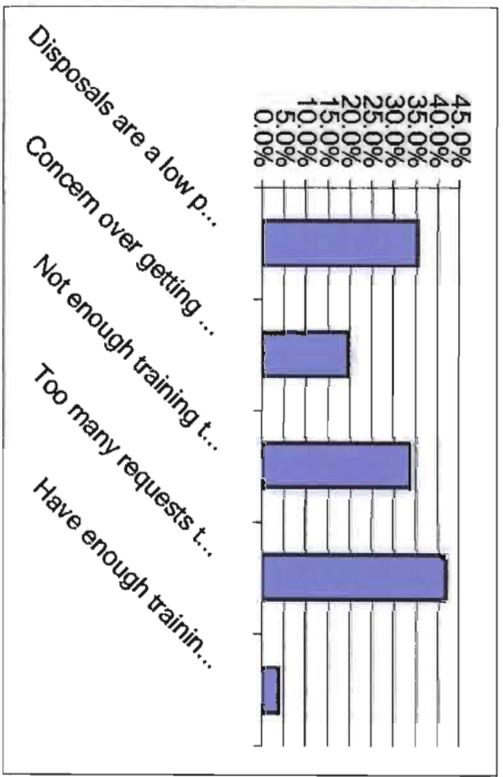
It is very very difficult to determine the disposition of older cases. We are not linked up with the county prosecutors and they assign their own case numbers to our submitted case files, another issue along these same lines is that we have changed our reporting methods three times in the past 10 or so years, this means we have to look in three separate data bases to determine the status.
- 7 Many of the cases have an appeals process that can go on for years. Additionally, according to the Jackson County Prosecutor's Office, when a person is placed on probation, that person can violate the terms of his probation and request an new trial. At that time we would have to produce the evidence.
- 8 Evidence is held because of Appeals.
- 9 If it appears the case could be appealed.
- 10 Depends if an appeal is possible/likely
- 11 Yes. Unless it has been fully adjudicated and all appeals exhausted we can't get rid of it.  
We also have to keep property on juvenile sex cases until they reach 38 years old even if the case was inactivated or closed due to no cooperation (from the parents).
- 12 Prosecutors often want us to hold the property until he/she has completed their probation.
- 13 Include in the Unit case file
- 14 Yes, if the appeal process has not been exhausted.
- 15 This is rare for homicide cases. However it may need to be held for appeals.
- 16 I typically hold evidence until the sentence has been served. It is too difficult to determine if all appeals have been satisfied so it is safer to hold until the sentence is served.

- 17 If the final disposition in court (IE: guilty / plead) is recent (IE: less than a couple of years) than it is best served to hold the property on the chance that the case goes to appeal or needs to be re-tried for any reason. Prosecutors are reluctant on most cases to give the ok to destroy property for the possibility of needing it at a later time.
- 18 Some cases it is difficult to determine if the person was found guilty of an offense (after a trial) and is serving time as a result. (When this occurs, the property has to be held in case the defendant files an appeal and is granted a new trial.) Therefore, when I am not sure if this is the case or not, and I see that a party is serving time, I will hold the evidence.
- 19 Only if the case is suspended pending future leads and there is no statute of limitations on the offense.
- 20 don't know what your talking about
- 21 Because there is the possibility of Appeals during a 10year window. If the property is to be released at this time it should be from the prosecutor's office.
- 22 Because the case could be appealed.
- 23 If the subject is serving his probation period or is still incarcerated on the charge.
- 24 we need to hold the property in case of appeals
- 25 Sometimes, I do. If it is DNA, then I never destroy it.
- 26 Working sex crimes cases you never know when a possible suspect will be re-identified at a later date or involved in another offense. If the original evidence is gone, particularly DNA evidence, we are put in a precarious position and could affect the outcome of any new cases.
- 27 If the case has reached a conclusion it is destroyed but often times guns are involved with narcotics. Without knowledge the firearm can be destroyed if the case is closed. Unfortunately the weapons could have been involved in other crimes, worked by other squads/units, without
- 28 If it is a murder, or serious felony that could be appealed
- 29 I don't want to get into trouble.
- 30 Depends what you mean by final disposition. If a person is found guilty, I will still hold the evidence until all his/her appeals have been exhausted. Only after that time, will I release property.
- 31 I don't know what a final disposition would be. I have had property released in cases I investigated and it is very hard to explain in court. I hold all property until I have no doubt the case is disposed of. This includes all defendants.
- 32 even though the case has reached a final disposition, it is my understanding that still does not preclude the possibility of appeals.
- 33 hold on property by our unit manual is 1/2 the time served in prison or probation, unless the likely hood the person is a repeat offender or a known probation violator. At any rate the state and/or fed prosecutors wants the pd to keep all evidential property until the defendant
- 34 1. Suspect is on Parole/Probation.  
2. Appeal process in a case for re-trial.  
3. The State/Federal Prosecutor will sometimes not respond back on inquiries for property disposal.
- 35 due to possible appeals pending
- 36 If an appeal is possible. Not for a plea agreement as the defendant waives their right to such an appeal.
- 37 It could have a final disposition, but the case could be appealed or has not fulfilled the time depending on the charges.
- 38 It may be appealed
- 39 depending on if it is a state or federal case. If it is a state case the property is disposed of after disposition. If it is a federal case, the property needs to be held until all of the appeals have been done.

- 40** If the case was not charged, the evidence is kept in our unit until the statute of limitation on the case expires. If the case is charged, the evidence is kept until the suspect's maximum release date is met, in case of any appeals.
- 41** For a period of three year to allow for an appeal.
- 42** appeals process
- 43** 5 year Federal appeal process.
- 44** If a federal case, the defendant has an appeal process. Plus, if on going conspiracy, Pros. may want P.D. to keep evidence.
- 45** In case the parties in the case request an appeal.
- 46** Because the suspect my still have an opportunity to appeal a decision made.

**What is the biggest roadblock to completing the property disposal requests by the assigned T-Data?**

Disposals are a low priority	35.1%	27
Concern over getting discipline for releasing property	19.5%	15
Not enough training to feel confident to make a decision	33.8%	26
Too many requests to get done in the time allotted	41.6%	32
Have enough training but concerned that discipline will be handed out even if process is followed	3.9%	3
Other (any additional reasons)		29



- 1 Receiving the property disposals, well after they were sent to the Division Unit, as if someone forgot to distribute them. Then the T-date is almost immediate, which makes you stop doing your work and you have to handle them instantly.
- 2 There should be a more clear cut way to determine if property is still needed to continue with prosecution or it is no longer needed.
- 3 I do not have a problem making the T-date when I am assigned property disposals.
- 4 none. I get them done on time.
- 5 I am used to having this job be the responsibility of a supervisor, recently I have transferred this has been delegated to detectives. I will not release anything unless I am positive it's ok to do so.
- 6 It is sometimes very difficult to determine what the disposition of the case is, due to it not being documented anywhere (at least nothing that can be found). State cases I don't always find in case.net.
- 7 There are far too many requests to thoroughly research the matter within the allotted time frame given the amount of work that goes into tracking down many of the case dispositions.
- 8 getting request very near the t-date
- 9 Feeling unsure about whether or not to release it...it's alot of effort to go back and try to figure out what has happened on old cases...takes alot of time
- 10 Looking up cases is difficult... more so for older cases. Often detectives do not complete case dispositions (more so for old cases). There needs to be more information on cases ... maybe a case summary for detectives to look up old cases in order to assist with property
- 11 Unable to figure out disposition through Prosecutor's Office and a disposition is done but they want you to hold in case of appeals.
- 12 Often times unable to obtain the disposition of the case.
- 13 In some cases it is hard to determine the disposition of the case. In city cases this is very common. So I will mark hold because I don't know the disposition. Also never had training in regard to being able to determine what Alert says in regard to city cases disposition.
- 14 we have to check with the courts to find out case dispo prior to release, but at the same time keep it in case of possible appeals

- 15 lack of information in alert to make a determination on release of property when the evidence was recovered by another person and held for an investigative element.
- 16 a better system to control the disposition.
- 17 The ability to know if a case has come to an end. This information needs to come typically from the prosecutors office. They can tell us if the case has reached a final disposition. We have no way of verifying that information ourselves.
- 18 attempts to determine if the defendant has reached the final disposition of the case he/she was arrested on, due to different disposition tracking systems used by City, State and Federal authorities and if the defendant is involved with other cases not effecting my unit, but which the prosecutor wants to include as a merged case for a guilty plea or leverage against the defendant, putting our case in a situation that it is held in abeyance until the defendant completes his/her time, after which time the prosecutor would dismiss our case with out going to trial, or go to trial several years down the road.
- 19 Waiting for Detectives/Prosecutors response for authorization of disposal.
- 20 That responsibility has been taken away from detectives in this squad.
- 21 finding out what the final disposition is on a case can be difficult at times.
- 22 I was asked one time to dispose property, but the case was an ongoing investigation.
- 23 I think the disposals should be completed by the prosecutors. They should have the final say so in Felony cases.
- 24 Jackson County does not always have the disposition documented in the computer system and there are several computer data basis that have to be checked and even then you may not have a complete answer to if the property can be destroyed.
- 25 I realize that disposals are a high priority however as a detective your case load and your follow up regarding ongoing investigations are a higher priority. Detectives often carry a high case load and are expected to bring those case to a successful conclusion. Detectives often
- 26 No roadblocks, depends on other higher priority tasks that need to be completed.
- 27 I have not had the opportunity to ever dispose property.
- 28 Possibly due to "me/us" not receiving the property disposal request in a timely manner which allows "me/us" to look at the property and determine whether it should be released or not by the assigned T-Date.
- 29 Always check with the prosecutor's office to make sure the case is done and property can be released.

**Please list any specific suggestions to improve the current property disposal request process.**

- 1 Have limited duty personnel receive training and have them review and determine if the property can be disposed of.
- 2 a policy showing who is responsible to complete the disposals and what process they are to follow to verify that the property can be disposed of.
- 3 Provided enough time to complete them over a week or two period. Maybe getting them monthly, to limit the amount given at one time. In some units, the Supervisor handles all the disposals.
- 4 In violent crimes often there is concern that the case could resurface for example if a victim changes their mind or the suspect appeals a conviction. The head sex crimes prosecutor also said that he would like to keep evidence of sex crimes indefinitely in case the victim would come up on a separate crime later -- the evidence might become useful in a subsequent case - such as video statements to be used if he reoffended. If a case has not been prosecuted it is also a complex issue to determine potential sex offenses and their individual statutes of limitations ---- they change over the years etc.
- 5 Condense all cases into one database. There are too many databases and some are obsolete which makes it difficult to adequately check and determine a disposition of a case. For example, each unit or section had their own query database that stored all of our cases. Then came another database in addition to the query database I can't remember the name of it and it is obsolete. Then came the case management and GUI, which these do not correspond with each other, therefore it does not reflect adequate records of information. I understand times change, but there is nothing in place that ties old information to a new system.
- 6 Keep track of disposals that are completed by investigative elements so they don't have to be re-issued and completed a second time. Understand that evidence needs to be kept on certain cases. That decision should be made by the investigative element, not under pressure from the Prop/Evidence Section.
- 7  

Its hard to complete the disposals in a timely manner because we get hundreds at a time, further with the amount of other responsibilities sometimes the t-dates are unmanagable. That means other functions of our job get put on the back burner to clear up these request. Further, it is very hard to determine if a case has been completed and is done. You never know for sure if its gonna come back, with the appeals process or re-trial. We also run into poor record keeping on old case files, they are not readily accessible to determine the outcome. There is often times NIBIN/CODIS/AFIS hits that come years later, literally years later. If we are able to file charges because of a "hit", we have to hope that nobody released the property in that case because it was inactivated pending analysis or suspect development. Satute of limitations could be looked at on alot of the cases and determine if charges were filed then we need to take a look at it, if no charges were filed, and the statute of limitations has expired there is no need for the retention of the property. This does not apply to all cases but the ones where the statute of limitations apply.
- 8 Not familiar enough with the process for valuable input.
- 9 property and evidence should send all 236s under the same crn at the same time instead of sending them months apart. (if that is possible.) the caps should give them to the sqts asap when they receive them.

- 10 It appears this survey is about detectives disposal of property, not the system for Property and Evidence section which many feel is really broken. It appears that P & E doesn't see the big picture of investigations, they just want to get rid of property because they are filling their storage space. I would rather get more storage space than dispose of evidence that is needed for a case. We have experienced that some evidence has been disposed of in cases that Sex Crimes Cold Case is working...cases that VERY likely would have resulted in charges. Meeting with them on November 8 to discuss things.
- 11 Have the court system linked in some fashion to property disposals. Once all appeals have been satisfied a box be marked, once a sentence is served the box is marked. Once the box is marked the property is disposed of. For all cases that have not been charged, have the evidence automatically purged when the statute of limitations has been reached.
- 12 Cooperation/Assistance from the City and State Prosecutors Office.
- 13
1. The decision to dispose of any property should be made in conjunction with a prosecutor, to include written confirmation of whether to dispose of or not, even if the written communication reaches to the level of a judge having to sign a order of disposal as it has been done in some counties (IE: Clay).
  2. If a case is inactivated and will not be filed in any court, the copy of the approved inactivation request should be included/attached to any order to dispose of property.
  3. Admin assistants should be tasked with researching each property disposal request to include case status within the division or criminal court so that a Detective/Supervisor has only to contact a prosecutor if necessary and either approve or unapprove the request.
- 14 Send them out in smaller numbers. We often get requests for property that has already been marked for disposal. Group requests under the same CRN together so that we don't have to reorganize them prior to handling them.
- 15 At least in robbery, between answering phones and completing property disposal requests, there is more than enough work for a clerk to be added. The cost of a clerk would easily be made up by increased productivity by the detectives that are now required to do both tasks instead of investigating cases.
- 16 It is sometimes very difficult to obtain the final disposition of a case. It can take alot of calling around. I feel that there should be an officer assigned to property and evidence that solely works on property disposition and disposal. They would become intimately familiar with the systems to use and people to contact in order to determine whether property can be disposed of.
- 17 Training in general, guess I don't know the proper time to dispose of property other than when a case is disposed of.
- 18 With the current TIBURON report writing system... there needs to be some way for the prosecutor's office to have some "limited access" to these files; this way when the prosecutor is finished The TIBURON system should not allow a detective to close out a case without checking a "property release box." Mostly on dead bodies and suicides ruled by the medical examiner. I do not have a suggestion for old cases. They are a pain in the ass and we will just have to work through them. The sergeants should look up the case and do their best to determine what squad and detective to give the property release slip to. Then the detective should release or hold the property in regard to their case.... considering they have the most knowledge about the facts and current standing of the case. I never fill out one of these without signing my name in case someone has a question.
- 19 Need to have direct access to the Jackson, Clay, and Platte county data base to ascertain when cases are disposed of.
- 20 Training regarding what to exactly look for in a disposition to allow for disposal. Ex. Is probation considered a final disposition?

- 21 If it is a city case then it's a challenge to determine the disposition. In Alert you can see the entry for the CRN but it is not clear the disposition. This would be a smother process if it was clear in Alert what the disposition was.
- 22 A large detailed cheat sheet above each box with the top 10 to 12 reasons property gets kicked back would be great. Not the easy stuff, like signing your name but the harder stuff: like items that have to be recovered alone or items have to be packaged in this manner, etc.
- 23 If the case is a city narcotics case, have the officer place the hold for themselves and not DEU. DEU is overwhelmed with the amount of property disposals and many times it is for a city marijuana case or paraphernalia case. It would be helpful if those particular cases were not held for DEU unless there is more property being held for DEU, such as a state amount of narcotics.
- 24 good question, we have to check about 5 data bases and 3 on-line web sites along with ALERT and state and federal systems prior to release, but hold it long enough for possible appeals.
- 25
- 26 As we continue to transition into the RMS system this problem will take care of itself. In the mean time I will continue to err on the side of caution and not release property until I feel confident that the property can be disposed of, or until evidence is released by the courts.
- 27 Somebody else should be doing it and let the detectives, do investigations. They are too time consuming
- 28 I understand there is a finite amount of room in the property and evidence section. In my opinion there needs to be sections for Homicide and Sex Crimes knowing that this evidence is not going to be disposed of anytime soon. I believe evidence for narcotics and property crimes can be released much quicker and free up room. The only other suggestions would be to have a dedicated building for Homicide and Sex Crimes evidence only. This may or may not be possible, but should be considered.
- 29 This isn't a specific suggestion, but a concern some detectives have. Detectives are concerned with releasing property and the suspect appeals the case at a later date.
- 30 My understanding of the appeals process in State Court is that there is no real time frame that a defendant is held to on appeals. In Federal Court the time frame for appeals seems much more defined. If I am wrong about State court appeals then there should be a timeline. If there was a policy that after a specific time a State case could not be appealed then disposing of property would be easy. I know of two times this specific problem has been written up by detectives. I suspect there have been more times than that. I personally wrote a memo and did research on the subject. I was unable to find an answer from a state prosecutor about a time line for state appeals
- 31 have each unit or division get a link to the prosecutors office's case management system to check status of case.
- 32 I think this is simple. I think the prosecutors office should have final say on all property that is released. There should be a program linked to each prosecutors office that they can release the property after the case is done and all appeals have been completed. No property should be released without a written notice from the prosecutors office. We all know that if we release the property wrong it is going to be the blame of the department. With the use of Tiburon this could allow the prosecutors to make a notation that the property can be released.
- 33 Stream line defendant disposition tracking between City, State and Federal prosecuting authorities into a one source location, so people do not have to go to seven or eight different location in order to determine if property should be released or not.

- 33** It would greatly help if the State/Federal Prosecutors have set guidelines on the process for disposal on property. Extend the time for disposals to be returned.
- 34** When a judge or prosecutor gives the okay for property to be released there is no specific information given regarding what property belongs to whom. So when a case has been adjudicated, everything is open for disposal from DNA to the most mental item. The detective has to spend time determining what items may be of interest to whomever is making the request for the property and what right that individual has for ownership of the item. Case in point I have been tasked to "release property" associated with an '03 homicide, a case I have no working knowledge of. I have received calls from both the convicted defendant's family and the victim's family wanting their property. How do I determine what property belongs to whom, because they are both claiming rights to property recovered from the same vehicle. Releasing property is a very time consuming process. Not only to determine who may receive property, but also determining numbers associated with each item. In addition, when someone calls up and requests property and claims to be a family member, how do we know this person is actually a family member, especially if it is an old case.
- I would prefer not to be involved in discerninating personal property as it may trigger other family members to demand rights to the same property. How do we as detectives determine who has the right to property or not, considering a deceased party may have more than one surviving immediate relative. I would prefer the property and evidence section be given notice that property is okay for disposal or release from the courts, and then "family" will have to prove ownership or rights to property associated with the case.
- 35** Training
- 36** I don't have any suggestions.
- 37** Ensure the property disposition forms are completed by the case detective. If the case detective is no longer with the unit, the sergeant in that squad should be responsible.
- 38** there needs to be an accountability system for each request sent AND each request sent back. I always return every request sent to me and am often told that there are item passed the t-date that have not been returned. I have no way to prove what I did and what I returned, therefore I am forced to do the work again. The work is extremely time consuming and comes in large amounts so doing it a second time is very frustrating.
- 39** the 30 day t-date is not sufficient in order for the detectives to complete the disposals correctly and maintain their case loads. The t-date needs to be moved to the 60-90 day range or remain flexible since the priority of investigations is investigating crime not researching property disposals.
- 40** As a detective who has been responsible for a large case load, it is near impossible to track down all the leads in a case, conduct interviews and interrogations and complete case file reports before the next criminal investigation is assigned. This also does not take into consideration the in custody arrests that occur during a normal work day. A Property and Evidence Individual could be assigned and trained to assist investigations with dealing with the disposals.
- 41** Have the State/City prosecutor send out a notification when all appeals have been exhausted and the evidence can be released or destroyed. Supervisor should pay closer attention to what officers are recovering, and if even necessary. We tend to recover property when we don't know what else to do with it, in fear of discipline.
- 42** None
- 43** Training that specifically outlines when property can and cannot be released.

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## Findings and Recommendations

1. Monthly intake levels have trended upward over the last 10 years. During the same time, the monthly disposal levels have trended downward. The result has been an overall increase in property and evidence items stored and maintained by the Property and Evidence Unit. Currently, Property and Evidence Personnel estimate that 80% of the available storage space is being utilized.
2. Property and Evidence personnel do not have the authority to determine if most stored items can be disposed. However, the lack of authority is by design and is an industry practice to reduce the potential for fraud. Therefore, cooperation from the investigative follow up unit is needed in order to dispose of property.
3. Investigations Bureau Memorandum 08-01 states that a unit has 30 days to respond to the disposal request. If no response is given then a second response is sent to the Division Commander for assistance. The memo states that these steps are to ensure accountability. However, it does not describe how accountability is to be ensured. Currently, the memo does not direct anyone to produce a report that displays the return rate and non - return rate by individual unit. Therefore, it would be difficult to ensure accountability.
  - **Recommend preparing a detailed report for the Chief that includes the inventory level, non-return rate and return rate (with disposition) of investigative follow up units in order to ensure accountability.**
4. In addition to focusing on the disposal side of the equation of the rising inventory levels, reducing the intake side of the equation would also help reduce the number of items in storage. In an attempt to reduce the number of intake items PI 04-04 (Recovered Property Procedure) lists specific thresholds to determine if the property turned in by citizens for safekeeping should be recovered. The PI indicates that "when possible, members will exercise problem solving alternatives prior to accepting property from citizens". In addition, the PI directs the department member to "make a notation on their Daily Activity Log": However, no examples of "problem solving alternatives" are listed.
  - **Recommend Property and Evidence work with Planning and Research to update PI 04-4 to include a list of potential problem solving alternatives.**
5. The RMS system allows the detective working the case to indicate that evidence in a case can be disposed. Following this process would give Property and Evidence Personnel the authority to dispose of the evidence immediately and thus reduce the number of disposal requests sent to follow up units. However, a test of the process initiated by the Property and Evidence Unit revealed that 20% of the cases indicated for disposal through the RMS system were not meant for disposal.

- **Recommend implementing regular use of this process after there has been additional training on this feature of RMS and further testing of the process in order to ensure acceptable error levels.**
6. The process of checking the disposition can require a trip to Jackson County in order to check a case through their closed database. Remote access to this database would reduce time away from a department member's current assignment. Jackson County does not oppose this type of access, but currently are having difficulty making the technology to work correctly.
- **Recommend pursuing this capability.**
7. Some units receive substantially fewer disposal requests than other units. However, all units have the same amount of time to return the disposal requests. In addition, survey respondents noted that there is a significant lag between the property and evidence unit dropping off the request on the 5<sup>th</sup> floor for distribution and the detectives receiving the actual disposal request. Furthermore, the category "too many requests to get done in the time allotted" was the top reason listed as the biggest roadblock to completing the property disposal request by the assigned T-Date.
- **Recommend adjusting the time allowed for the units that receive substantially more disposal requests more time for completion of the disposal requests. Recommend the reduction of time for units that receive few disposal requests.**
8. The "unit handling follow up" box on the 236 is a key for the routing of disposal requests. However, there does not appear to be much direction listed in the Procedural Instructions or training for the officer in the field to correctly determine the proper unit.
- **Recommend regular updates by Property and Evidence personnel sent to field officers on common scenarios that produce potential problems.**
9. A survey revealed that 60% of the respondents felt as if they did not receive adequate training in order to determine if property/evidence can be disposed.
- **Recommend a plan to address regular training of department members in charge of disposing property/evidence. The training should be conducted by department units and property and evidence personnel.**

This audit has been prepared and submitted for your review and approval.

A handwritten signature in blue ink that reads "P.O. Marvin Forbes". The signature is written in a cursive style with a large, looped "F" at the end.

P.O. Marvin Forbes  
Internal Audit Unit

## Exhibit 1

### DEU Memorandum

## MEMORANDUM

May 20, 2009

**TO:** Captain Jesse Holt, Commander, Drug Enforcement Unit

**FROM:** Sgt. Reyne Reyes, Supervisor, 1810 Squad, Drug Enforcement Unit

**SUBJECT:** Property Disposals

Capt. Holt:

I am submitting this memorandum to explain the process we undertake to process the large quantity of property disposals. When they are initially received Civ. Betty Erickson is tasked with separating them into their appropriate units if possible.

After that she then tries to determine the appropriate squads and then segregates each squad's disposals. After they are divided, she then mails out the other squads disposals and then proceeds to put the rest in number order to take to Jackson County Records to check them through their database to try to determine their disposition. Civ. Erickson also checks them through the DEU database for any other disposition information.

At that point, she processes the ones she has final disposition on and forwards those to me for final review and approval. She will also have another stack of disposals that she was unable to determine their status. Those disposals will be forwarded to me for examination and final determination.

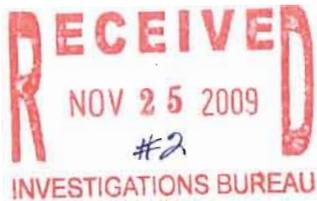
The process of checking them through our available databases is quite extensive. On average each property disposal form can take anywhere from 5 to 20 minutes to determine final disposition. The following are the options currently available for review:

- 1) DEU Database
- 2) Alert
- 3) QMH Criminal History
- 4) Casenet
- 5) Tiburon
- 6) Unit case files

If after all options have been exhausted we will hold the disposal form and continue to search the databases in an effort to determine the correct disposition for each form. It should be noted that a substantial portion of the ones believed to be assigned to the 1810 Squad are city cases that are marked as DEU handling the follow up. In actuality, this box should not be checked and the district officer should be identified as the responsible party.

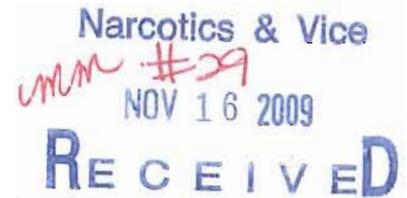
Submitted for your approval,

*Sgt. Reyne Reyes #3230*  
Sgt. Reyne Reyes



MEMORANDUM

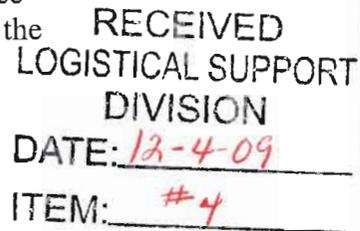
November 16, 2009



TO: Major Jan Zimmerman, Commander, Narcotics and Vice Division  
FROM: Captain Jesse Holt, Commander, Drug Enforcement Unit  
SUBJECT: Property Disposal Procedures – Request for Internal Audit



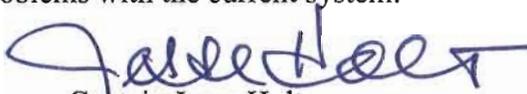
As you are aware, we have had many discussions within the Drug Enforcement Unit and with personnel from Property and Evidence regarding the system currently in place regarding the disposal of property. Through those discussions several issues with the current system have been identified:



- The routing of property disposal forms is inefficient
- The process is highly labor-intensive on both ends of the process
- The amount of disposals forwarded on a regular basis is often excessive
- Officers conducting field possession cases are not always marking the Form 236s with the proper unit handling the follow-up investigation
- DEU receives many property disposal forms that are for other units
- Technology available is not being used to its full potential to streamline the process and make it more efficient
- Property disposal in DEU requires at least one full-time employee to handle properly yet there is not a position available to dedicate to the process full-time
- Numerous databases at different locations have to be checked to verify property can be destroyed
- The accountability of property disposal forms is ineffective as forms are not always sent to the applicable investigative element and rarely are sent through the chain of command

As I stated, we have had several discussions internally and with personnel from Property and Evidence regarding this inefficient process. Some ideas to improve the system have arisen from those discussions that may provide moderate improvement. However, this issue crosses boundaries and affects many elements and Bureaus within the Department.

In order to truly address the problems that are plaguing this process, I believe a review of the entire system, from the initial recovery of property to the final disposal of the property, should be conducted by the Department's Internal Audit Unit to identify inefficiencies and create recommendations to improve the entire process. I am aware that a limited audit was completed last year (Property and Evidence Disposal Audit 07-10) but that audit analyzed only one small part of the entire process. A more thorough review needs to be completed to address continuing problems with the current system.

  
Captain Jesse Holt

## ENDORSEMENT:

Deputy Chief Masters,

As indicated by Captain Holt, the August 2007 audit of the property disposal process conducted by the Internal Audit was somewhat limited in scope. In reviewing that audit, I found that the main focus was on the proper disposal of narcotics and firearms. Manager Tom Gee's endorsement indicated that "audits over the past three years have shown a very low error rate in our disposal process and the present audit shows it once again." The primary purpose of the audit was not the rising number of items of property being stored. However, Manager Gee did point out that, "A very important issue...is the intake of property is out stripping the disposal of items. Having previous experience in this section I believe this problem needs serious attention and the section should strive for a 1 to 2 ratio of intake to disposal."

I spoke with Manager Gee in regard to the concerns raised by Captain Holt as well as his recommendation for an additional audit. During that conversation, Manager Gee confirmed that the previous audit primarily focused on the proper disposal of items and not the overall process. I advised him that the entire process has the same serious problems he alluded to in his 2007 endorsement and that the situation continues to worsen. I informed him that an ongoing dialogue has taken place between personnel from Narcotics and Vice, Violent Crimes and Property and Evidence in an attempt to resolve the issues but no viable solution has been reached. It is also recognized that Patrol plays an important role in property disposal although they have not been a part of the most recent discussions.

I recommend forwarding through the chain of command to the Internal Audit Unit for use in a future comprehensive audit of the entire property recovery/disposal process.

  
Major Jan Zimmerman  
Commander  
Narcotics and Vice Division

**1810 Squad**  
Sgt. Reyes- receives  
Property Sheets

Betty Erickson- Sorts  
then checks Jackson  
County Prosecutor  
Records. She also  
assists in checking the  
DEU Data Base and  
Alert

Detectives 1810-  
review then Check  
Data Bases;  
**Alert**  
**NCIC**  
**Case Net**  
**DEU Data Base**  
**Tiburon**

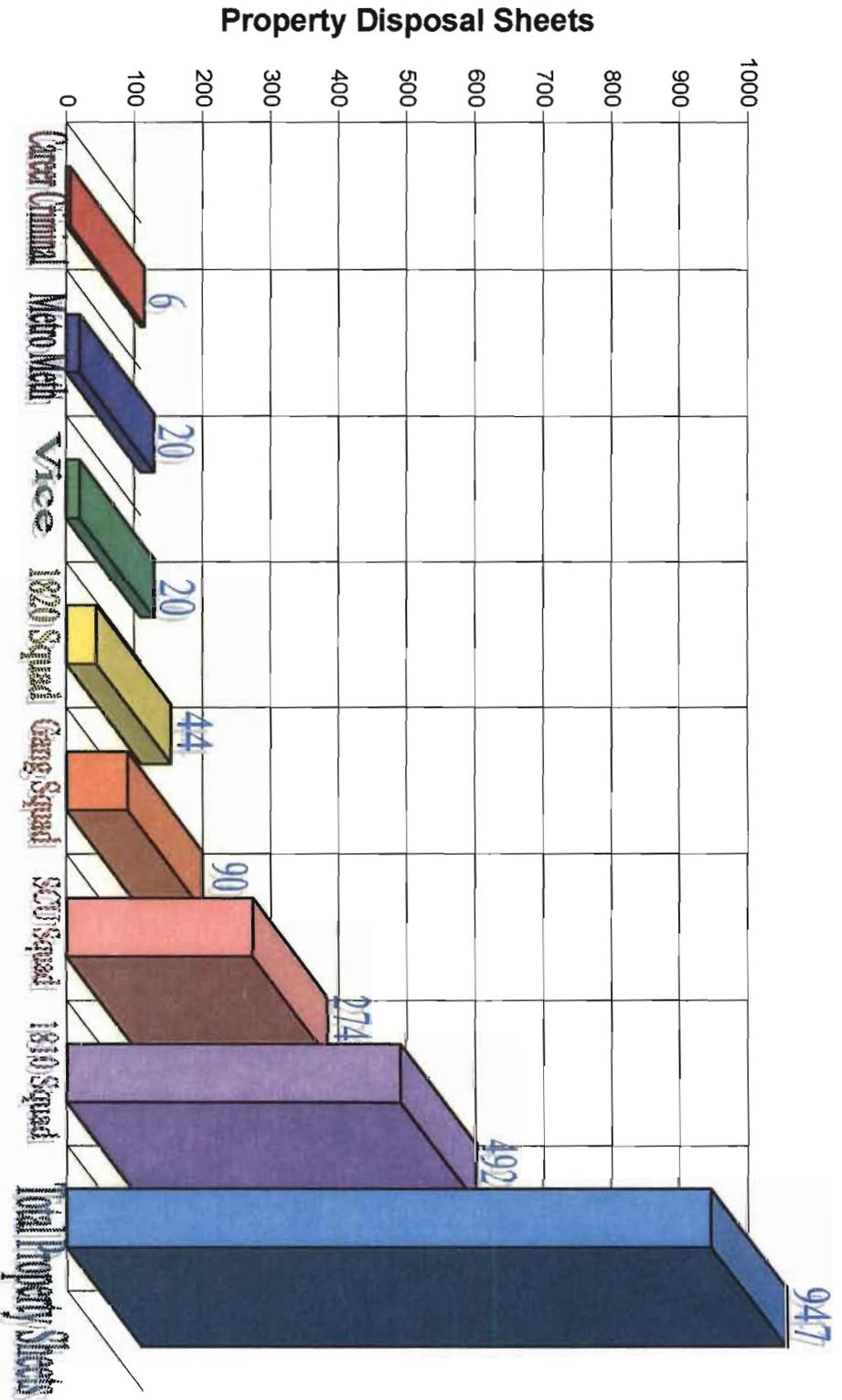
Sgt. Reyes- reviews and  
attempts to find  
disposition.

Sgt Reyes- reviews and  
approves for final  
disposition

**No  
Disposition**

**Final  
Disposition**

# Property Sheets Received 05/13/2009



- 1810 Squad number reflect narcotic city charges sent back to respective division officers
- Each Property Disposal Sheet may take up to 20 minutes to determine disposition

**Endorsement Page**

**Re: Property and Evidence Disposal Audit 07-10**

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Unit/Section Supervisor

---

**Unit Commander**

DC Ritter: Audits over the past three years have shown a very low error rate in our disposal process and the present audit shows it once again. This is to the credit of the staff in the Property and Evidence Section. A few minor findings requiring the updating of the section manual were documented. A very important issue pointed out in the audit is that the intake of property is out stripping the disposal of items. Having previous experience in this section I believe this problem needs serious attention and the section should strive for a 1 to 2 ratio of intake to disposal. Submitted for review and approval.

*HL* Dec 6-11-08

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Division Commander N/A

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**Bureau Commander**

Chief P Conwin  
THE AUDIT IS COMPLETE. EXHIBIT #7 CONTAINS  
THE COMMENTS FROM THE INVESTIGATIONS BUREAU.  
SUBMITTED FOR YOUR REVIEW AND APPROVAL.

*[Signature]* 4/12/08

---

**Chief of Police**

*Approved*

*[Signature]*  
6-13-08

KANSAS CITY, MISSOURI POLICE DEPARTMENT

ROUTING SLIP

Date: 12/1

RECEIVED  
DEC 22 2009  
9  
CHIEFS OFFICE

To:

Comm. \_\_\_\_\_ Sgt. \_\_\_\_\_

Chief \_\_\_\_\_ Supvr. \_\_\_\_\_

Lt. Col. Forte Det./Off. \_\_\_\_\_

Major \_\_\_\_\_ Attorney \_\_\_\_\_

Capt. \_\_\_\_\_ Mr./Ms. \_\_\_\_\_

Manager \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Approval                                | <input type="checkbox"/> Recommendation    |
| <input type="checkbox"/> File                                    | <input type="checkbox"/> Return            |
| <input checked="" type="checkbox"/> Comments & Return <u>p 2</u> | <input type="checkbox"/> Forward           |
| <input type="checkbox"/> Investigate & Return                    | <input type="checkbox"/> Prepare Reply     |
| <input type="checkbox"/> Contact Me                              | <input type="checkbox"/> Chief's Signature |
| <input type="checkbox"/> Report From Officer                     | <input type="checkbox"/> My Signature      |
| <input type="checkbox"/> Signature & Return                      | <input type="checkbox"/> Your Signature    |
| <input type="checkbox"/> Handle                                  |  |
| <input type="checkbox"/> Advise Disposition                      | <input type="checkbox"/> By: _____         |
| <input type="checkbox"/> Your Information                        | (Date)                                     |

Remarks: I think this has merit. any concerns before I forward to chief Lewis?

No concerns,

Thanks, Sgt 12-21-09

Signed [Signature] Office FBE

KANSAS CITY, MISSOURI POLICE DEPARTMENT  
**ROUTING SLIP**

Date: 12/22

RECEIVED

To: \_\_\_\_\_  
Comm. \_\_\_\_\_ Sgt. 9  
Chief Corwin Supvr. DEC 22 2009  
Lt. Col. \_\_\_\_\_ Det./Off. CHIEFS OFFICE  
Major \_\_\_\_\_ Attorney \_\_\_\_\_  
Capt. \_\_\_\_\_ Mr./Ms. \_\_\_\_\_  
Manager \_\_\_\_\_

- |   |  |
|---|--|
| <input type="checkbox"/> Approval             | <input type="checkbox"/> Recommendation    |
| <input type="checkbox"/> File                 | <input type="checkbox"/> Return            |
| <input type="checkbox"/> Comments & Return    | <input type="checkbox"/> Forward           |
| <input type="checkbox"/> Investigate & Return | <input type="checkbox"/> Prepare Reply     |
| <input type="checkbox"/> Contact Me           | <input type="checkbox"/> Chief's Signature |
| <input type="checkbox"/> Report From Officer  | <input type="checkbox"/> My Signature      |
| <input type="checkbox"/> Signature & Return   | <input type="checkbox"/> Your Signature    |
| <input type="checkbox"/> Handle               |  |
| <input type="checkbox"/> Advise Disposition   | <input type="checkbox"/> By: _____         |
| <input type="checkbox"/> Your Information     | (Date)                                     |

Remarks: Recommend approval for  
an audit of the property disposal  
recovery process system & NOT  
just an audit of property.

Signed [Signature] Office 780  
Form 134 P.D. (Rev. 3-99)

MEMORANDUM RECEIVED

RECEIVED  
LOGISTICAL SUPPORT  
DIVISION

DEC 22 2009

DATE: 12-15-09

December 14, 2009

9  
CHIEFS OFFICE

ITEM: #4

TO: Captain Kevin O'Sullivan, Commander, Logistical Support Division  
FROM: Sergeant Peter Schilling, Supervisor, Property and Evidence Section  
SUBJECT: Possible Internal Audit - Property Disposal Procedure

Captain,

A request has been made by Major Jan Zimmerman of the Narcotics and Vice Division to have the Internal Audit Unit complete a comprehensive audit of the property recovery and disposal process of the Property and Evidence Section. This unit has undergone several audits from the departments Internal Audit Unit during the past several years along with an independent audit conducted by the Kansas City Missouri Auditor's Unit in 2006. Few errors were noted during these audits and welcome the request made by Major Zimmerman.

*P. Schilling #3082*  
Sergeant Peter Schilling

MEMORANDUM

07-03-2008

RECEIVED  
5  
CHIEF OF POLICE

7-8-08

TO: Thomas Gee, Manager, Internal Audit Unit  
FROM: Marvin Forbes, Officer, Internal Audit Unit  
SUBJECT: Property and Evidence Disposal Audit 07-10 Disposition Meeting

On 07-01-2008, at 1330 hours a Property and Evidence Disposal Audit disposition meeting was held in Chief Corwin's office. In attendance at the meeting were the following: Chief James Corwin; Deputy Chief Cy Ritter, Executive Services Bureau; Deputy Chief Kevin Masters, Investigations Bureau; Manager Thomas Gee, Internal Audit Unit; Captain Jack Foster, Investigative Services Unit; Sergeant Pete Schilling, Property and Evidence Section and Officer Marvin Forbes, Internal Audit Unit.

The purpose of the meeting was to review the recommendations put forward as a result of the Property and Evidence Disposal Audit that was completed in April of 2008. All three recommendations listed below were discussed and approved by Chief James Corwin:

- Change the unit manual to reflect the actual practice in the narcotics disposal process.
- Change the unit manual to reflect the actual practice in the general property disposal process.
- Give the Property and Evidence Unit the power to ensure that the new disposal authorization process is followed in order to reduce inventory numbers.

Approved

Chief Corwin decided that a post audit of the Property and Evidence Disposal Audit would be conducted in six months following this final disposition meeting.

*JC Ritter,  
Submitted for  
review and approval.  
H. Gee 7-3-08*

*Marvin Forbes*  
Marvin Forbes  
Police Officer  
Internal Audit Unit

Chief Corwin -

For your information and review  
7/3/08

Major Kuehl,

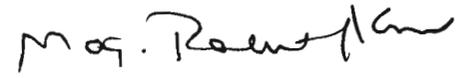
I'm in favor of having the Internal Audit Unit doing a comprehensive study to determine the best practices for the property recovery and disposal process. The current system has been reviewed in years past but the number of items in inventory continues to grow. The Tiburon system will cause us to have two inventory systems in place until all property can be converted to the new system. The 100,000 plus current 236's will still have to be reviewed to dispose of property that has been stored at the various locations for the past several years. The process developed by previous audits has not been followed for various reasons and the property disposals have not been returned as per the Investigations Bureau Memorandum.

 12-15-09

Kevin O'Sullivan

De Farte,

We are in favor of an overall review/audit of the processes associated with the current property and evidence disposal procedure.

  
12/18/2009

DC Masters,

I believe a formal review would be beneficial to all involved.

  
12-21-09

Approved  
for Audit  
 7-18-2010

## Exhibit 2

# Procedural Instruction 04-4 Recovered Property Procedure

**Note: The supervisor/commander may, at their discretion, utilize the currency counter located at the Property and Evidence Section for any amount of recovered currency. When machine counting is desired, the procedures outlined in this annex will be followed.**

3. When the known value is equal to or **greater** than \$2,000 or if special circumstances make it impractical to hold monies, fine jewelry, precious metals, or other valuables (as defined by this directive) at the division station or second floor storage locations, the recovering department member will:
  - a. Recover and record the items of property in accordance with this directive.
    - (1) During the normal duty hours of the Property and Evidence Section, contact the section supervisor to determine the proper location to transport the property. Upon arrival at the specified location, release the property to the Property and Evidence Section personnel.
    - (2) After the normal duty hours of the Property and Evidence Section, obtain a telephone number for the on-call member of the Property and Evidence Section from the Communications Unit supervisor. Contact that Property and Evidence Section member prior to transportation of property to determine the proper location to transport the property. A member of the section will respond to take custody of the recovered property, if necessary.
  - b. If the recovery involves currency/coins, the recovering member will transport the monies to the Property and Evidence Section for machine counting. The reporting member will notify the on-call Property and Evidence Section supervisor, during non-business hours, and advise the supervisor that a machine count of currency/coins is necessary.
  - c. Heat-seal the currency/coins in an evidence pouch after a verified count of the property. The recovering officer will complete the Form 236 P.D., and relinquish the property and approved Form 236 P.D., to personnel of the Property and Evidence Section.

**Note: All other department elements will recover and safeguard monies, fine jewelry, precious metals, and other valuables in a manner consistent with this directive.**

**\*H. Special Handling of Hazardous Related Materials**

1. The Property and Evidence Section generally will not accept pressurized cylinders, and any other items that are flammable, explosive, corrosive, radioactive, infectious, poisonous, or biochemical in nature for safekeeping. **Note: Approval must be obtained from the Property and Evidence Section supervisor.**



KANSAS CITY, MO. POLICE DEPARTMENT  
**PROCEDURAL INSTRUCTION**

DATE OF ISSUE  
**4-8-04**

**4-23-04**

**04-4**

SUBJECT <b>Recovered Property Procedure</b>		AMENDS
REFERENCE P.I. 02-8, Property Seizure and Forfeiture, P.I. 01-4, Towing and Protective Custody of Towed and Abandoned Vehicles, P.I. <del>03-13</del> <sup>04</sup> , Prisoner's Personal Property Procedure, Sections 490.717, 367.044 RSMo, Investigations Bureau Memorandum 03-2	RESCINDS Procedural Instruction 91-3, 91-3A and Department Memorandums 03-5, 02-27, 02-6 and 97-2	

**I. PURPOSE**

To set forth detailed procedures for collecting and handling recovered property, including contaminated physical evidence for laboratory examination, and procedures for the photographing and release of specified recovered property and evidence.

**II. POLICY**

Property to be held as evidence will be carefully collected, packaged, and preserved. Its custody will be accurately recorded from the time of its collection until presentation in court to ensure prosecution of offenders or initiation of other appropriate judicial proceedings.

**\*III. PROCEDURE**

The following are the current department procedures with respect to the collection, packaging, and documentation of recovered property and evidence. Department members recovering property or evidence for safekeeping, voluntary turn-in, or confiscation of weapons will follow the procedures outlined herein. This directive has been arranged in annexes to address the various areas encountered in recovering property.

- ANNEX A RECOVERED PROPERTY
- ANNEX B RECOVERED FIREARMS
- ANNEX C RECOVERED STOLEN PROPERTY TO BE USED IN PROSECUTION
- ANNEX D PAWNSHOPS-RECOVERED PROPERTY

**\*IV. SPECIAL INSTRUCTIONS**

- A. When recovered property is needed in court as evidence, the affected member will notify the Property and Evidence Section no later than 1200 hours on the day prior to the scheduled court appearance. In the event the court appearance follows a weekend or holiday, the Property and Evidence Section will be notified one day prior to the weekend or holiday. Members will advise citizens who desire to claim property to contact the Property and Evidence Section prior to responding.

- B. Any information regarding recovered property from towed vehicles may be found in the directive entitled, "Towing and Protective Custody of Towed and Abandoned Vehicles."
- C. For specific information regarding property and evidence recovery, refer to the Evidence Collection Manual available at department elements or by contacting any supervisor.

Richard D. Easley  
Chief of Police

Adopted by the Board of Police Commissioners this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

Karl Zobrist  
President

DISTRIBUTION: Law Enforcement Personnel  
Civilian Supervisory Positions  
Department Element Manuals  
Post on all bulletin boards for one week.

RECOVERED PROPERTY

\*A. Voluntary Turn-In of Property

1. Members will exercise good judgment when recovering property for the sole purpose of safekeeping. Examples include: Property voluntarily turned-in or found, with no evidentiary value, little or no monetary value (estimated value less than \$100) and/or no distinguishable identifying characteristics. When possible, members will exercise problem-solving alternatives prior to accepting items from citizens that fall into the above categories.
2. Officers exercising other alternatives for the safekeeping of property will make a notation on their Daily Activity Log Form, 112 P.D., describing the action taken and/or the final disposition of the property.
3. All property voluntarily turned-in or found, will be recovered in accordance with this directive, only after all other alternatives have been explored.
4. Members will report property voluntarily turned-in, by completing a Form 100 P.D., titled "Recovered Property - Voluntary Turn-In" in the title of case section. Note: The title of a report involving a firearm will be "Confiscated Firearm - Voluntary Turn-In." For additional instructions see Annex B of this directive.
5. Citizens turning in property to an officer or at a division station will be given a Report Referral, Form 19 P.D., as a receipt for the property.

B. Separation of Property

1. All evidence to be examined by the Kansas City Police Crime Laboratory will be recovered separately from other items of recovered property.
- \*2. The following items will be recovered, packaged separately from other items of recovered property/evidence and recorded on a separate Physical Evidence/Property Inventory Report, Form 236 P.D.
  - a. All U.S. currency/coins. The total amount of currency/coins will be recorded for each denomination and listed on the Form 236 P.D. Only currency/coins recovered under one of the following circumstances will be held as evidence in the Property and Evidence Section and **not deposited**:

- (1) Monies that contain special markings or characteristics (blood, fingerprints, dye, etc.) which will aid in prosecution.
  - (2) Drug-buy money will be photographed and recovered if charges are expected to be filed. Note: Investigative elements (i.e. SNU or DEU) will recover buy monies under special circumstances, i.e., money that has been altered by the suspect, have special markings or any other evidentiary value, otherwise the monies may be photocopied and returned for use in other drug-buy cases.
  - (3) Monies worth more than the face value, as in the case of silver certificate currency, coin collections, or any coin dated prior to the year of 1964, which are higher in silver content.
  - (4) Any situation where the officer/detective can justify its' need as evidence in court.
- b. Money held strictly for forfeiture, or recovered in conjunction with an offense, which does not fit into one of the above listed categories should **not** be stored as evidence and can be marked for bank deposit on the Physical Evidence/Property Inventory Report, Form 236 P.D.
- (1) Approval for deposit must be obtained from the appropriate investigative element supervisor and so indicated on the Form 236 P.D. During the non-duty hours of the responsible element a supervisor from the Violent Crimes Division, or designee, can be contacted.
  - (2) An investigative element may request these monies held for forfeiture, or recovered in conjunction with an offense be photographed or photocopied and listed on the Form 236 P.D. The photograph/photocopy(s) will be recovered on a separate Form 236 P.D., when applicable.
  - (3) The photographing officer will ensure that the photograph(s) clearly depicts all monies. A legible signature or initials of the photographing officer, case report number, date and time of the photograph is required on the photograph.
  - (4) Money held exclusively for safekeeping does not require photographing for deposit. Any supervisor can approve deposit of money held strictly for safekeeping.
  - (5) When recovered money is needed as evidence but a portion can be deposited, a separate Form 236 P.D., is needed for each.

\*NOTE: On any Physical Evidence/Property Inventory Report, Form 236/236A P.D., listing U.S. Currency, either the "Deposit" or "Do not Deposit" box must be checked.

- \*c. When the recovery involves foreign currency/coin members will recover the items in the same manner as US currency/coin consistent with this directive.
  - (1) No value will be affixed to the foreign currency/coin unless the actual value is known.
  - (2) An accurate description of the foreign currency/coin will be recorded and listed on a Form 236 P.D. separately from all other recovered items.
- d. Narcotics and narcotics paraphernalia may be packaged together.
- e. Bicycles.
- f. Any item of evidence having decomposition potential.
- g. Precious metals and/or jewelry. NOTE: General, non-specific terminology will be utilized when describing items of jewelry that have been recovered.  
  
Example: Men's gold-colored Longines wrist-watch with twelve (12) clear stones, silver-colored ring containing numerous clear and green-colored stones. (Members will not indicate the metal/mineral content or precious stone content.)
- \*h. Latent Fingerprint Cards, Form 287 P.D. Fingerprint cards containing latent prints recovered from a crime scene will be submitted as evidence on a separate Form 236 P.D., for Laboratory examination.
- i. All firearms and ammunition will be recovered in accordance with Annex B of this directive.

C. Inventory of Property

- \*1. The following reports will be completed by members as original or supplemental reports whenever property is turned-in, found, and/or recovered, in conjunction with completing the Physical Evidence/Property Inventory Report, Form 236 P.D.
  - a. Form 189 P.D., Field Incident Report, by all department members.
  - b. Form 100 P.D., Recovered Property Report, by all department members.
  - c. Form 107 P.D., Investigative Report (Case Document), by Investigations Bureau personnel.
  - d. Form 242 P.D., Crime Scene Report, by Crime Scene Investigation Section personnel.

2. Form 236 P.D., Physical Evidence/Property Inventory Report, will be legibly completed by using the two-part carbonless form. When additional spaces are needed to record items of evidence/recovered property, a Form 236A P.D., Physical Evidence/Property Inventory Continuation Report, will be completed.
3. Only the front sides of Forms 236 and 236A P.D., will be completed by the reporting officer. The release information on the reverse sides of Forms 236 and 236A P.D., will be completed by the department member releasing the property in accordance with current policy.
- \*4. **Members will not record a fair market value for property items where an apparent monetary value cannot be determined. These items will be recorded as "Unk" (Unknown).**
  - a. The reporting member will ensure that an accurate count, description, and a **value (if known) for all property is recorded.**
  - b. All license plates, driver licenses, license tabs, and identification cards will be recorded as "N/V" (No Value).
  - c. Latent fingerprint cards will also be recorded as "N/V" (No Value).
5. The on-duty desk sergeant will verify entries on the appropriate inventory report forms and property/evidence packaging to ensure all requirements set forth in this directive are met before issuing approval.

D. Marking, Packaging, Tagging, and Sealing of Property and Evidence

- \*1. All items of evidence, whether for laboratory examination or not, will be recorded for identification. The officer who discovers the physical evidence must later be able to identify each piece of evidence found in a particular place at the crime scene. All evidence that is not easily identifiable will be marked properly to aid the collecting officer in identifying it in the future. If marking the actual evidence would diminish its value, then only the seal on the container should be marked.
- \*2. All evidence, whether for laboratory examination or not, shall be enclosed in containers appropriate for the size and nature of the property. Suitable envelopes (no smaller than 6 ½ x 8 in.), puncture resistant tubes, and paper bags will be made available at each element that handles recovered property. (Note: Puncture resistant tubes may be increased in size for longer items but shall not be decreased in size.) All evidence enclosed in a suitable container shall be sealed with evidence tape (except very large items or items whose nature prevents containment). The minimum required information for a seal includes the officer's initials, serial number, case report number and date in order to maintain the integrity of the evidence. Note: Latent fingerprint cards when recovered as evidence will be placed in the appropriate envelope and sealed. A Property Identification Sticker, Form 77 P.D., will be completed and affixed to the outside of the envelope.

- \*a. Sealing requires that a package be secured in such a manner that any possible opening or tampering with contents will not go unnoticed. Properly applied evidence tape that encircles the package opening makes a seal. (NOTE: All paper sack packages will be stapled, and the staples must be covered with evidence tape.)
  - b. Any package containing recovered property that has been possibly contaminated by body fluids or any other hazardous substance will be sealed with orange evidence tape to indicate possible contamination. In the event the recovered property is contaminated with body fluids and the fluids have the potential of saturating the package used for recovery, the recovering officer's supervisor will be contacted, or the Evidence Collection Manual will be referred to, for proper packaging instructions. Further assistance, if necessary, may be obtained from personnel of the Kansas City Police Crime Laboratory.
  - c. A Property Identification Sticker, Form 77 P.D., will be completed and affixed to the outside of all property bags.
  - \*d. Very large items or other evidence which cannot be enclosed shall be treated in a manner which will not jeopardize its evidentiary value. A Property Tag, Form 156 P.D., or Property Identification Sticker, Form 77 P.D., will be securely affixed to the property.
  - e. All potentially dangerous/sharp items such as needles, knives, or razor blades, glass pipes, etc., will be recovered in a puncture-resistant tube to reduce the risk of injury to personnel handling the property.
  - f. When a package contains a fragile item, the outside of the package should be marked "fragile". A brief description of the fragile item and instructions on how the package should be handled (e.g., Photographs - DO NOT BEND) will be printed on the outside of the bag/container. **(NOTE: Officers will take the appropriate measures to ensure fragile items are adequately protected.)**
  - \*g. To prevent tearing, the capacity of paper sacks shall not exceed fifty (50) pounds. Double bagging some items may be necessary. Items with hard or sharp corners should be packaged with care to prevent damaging the sack.
3. Sealed evidence will be opened only by authorized persons for proper use in the criminal justice process.

#### E. Control of Recovered Property

Each department element that receives recovered property will strictly account for the custody of such property.

1. Each division station of the Patrol Bureau will maintain a secure facility and a Property Log, Form 427 P.D., for all recovered property. The desk sergeant on duty will ensure that the following information is logged: the case report number; name of reporting officer; date, time, and location of recovery; date and time of log entry; and name of person from whom recovered (if applicable). Officers who place recovered property or evidence in the property log of an element other than their own will leave a copy of the completed property inventory report with that element's desk sergeant. The desk sergeant will also ensure proper recording of disposition of the property (e.g., transferred to the Property and Evidence Section, released to owner, etc.) noting date, time, and transferring officer or person to whom released.
  
- \*2. Other departmental elements will forward recovered property directly to the Property and Evidence Section. Recovered property may be briefly stored in the second-floor headquarters property box at times when the Property and Evidence Section is closed; in such an event, a log as described in paragraph 1 of this section shall be kept by the on-duty Violent Crimes Division supervisor.  
  
**Note:** Specialized units i.e., Drug Enforcement Unit, Street Narcotics Unit or Traffic Enforcement Unit, etc. will also strictly account for the custody of recovered property in accordance with the guidelines outlined in this directive and their respective unit manuals.
  
3. The Property and Evidence Section supervisor will be contacted when any item(s) of property/evidence is recovered which, due to the item's size or weight (e.g., large safe, numerous large packages, etc.), makes it impractical to maintain or store at the division property room. The Property and Evidence Section supervisor will determine the location where the property is to be transported. A member of the Property and Evidence Section will respond to that location and take custody of the property.
  
4. The Property and Evidence Section and the Kansas City Police Crime Laboratory will maintain records of property and evidence received and disposed. Such records shall include dates and times of receipt and release, case report numbers, and persons to whom or from whom released or received.
  
- \*5. Property and Evidence Section personnel will pick up recovered property at the division stations and transport it to the Property and Evidence Section for proper disposition. The Property and Evidence Section supervisor will determine the schedule for pickup.
  
- \*6. If laboratory personnel discover a discrepancy between the listed inventory and the submitted evidence, they shall notify the Property and Evidence Section so it may be noted on the original inventory report.
  
- \*7. The final distribution of Form 236 P.D., Physical Evidence/Property Inventory Report, and Form 236A P.D., Physical Evidence/Property Inventory Continuation Report, will be made by personnel of the Property and Evidence Section as follows:

- a. Original (white) - Filed at the Property and Evidence Section.
- b. Copy (canary) - Sent to the Crime Laboratory when "Evidence for Lab" box is marked.

**NOTE:** Officers will photocopy completed property inventory and supplemental inventory report forms (if applicable) and forward them to the Records Unit prior to the end of their tour of duty. The Records Unit personnel will conduct a computer check of serial numbered property, then file the copy of the report in accordance with the guidelines outlined in their unit manual.

\*F. Release of Property

When property is released at a division station, members will adhere to the following guidelines:

1. Verify identity and obtain a copy of valid photo identification e.g., driver license, state identification, military I.D., or passport, of the claimant.
2. Obtain the claimant's signature, address, and phone number on both copies of the applicable property inventory form. Note: Members **may** obtain the right index fingerprint of the claimant on the back of the property inventory form.
3. Sign the appropriate box on the back of the property inventory form.
4. If the claimant requesting the property is not the listed owner on the original Form 236 P.D., he/she must provide a notarized letter from the claimant, authorizing the release of the property.
5. If all of the items are released, the original Form 236 P.D., with attachments (copy of photo ID, etc.), will be sent to the Records Unit and a copy of the recovered property form will be retained in the division file.
6. If only part of the items listed on the property inventory form are released, the remaining property will be resealed and a copy of the photo ID and the original notarized letter (if applicable) will be attached to the property along with the property inventory form.
7. If the claimant does not have acceptable identification, members will instruct the claimant to respond to the Fingerprint Identification Unit for identification purposes.

\*G. Special Handling of Valuables

1. When monies, fine jewelry, or precious metals with an estimated or known value equal to or greater than \$100, but less than \$2,000 are recovered by Patrol Bureau personnel or Investigations Bureau personnel, the property will be transported to the appropriate division station or the headquarters building. The following procedures will be followed:

- a. The recovering member will:
    - (1) Always complete a separate Form 236 P.D., indicating the total amount of currency/coin of each denomination and attach it to the package containing that property.
    - (2) Package and record fine jewelry and precious metals separately from other property.
    - (3) Log the packaged property in the division's Property Log, Form 427 P.D.
    - (4) Enter, in the log, the alternate location where the property will be stored within the division.
    - (5) Give the packaged property to be stored at a division station to the on-duty desk sergeant, after the property is logged.
    - (6) Give the packaged property to be stored at the headquarters building to the on-duty Violent Crimes Division supervisor, after the property is logged.
  - b. The on-duty desk sergeant/Violent Crimes supervisor will:
    - (1) Ensure the property is placed in a secured location:
      - (a) If recovered property is at the division station this excludes the property room.
      - (b) If taken to the headquarters building, the second floor vault located on the second floor of headquarters will be utilized.
    - (2) Notify his/her relief that monies, fine jewelry, or precious metals have been placed in the bond drawer or other secure location.
  - c. The Watch II desk sergeant/Violent Crimes supervisor will ensure that the monies, fine jewelry, or precious metals are transported, on the next business day (Monday through Friday, excluding weekends and holidays) to the Property and Evidence Section.
2. When the recovery involves currency/coin and the estimated or known value is **less** than \$2,000, a verified count may be conducted with the approval of the recovering officer's supervisor/commander. A supervisor will conduct the verified count in the presence of the recovering officer, heat-seal the currency in an evidence pouch, and release the property to the recovering officer. The recovering officer will complete the Form 236 P.D., and indicate in the narrative section of the applicable report the location, time, and the supervisor who conducted the count. The property will then be placed in a secure location in accordance with this directive.

2. Members will exercise caution and good judgment when confronted with items that fall under the above categories and are to be used as evidence. Members will adhere to the following guidelines when dealing with materials that are determined to be hazardous in nature. Safekeeping hypodermic needles (if necessary) may be disposed of at an area hospital with their permission and a notation made on the activity sheet documenting the disposal.
  - a. A Crime Scene Investigations Section supervisor will be contacted when a hazardous material is encountered as evidence and a sample is needed. The remaining materials will be handled by the Department of Environmental Management (DEM) who will be contacted by the Crime Scene supervisor.
  - b. In the event the hazardous materials are encountered as a result of a fire, explosion, or explosive device call, the Bomb and Arson Section supervisor will be notified. The Bomb and Arson Section supervisor will have the authority to contact DEM and to determine the appropriate course of action concerning the materials.
3. In the event DEM is unable to accept the material (i.e., explosives, radioactive, infectious waste or pressurized cylinders) they will provide the names of the appropriate contractors. There is no charge to the department for DEM response, if the materials are recovered as "orphaned waste" from a city-owned lot, abandoned property or any other public place. If the materials are located on private property (occupied) and recovered by any department member at the scene, the department will incur the cost of removal by DEM.

**Note: Decisions concerning the hazardous waste must be made at the scene. This prevents the department from becoming a recognized waste generator. At no time should a hazardous material be transported to a department facility for disposal. Once the department becomes the generator, numerous governmental regulations become applicable, in addition to incurring the cost for disposal.**

\*I. Requests for Evidence Analysis

1. The Kansas City Police Crime Laboratory no longer automatically receives all property submitted on a Form 236 P.D., marked for laboratory examination. (Exceptions: Blood submitted for blood/alcohol chemical analysis, handguns, and evidence submitted directly to the laboratory by the Crime Scene Investigation Section and Traffic Investigation Unit).
2. When a laboratory examination is desired, the requesting officer/detective/investigator will complete a Request for Evidence Analysis, Form 96 P.D., attach the applicable copy of the recovered property report form and submit it to their immediate supervisor. Upon supervisory approval, the Form 96 P.D. will be forwarded to the Crime Lab.
  - a. The Lab Page # on the Form 96 P.D. will be completed by laboratory personnel.

- b. In the "Summary of the Offense" section on the Form 96 P.D.; include in the statement the court date, (if applicable).
3. Personnel (Investigative) having access to the LABOPS program through the ALERT system may utilize the computer to electronically complete the Analysis Request Form 96 P.D.
4. The Crime Laboratory will request the Property and Evidence Section forward the evidence to be examined.

\*J. Recovered Property - Surveillance Tapes or Discs

1. All surveillance tapes or discs **that contain recorded images** valuable in the filing of felony charges against the suspect(s) will be recovered as evidence in accordance with this directive.
2. The "YES" box will be marked on the "Physical Evidence/Property Inventory Report, Form, 236 P.D., indicating that the surveillance tape or disc is to be used as evidence.
3. The chain-of-custody begins when either the officer or a detective takes initial possession of the surveillance tape or disc. The recovering member will document the personal identifiers of the person from whom the tape or disc was received as well as the date, time, and the location of the recovery. This information will be included in the narrative portion of the "Field Incident Report, Form 189 P.D., or the "Investigation Report," Form 107 P.D.
4. Officers who take initial possession of a tape or disc will release it directly to a detective at the scene of the offense. If a detective is unable to respond to a crime scene, the recovering officer will transport the recovered tape or disc directly to the appropriate investigative element.
5. The recovering officer will document the transfer of custody by noting the name of the detective to whom the tape or disc was released in the narrative portion of the "Field Incident Report, Form 189 P.D. The receiving detective will then become responsible for the recovery of the tape or disc.
6. Officers will not recover a blank tape or disc, e.g., when personnel of a store state that a surveillance tape or disc was not operational at the time of the offense. This information will be documented in the "Field Incident Report, Form 189 P.D., e.g., "The store manager, Mr John Smith, stated that the surveillance tape was not turned on at the time of the offense."

## \*RECOVERED FIREARMS

- A. All recovered handguns and ammunition shall be packaged in the specially designed handgun envelopes. Specific instructions are provided on the front of the envelope. Long guns, having no evidentiary value, will be tagged and forwarded to the Property and Evidence Section for safekeeping. All firearms voluntarily turned in will be placed in a handgun envelope, with the words "Voluntary Turn-In" placed in parentheses on the envelope in a manner that will not obstruct other written information on the envelope. Members will ensure that a Property Identification Sticker, Form 77 P.D., is completed and also affixed to the envelope in a manner that will not obstruct other information.
- B. The reporting officer will inform the citizen that when a firearm is voluntarily turned in, it will be held for a period of at least ten days to allow laboratory examination. The firearm will then be disposed of after thirty days. Should the owner desire its return, he/she will be instructed to telephone the Firearms Release Section of the Property and Evidence Section and schedule an appointment for release of the firearm before the end of thirty days.
- C. **Recovered firearms will not be marked for identification. Officers will only mark those firearms for identification that have no identifiable serial number.** When appropriate, the officer's initials and serial number shall be inscribed on the firearm in a manner that will not diminish its value, e.g., beneath grip, inside loading port, etc.
- D. All firearms are to be unloaded prior to packaging. Officers will obtain assistance from a knowledgeable person if they are unfamiliar with unloading procedures for the particular firearm, or if handling the firearm will cause trace evidence to be lost or destroyed. If problems are encountered in unloading the firearm, or there is a possibility that trace evidence may be lost or destroyed in unloading; transport the loaded firearm as safely as possible to the laboratory or Crime Scene Investigation Section for assistance. Loaded/unloaded firearms will not be taped or disassembled to render the firearms inoperable prior to transportation.
- E. All recovered firearms and ammunition if applicable, will be listed separately (one firearm with ammunition per form) on a Property Inventory Report Form 236 P.D. **Officers will ensure live ammunition, if packaged with any firearm, is recovered in such a manner e.g., placing live ammo in a sealed standard-sized enveloped before placing it in the handgun envelope. This will prevent live ammunition from incidentally entering the unloaded firearm during transport thereby, placing department members handling the property at risk.**

## RECOVERED STOLEN PROPERTY TO BE USED IN PROSECUTION

## A. General Policy

- \*1. A person arrested in connection with possessing stolen property having a retail value of \$500 or more may be charged in a state court; if the property has a retail value of less than \$500, the charges may be filed in city court. Jackson, Platte, Clay, and Cass County Prosecutors will review each case to determine whether stealing offenses over \$150 but under \$500 should be filed as Receiving Stolen Property, State Misdemeanor Stealing, or re-booked to a city charge.
2. Recovered stolen property will be placed in the Property and Evidence Section as evidence unless:
  - a. The property is a large item, item of significant value, or the item is perishable. The supervisor of the Property and Evidence Section will be contacted prior to transporting the property to a storage location to determine the appropriate location for storage. (Refer to Section C of this Annex.)
  - b. The claimant refuses to release the property. (Refer to Section D of this Annex).
  - c. A supervisor or detective advises the officer to do otherwise.
  - d. Procedures regarding recovered property relative to shoplifting cases filed in Municipal Court are followed. (Refer to Section B of this Annex).
  - e. Procedures regarding evidence recovered relative to an arrest for specified offenses are followed which permit recovered stolen property to be photographed and released. (Refer to Section E of this Annex).
3. Unless otherwise provided for in this directive, property which is to be held as evidence shall be marked and listed on a Form 236 P.D., and prepared for transfer to the Property and Evidence Section before the end of the officer's tour of duty.
4. Property which is removed from the Property and Evidence Section to be used as evidence and is retained by the Prosecuting Attorney shall be itemized on a Property Custody Report, Form 234 P.D.

B. Recovered Stolen Property To Be Used in Prosecution

1. The recovering officer(s) will insure that all items to be held as evidence are properly marked for identification in court.
2. The items will be listed on a Form 236 P.D. and transferred to the Property and Evidence Section in accordance with existing procedures.
3. Property which is to be used as evidence in Municipal Court may be left in the custody of trained security personnel, who are acting as agents for the complainant, at the place of occurrence after such persons have marked the items for identification purposes and have been instructed that they must bring the items to court.
- \*4. When the retail value of the stolen property is over \$150 but the exact amount cannot be determined at the time of the arrest, the officer will proceed with the arrest according to existing procedures (as outlined in Section A, 1, of this Annex) covering stolen property having a \$500 value. However, the property should be placed in the Property and Evidence Section in case the value of the stolen property is found to be greater than \$150 and it is determined that state charges may be filed. This will make it possible for the investigative unit concerned to take the necessary steps to file a state charge at a later date. Members should contact the appropriate investigative element for additional instructions if necessary.

C. When the Recovered Property is a Large Item, Item of Significant Value, or a Perishable Item

1. If the owner or responsible agent of the owner is known, any large item, item of significant value, or perishable item recovered from a crime scene should be photographed and released as soon as possible. **This procedure does not apply to property and evidence recovered incident to certain state statute arrests made and is not permissible for an instrument of a crime.**
2. The recovering officer will contact any unit with camera equipment and request a photograph of the property. The property should be marked in such a way that the markings will show in the photograph. The officer(s) should make every effort to be present when the photograph is taken, so he will be able to testify that the photograph is a true and accurate representation of the recovered property. It will not be necessary for the officer taking the photograph to appear in court, unless subpoenaed as a witness.
- \*3. Undeveloped photograph(s) will be individually listed on a separate Form 236 P.D. Items displayed in each photograph will be identified as listed on the Form 236 P.D. The undeveloped film and a copy of the Form 236 P.D., will be forwarded to the laboratory by the member who photographed the item(s).

**NOTE: Those elements utilizing digital photography will adhere to the guidelines outlined in their respective Unit Manuals regarding the recovery and storage of memory cards/files, in addition to the policies outlined in this directive.**

4. Perishable property may be released to the claimant or a responsible agent of the claimant. If the property is released, a statement will be made in the applicable report, that the property was released due to the perishable nature of the item(s). If the property claimant or responsible agent of the claimant refuses to take custody of the property, the officer will immediately contact his supervisor for further instructions.
5. When a claimant is not known, any item recovered from a crime scene will be marked, listed on a Form 236 P.D., and transferred to the Property and Evidence Unit before the end of the officer's tour of duty. When a claimant is subsequently discovered, a member of the unit investigating the case, will be required to respond to the Property and Evidence Section and take the necessary photographs before releasing the property. When the property is released, the claimant should sign the appropriate space on the reverse side of the Form 236 P.D. The undeveloped film will be listed on an additional Form 236 P.D., placed in a sealed evidence envelope, and forwarded directly to the laboratory.

D. When the Claimant Refuses to Release the Property

1. Officer(s) should make every effort to explain to the claimant the legal requirements of physical evidence; that is:
  - a. The person collecting the items must be able to identify them as the specific items collected even months after they have been collected.
  - b. The person must be able to testify as to the exact location the items were recovered.
  - c. The items must be maintained in the custody of authorized persons from the time of recovery until they are presented in court.
  - d. The person who collected the items must appear in court with the specified items collected when the case is set for trial.
2. If the claimant still refuses to release the items and it is not appropriate to photograph them, the officer(s) should record the complete description of the items and make every effort to mark the items, using the officer's initials, date, and case report number. A statement should be made in the report indicating that the property has been left in the custody of the claimant due to their refusal to release the property.

\*E. Photographing and Releasing Property and Evidence Recovered Incident to Certain State Statute Arrests. These Offenses Include, But Are Not Limited To, The Crimes of Robbery, Burglary, Stealing, Tampering, and Property Damage

1. If the owner, agent, or representative of the property/evidence recovered from a crime scene where an arrest has been made is present, the property/evidence may be photographed and released to the owner, agent, or representative of the mercantile establishment or owner of the personal property. **This procedure is authorized under Section 490.717 RSMo, and applies only to mercantile establishments or the owner of personal property and is not permissible for an instrument of a crime or when an arrest has not been made.**
2. If the arresting officer elects to release property/evidence as described above, the officer may contact any unit with camera equipment (if a camera is unavailable) and request a photograph of the property. The property should be photographed in such a way that the photographs clearly depict a sign or placard stating the date and time at which the photograph was taken and the name of the establishment, if the victim is a business establishment, or the owner of the personal property. The arresting officer should make every effort to be present when the photograph is taken so he/she will be able to testify that the photograph is a true and accurate representation of the recovered property/evidence. It will not be necessary for the member taking the photograph to appear in court unless subpoenaed as a witness.

F. When the Arresting Officer Removes Recovered Property, or Photographs of Recovered Property, from the Property and Evidence Section for Court Use

1. The officer will properly identify himself and the article(s) requested, and be able to provide the case report number.
2. The officer will sign his name, serial number, and assignment on the reverse side of the original copy of the Form 236 P.D.
3. The report will then be placed in a temporary file until the article(s) is returned.
4. When photographs of recovered property are removed from the Property and Evidence Section for court use, the relative Form 304 P.D. must accompany the photographs to court.
5. When the article(s) is returned, the property clerk will, in the presence of the officer, stamp the date returned, place his initials on the reverse side of the Form 236 P.D., put the report in the active file, and return the article(s) (if applicable, the accompanying Form 304 P.D.) to storage.

G. When Evidence Could Be or Is Retained by the Prosecuting Attorney for Court Use

1. If the officer feels that the Prosecuting Attorney might wish to retain custody of the article(s), the Property and Evidence Section clerk will initiate a Property Custody report, Form 234 P.D., to be taken with the property by the officer.
2. If the Prosecuting Attorney retains custody, the officer will complete Section II of the Form 234 P.D., including the date, Prosecutor's name and signature, and the officer's signature. The officer will return the Form 234 P.D., to the Property and Evidence Section within twenty-four hours.
3. If the Form 234 P.D. is not initiated when the property is checked out and the Prosecuting Attorney retains custody, the officer shall respond to the Property and Evidence Section, have a Form 234 P.D., initiated, and return to the Prosecutor for their signature. The Form 234 P.D., will then be returned to the Property and Evidence Section within twenty-four hours.
4. If the Form 234 P.D., is not initiated when the property is checked out and the article(s) has not been returned to the Property and Evidence Section within twenty-four hours, a notice will be sent to the officer's unit commander to return the article(s) or to submit a completed and signed Form 234 P.D.
  - a. If, after seven days of the first notice, the article(s) is not returned or the completed Form 234 P.D. received, a second notice will be sent to the officer's division commander, asking for assistance in the matter.
  - b. If after seven days of the second notice the property is not returned or a Form 234 P.D. received, the officer's bureau commander will be notified.
  - c. If all notices fail to obtain results, upon approval of the commander of the Records Division, an internal investigation will be requested through the appropriate chain of command.

H. When Evidence is Removed from the Property and Evidence Section for Purposes Other Than Court

1. No property will be removed from the Property and Evidence Section except for official police business.
2. The officer will properly identify himself and the article(s) requested, and be able to provide the case report number.
3. The officer will sign his name, serial number, and assignment on the reverse side of the original copy of the recovered property report form (Forms 236/236A P.D.)
4. The officer will advise members of the Property and Evidence Section of the purpose for removing the property and the anticipated date of return.
5. The Form 236 P.D., will be placed in a temporary file until the article(s) is returned.

6. The officer will complete a Form 234 P.D., Property Control Report, when he/she is not going to retain exclusive control of the property (e.g., releasing the property to the laboratory for analysis or releasing property to the prosecutor's office). A Form 234 P.D., will be completed for each control number checked out by the Property and Evidence Section.
7. The completed Form 234 P.D., will be returned to the Property and Evidence Section within twenty-four hours. In the event the completed Form 234 P.D., is not returned within the specified time period, the procedures outlined in Section G - 4, of this annex will be followed by the Property and Evidence Section.
8. The officer will return to the Property and Evidence Section to pick-up the completed Form 234 P.D., from the temporary file prior to reclaiming the property which was relinquished to another element/agency.

## \*PAWNSHOPS – RECOVERED PROPERTY

## A. General Policy

Members will follow the below listed procedures when handling property in a pawnshop that has been identified as being misappropriated/stolen (misappropriated is defined as stolen, embezzled, converted, or otherwise wrongfully appropriated or pledged against the will of the rightful owner or party holding a perfected security interest).

## B. Procedure

1. Officers/detectives who find misappropriated property in a pawnshop will contact the Pawnshop Section detective and provide that detective with all available information. The Pawnshop detective will then be responsible for executing the hold order and providing copies of the hold order and reports to the appropriate elements. It will be the responsibility of the investigating element to monitor hold orders for the expiration date, and to notify the Pawnshop detective of any extensions. The Pawnshop detective must be given a one week notice for an extension of the hold order. If a Pawnshop detective is not available, the officer/detective will contact the appropriate Property Crimes detective, who will place a hold order on the property. The Property Crimes detective issuing the hold order will notify the Pawnshop Section in a timely manner.
2. The Notification of Police Hold On Property In A Pawnshop, Form 5721 P.D., will contain the following:
  - a. The case report number (if the CRN was issued by an outside agency)
  - b. The name and address of the pawnshop
  - c. The pawn or buy number
  - d. The date and time of the hold
  - e. The expiration date of the hold
  - f. The city or zone of the theft
  - g. The original case report number
  - h. A complete description of the property to be held, including the brand name, model and serial number
  - i. The name, title and serial number of the detective issuing the hold, and the mailing address of the issuing agency

3. The hold order will be signed and dated by the issuing detective and by the pawnbroker or the pawnbroker's designee. The pawnbroker will be given the goldenrod copy of the hold order as a receipt. The initial hold order will not exceed two months. Upon written notification, the initial hold order may be extended, (but no more than two successive, one month holding periods). This notification must occur prior to the expiration of a holding period, in writing, from the element which placed the initial hold. A hold order may be released prior to the expiration of a holding period or extension thereof, by written release from the agency placing the initial hold order.
4. In the event misappropriated property which is subject to a hold order, is in the possession of a pawnbroker, and is needed for a criminal investigation or prosecution, the property will be recovered by the investigating officer/detective. Upon completion of the criminal investigation, the property will be returned to the pawnbroker. If the criminal investigation is not completed within 120 days after the property was recovered, the investigating element will immediately return the property to the pawnbroker or obtain a warrant for the continued possession of the property.
5. The investigating officer/detective will be responsible for informing the crime victim of their options to gain custody of their misappropriated property, in accordance with Section 367.044 of the Revised Statutes of Missouri. Crime victims should be advised to provide the pawnbroker with the following:
  - a. A written demand for the return of their property.
  - b. A copy of the offense report.
  - c. A sworn affidavit verifying ownership. This affidavit must contain the following information:
    - (1) Name and address of owner.
    - (2) Description of property being claimed.
    - (3) Written statement that the described property was reported stolen to the police, the owner is willing to prosecute and promises to appear in court.
6. When an officer/detective is asked to respond to a pawnshop where a crime victim is attempting to retrieve property, the officer/detective will standby to maintain peace. If the pawnbroker refuses to return the property the officer/detective will advise the crime victim that the matter must be resolved in small claims court.

## Exhibit 3

# Property Disposal Request Form

Kansas City Missouri Police Department  
**PROPERTY DISPOSITION FORM**



Property and Evidence Section  
1525 Holmes, Kansas City Missouri 64108

Date Sent: \_\_\_\_\_

Return completed form to the Property and Evidence Section Supervisor within 30 days.  
Please indicate the property disposition for the Control Number \_\_\_\_\_

**HOLD** All evidence concerning the control number listed above.

- Reason for **HOLD** \_\_\_\_\_

- Person authorizing **HOLD** \_\_\_\_\_  
(Name) (Telephone #)

**DISPOSE** Of ALL evidence under the control number listed above, according to department directives.

**APPEALED** Case is currently under appeals.

**RELEASE** Evidence to claimant(s) listed on Form 236 P.D. or as listed below.

Item # \_\_\_\_\_ Name/DOB \_\_\_\_\_ Address \_\_\_\_\_

Item # \_\_\_\_\_ Name/DOB \_\_\_\_\_ Address \_\_\_\_\_

Item # \_\_\_\_\_ Name/DOB \_\_\_\_\_ Address \_\_\_\_\_

**DISPOSE** Of ALL evidence under CRN \_\_\_\_\_ according to department regulations and/or policy as this case has reached its final disposition per \_\_\_\_\_

\_\_\_\_\_  
**Releasing Officer/Detective** **Serial #** **Date**  
(Print Clearly)

\_\_\_\_\_  
**Supervisor/Commander Approval** **Serial #** **Date**  
(Print Clearly)

Exhibit 4

Investigations Bureau Memorandum 08-01

April 1, 2008

**INVESTIGATIONS BUREAU MEMORANDUM NO. 08-1**

**SUBJECT:** Property Disposition Form 5743 P.D.

Effective immediately, all Property Disposition Form's 5743 P.D., submitted by the Property and Evidence Section will be forwarded to the respective Division Office for distribution to each affected unit. All Investigations Bureau personnel should refer to their unit manuals regarding the release of property in completing this form. If the forms are not returned to the Property and Evidence Section after thirty (30) days, a second notice will be forwarded to the respective Division Commander for assistance.

This procedure will streamline the disposal process and allow the Property and Evidence Section to track each disposal request submitted and ensure accountability.

Deputy Chief Kevin Masters  
Commander  
Investigations Bureau

**DISTRIBUTION:** All Investigations Bureau Members  
All Department Elements  
Post on all bulletin boards for two weeks

Exhibit 5

Narcotics and Vice Division Disposal Request  
Tracking Sheet

8/20/10

**PROPERTY DISPOSAL FORMS  
NARCOTICS AND VICE DIVISION**

Received memo dated July 19, 2010 along with 253 Property Disposal Forms on July 22, 2010 to have forms returned by August 19, 2010 to Sgt. Schilling, Property and Evidence Section

253 forms were received and dispersed to the following squads on July 23, 2010:

<u>Squad</u>	<u># dispersed</u>	<u>STATUS as of August 20, 2010:</u>
Vice (1970 Squad)	2	2 forms sent to Det. McGuire, Cyber Crimes for disposition. Maggie will send back to Vice.
Interdiction (1840 Squad)	11	11 returned
1820 Squad	22	25 returned
Metro Meth (1870 Squad)	23	21 returned by MMS, 1 sent to Civ. Erickson, 1 sent to Det. Templeton, additional 1 completed
Career Criminal (1880 Squad)	27	27 sent via interdepartment mail to Property & Evidence
Gang (1950 Squad)	36	12 returned
SNU	39	10 returned by Sgt. Jackson 21 returned by Sgt. Garza
1810 Squad	<u>93</u>	99 returned
		<b>200 returned (hand delivered to Prop &amp; Evidence )</b> <b><u>27 returned via interdeparmtent mail</u></b>
	<b>253 dispersed</b>	<b>227 returned</b>
		200 hand delivered on 8/20/10 27 sent interdeptment to Prop & Evidence week of 08/09

## Exhibit 6

### Investigations Response

MEMORANDUM

RECEIVED

RECEIVED  
MAR 07 2011  
2/8/11, #2  
INVESTIGATIONS BUREAU

March 4, 2011

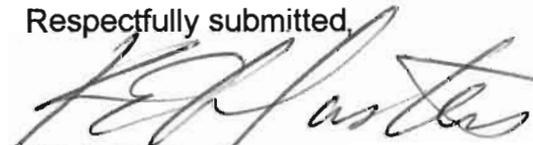
MAR 07 2011  
FEB 7 #5  
CHIEF'S OFFICE

To: Nick Nichols, Executive Officer, Chief's Office  
From: Kevin E. Masters, Commander, Investigations Bureau  
Subject: Response to Property and Evidence Disposal Process Audit as requested by Manager Thomas Gee, Internal Audit Unit

Attached are comments from the members of the Investigations Bureau on the above topic.

My primary thought is the audit recommendations do not place enough attention to the topic of advancing technology within the Property and Evidence Section. All elements on the department are using the Tiburon Property module to recover property. P&E's insistence on placing newly recovered property in ALERT Propin is creating additional work for everyone on the department. I understand the need to run a parallel system until the Propin entries can be reconciled with Tiburon; however the existing policy and practice of putting newly recovered property into our old record management system is not acceptable.

Respectfully submitted,



Kevin E. Masters

*Mrs. Gee -*

*forwarded for inclusion in the  
Audit.*

*De Jure RHR  
3-7-2011*



## PROPERTY AND EVIDENCE DISPOSAL PROCESS

The findings and recommendations of the Internal Audit Unit relative to the Property and Evidence Disposal process were reviewed by Narcotics and Vice Division personnel. The document is quite lengthy and extremely difficult to read however the following observations were made by the supervisors who regularly deal with the issue:

- District officers must correctly fill out the Form 236, indicating if a case is a city case. This will ensure that the form goes to the right person for disposal and hopefully eliminate the extreme number of disposal forms coming to DEU.
- Their ever capable Sergeants need to ensure the troops fill the form out right before signing
- The entire process will benefit from the proper use of the Tiburon system. If both district officers and investigative personnel properly update the system when a case is closed, this will negate the need for property disposal forms to be sent. Investigative supervisors need to assure this has been done when cases are closed or inactivated if appropriate
- It would save quite a lot of time if Technology personnel for JACO and KCPD could communicate and get the VPN (Virtual Private Network) working so that checks with the prosecutor's office data base could be made without our personnel having to make an appointment to respond downtown. This system has worked in the past but no longer functions.
- The T-date of 30 days is reasonable but only if it starts when the form is received by the respective unit, not when it sails out of P&E into the snail mail system we use. These forms are often held up somewhere and this shortens the time the respective detectives/supervisors have to research and make a decision.

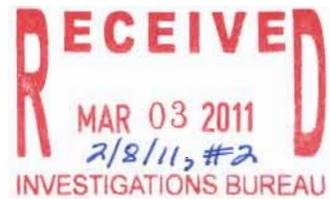
Sergeant John Jackson

- I agree with extending the time limit for Narcotics and Vice.
- I suggest training/reminders for Desk Sergeants when they sign off on property slips for city drug cases where DEU is marked.
- Jackson county prosecutor's office often has interns which may check the status of cases through their offices, I suggest utilizing them more instead of sending NVD personnel down there to look up cases.

Sergeant Stephenie Price

- Serious consideration should be given to the recommendation that a full time Property Disposal position be implemented due to the manpower that is required to successfully process the volume of disposals.

Sergeant Reyne Reyes



## MEMORANDUM

February 18, 2011

**TO:** Director Linda Netzel, Regional Criminalistics Division

**FROM:** Sergeant Kevin Kilkenny, Regional Criminalistics Division

**SUBJECT:** Response to Property and Evidence Disposal Process Audit, 10-4

I have reviewed the Property and Evidence Disposal Process Audit, 10-4, that was prepared by Officer Marvin Forbes Internal Audit Unit and have the following comments:

#3 of the findings and recommendations notes a 30 day response is required in accordance with Investigations Bureau Memorandum 8-1. Since this is an Investigations Bureau Memorandum and not a Department Memorandum/policy, other Bureau's are not required to follow it. To eliminate any possible problem, prior to initiating recommendation #3, it should be incorporated into a policy that the whole department is required to follow.

#5 of the findings and recommendations notes that the Tiburon Computer System allows the detective to indicate that evidence can be disposed of. I concur that additional training on this feature as well further testing the process is in order, but I would also recommend that the arresting officer be responsible to enter the disposition of evidence that is recovered in conjunction with a city case that has been adjudicated.

#8 of the findings and recommendations notes that the "unit handling follow up" box on the 236 is a key for routing of disposal requests. I concur that this information is important, but believe that training is badly needed for all personnel on what elements specifically "follow-up" or "investigate" each incident. It is also important to note that after the transition of the recovery process using the Tiburon Computer System, the recovering officer will have no mechanism available to them to denote that a particular element is handling the investigation and/or follow-up.

It is important to address issues that currently exist with the property disposal process. The transition of the recovery process using the Tiburon Computer System exclusively has begun and consequently the property disposal process will be totally different when utilizing this system in the future. The use of this system constitutes a major change of business practices for the police department and should be incorporated as soon as the transition is complete. Possible solutions to many of the problems identified in the audit could be addressed with the development of crystal reports that identify property that can be disposed of. For example a crystal report can be developed to identify all

property that falls into RCX (Recovered for Safekeeping/not reported stolen) and SFK (Safekeeping) categories. Both of these categories identify recovered property that is not evidence and can be disposed of. An additional crystal report could be developed that identifies all property that fall into EVD (Evidence), OUT (Recovered Outside Agency Stolen Property), RCO (Local Stolen Outside Recovered), RCV (Recovered – In Custody), SAR (Stolen and Recovered), and SZD (Seized) where no other reports were initiated and no entries in the case management system were generated in specified amount of time after the item was recovered. This search would identify all cases where no investigation has occurred within the reasonable amount of time and the property can then be disposed of.

You also asked for any other issues that the Regional Criminalistics Division has had with the Property & Evidence Section. The majority of issues that arise over the recent past have been addressed and/or resolved with meetings between the two elements. The remaining unresolved issues (which have been discussed) revolve around meshing the old system (PROPIN and LABOPS) and processes (use of Form 236 v. paperless) with Forensic Advantage and eventually Tiburon. The major sticking point to resolve the remaining issues is that the Property & Evidence Section and the Regional Criminalistics Division do not have a firm grasp of the changes to the business practices of recovering and transferring property/evidence that will occur with the implementation of the Tiburon System.

Another issue that is indirectly related to the disposal process is the investigation of CODIS, NIBIN, and AFIS hits. The Property & Evidence Section is dependent on investigative elements to complete this investigative process so that disposal process can begin. It appears from that this process is a major bottleneck. The September 27<sup>th</sup>, 2010 memorandum titled, "AFIS, CODIS and NIBIN Case Hit Outcomes" identified 185 cases from 2008 that have yet to be investigated. As of February 18<sup>th</sup>, 2011 only 14 of those cases have a Tiburon report or a case management entry related to the hit. Therefore, the property cannot be disposed of without a final disposition.

Submitted for you review.

DC Master S: I think the fact that there appears to be no plan to phase out Propin and the use of 236's will result in continued inefficiency. I understand that the audit had a singular focus but the multiple systems being used to track evidence is certainly a contributing factor to how ineffective evidence disposal is. Submitted for your info.  
Dr. Metzger  
2/2/11

  
Sergeant Kevin Kilkenney  
Regional Criminalistics Division



MEMORANDUM



March 3, 2011

TO: Deputy Chief Kevin Masters, Commander, Investigations Bureau  
FROM: Major Randall Hundley, Commander, Violent Crimes Division  
SUBJECT: Property and Evidence Audit Response

DC Masters,

The Violent Crimes Division has reviewed and commented on the Property and Evidence Disposal Audit Response. Multiple comments are attached with valuable ideas for consideration. I have placed my comments below also.

Investigations Bureau Memorandum 08-1 needs to be amended on a units time to respond to property disposal requests. Currently at 30 days to return. Recommend changing to 60 minimum.

Recommendation #3; #7. Related topics.

Accountability on returns is an issue on both ends. VCD reports returning P&E Disposals that P&E state they never received. The current system is old and outdated. Should investigate and determine how other police agencies handle for new ideas.

P&E ways of sending multiple sheets continuously on the same case to be reviewed several times per year is redundant and a waste of manpower hours. In addition, a stack of 300 forms can have the same CRN 1-12 times within the stack. The next stack forwarded in the following month can again have several forms that were just reviewed the previous month resulting in the case being reviewed again. This results in frustration from the reviewer. As a sergeant in assigned in the Homicide Unit, I personally experienced this for years and it is still occurring.

Recommendation #4.

It is imperative that not only P&E be involved with the update of Procedural Instruction 04-04, but all involved elements to have the best product and by-in from all affected by the conditions.

Recommendation #5.

I concur with #5 as a potential solution for current cases after additional training has been conducted.

Recommendation #6. I concur.

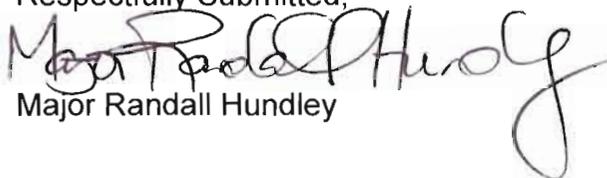
Recommendation #8. Patrol Bureau members should only indicate VCD on follow up if it is warranted. If a case is handled in the field as a city case, VCD elements should not be listed. The patrol element should be responsible for the disposal of property. VCD is also the "catch all" for P&E disposals outside of drug cases.

Recommendation #9. I concur.

Lastly, it is important that the P&E disposals forms be completed accurately and not just heavily favored on a short time table. In viewing the response to the data analysis performed by the audit, which based the results off of the set date for return, I would like to see if the final conclusion of whether the P&E disposals were ever returned versus the set date would have a higher clearance on returned forms. This would provide a better picture of completing the tasks. There are many variables that could result on the completion and return of the forms. More consideration should be placed on completing the forms versus a specific time period (short turn around).

Recommend forwarding for inclusion in the audit findings.

Respectfully Submitted,

  
Major Randall Hundley

## MEMORANDUM

02-22-2011

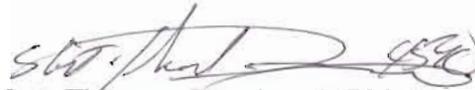
TO: Capt. Floyd Mitchell, Commander, Violent Crimes Division, Homicide Unit.  
FROM: Sgt. Thomas Dearing, Supervisor, Homicide Unit, Assault Squad  
SUBJECT: Property and Evidence Disposal Process Audit

Capt. Mitchell,

You requested, I review the Property and Evidence Disposal Process Audit and forward any recommendations to you.

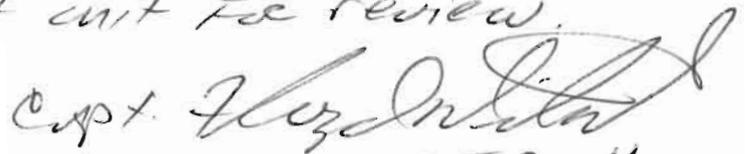
I reviewed the audit and it appears very thorough and covers many of the ongoing issues with the Property and Evidence disposal forms. A survey was conducted by the Property and Evidence Section which was included within the audit. Within this survey was a portion for "comments". Upon reviewing the comments section of the survey, I noted several entries with regard to the prosecutor's office. These comments and recommendations in general; state the prosecutor's office should have the final say on disposition of property or at the least, we as a department should have access to their data base to determine the status of a case. Many times I have called the prosecutor's office to determine the status of a case and they have been very cooperative and willingly provided the information, however this is not feasible when you are attempting to determine the status of hundreds of cases. The audit recommends pursuing the capability to obtain a remote terminal from the prosecutor's office. I would concur with this recommendation and in my opinion would severely reduce the time spent by investigative elements determining the status of criminal cases, and speed up the disposal of evidence process. The logistics to do this have yet to be explored. The audit states in part; "Jackson County does not oppose this type of access, but currently are having difficulty making the technology work correctly." This statement leads one to believe that this is/or has been worked on recently or currently. I would highly recommend this being analyzed and if feasible; implemented. I believe this would solve the majority of smaller issues relating to the disposal process. I cannot speak for other elements, but we as the Assault Squad currently have to search thru three different databases, two of which are outdated and no longer actively used by the department. We also use Missouri "Case Net" to determine status of cases as well. If we are unable to locate any information on cases using the above mentioned resources we pull the steno file of the case. After a certain year these steno case files are transferred to the archives building.

If we were to get a remote terminal from Jackson County it would allow us to circumvent all the above options. It would further solve the issue of how many property disposal requests we receive. Based on the survey it appears a large issue; is the amount of disposal slips received and the time period allotted for those disposal request to be completed. If we had access to a remote terminal, I believe this also would cease to be an issue as one could very quickly and methodically clear several request in a timely manner.

  
Sgt. Thomas Dearing #4590  
Homicide Unit, Assault Squad

Mrs. Hurdley

I recommend forwarding to  
the Internal Audit unit for review.

  
2-25-2011



## Mitchell, Floyd O

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**From:** Kirchhoff, Keith  
**Sent:** Friday, February 25, 2011 11:39 AM  
**To:** Mitchell, Floyd O  
**Subject:** Response to Property and Evidence audit

The entire document was written in response to a memo generated by Narcotics and Vice in November 2009. There are slight differences in the disposal of property between the two divisions (VCD and NVD). VCD generally will tend to retain property for longer periods of time because of the severity of the investigations (murders, assaults, etc.) and the analysis of the evidence by the crime lab (DNA analysis, etc.).

With regard to the Findings/Recommendations:

1. There should be some type of training as to what type of property should and should not be recovered. I believe district officers err on the side of caution and recover items that do not need to be recovered. This may cut down on the available storage space being utilized.
2. I am not entirely sold on the fact that we should focus on the disposal side of the equation, as opposed to the latter.
3. With the RMS system, along with Case Management, investigative sergeants and detectives should be able to release property much easier and quicker (refer to Findings/Recommendations #5)
4. Access to the Jackson County database would be very beneficial to the process.
5. Allowing additional time would also be a benefit. Receiving several hundred disposal requests with a turnaround time of thirty days is unreasonable.

Keith Kirchhoff

## Hundley, Randall

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**From:** Folsom, Mark  
**Sent:** Tuesday, March 01, 2011 10:42 AM  
**To:** Hundley, Randall  
**Subject:** FW: Property and Disposal Audit Comments

Here are the comments I have collected. My comments are at the bottom.

### Sgt. Downing:

First off, it is clear that the Property and Evidence Unit was not receiving our completed forms. This has been said in the past that they were being completed, but obviously by the numbers the property and evidence section was not receiving them. We were sending them through the mail, but now I have started taking them to the property room myself to make sure they make it there.

Second, DEU has a civilian doing a lot of the work. She is sorting them and doing some leg work to free up the detectives. I don't know what the workload is for the civilians, but what DEU has would be helpful to the violent crimes division as a hole.

Third, I can't believe I am saying this, but, with the starting of the cold case squad, I would incorporate how we do things in Sex Crimes with the new formation of the squad. This would free up detectives not in the cold case squad to work those fresh cases, but we would need help from civilians like DEU has so we are not bogged down.

Fourth, in regard to Sex Crimes cases; it is ignorant to have us looking at 2008 and 2009 cases. You are not going to get a good dispose rate. They should focus on the earlier years so we could have a better percentage of cases released.

### Sgt. Trout:

I reviewed the Audit. One easy solution of the overall problem is this:

1) Property forms should be marked in one of three ways. Safe Keeping, Evidence City Charge, Evidence State Charge

a) Safe Keeping property can be disposed of by Property and Evidence on their own.

b) City Charge Property can be disposed of by some clerk who checks Alert for disposition in charged case and after a year has passed in uncharged cases. (I have never had to take evidence to city court, what is the average disposition time frame of a city case? Dispose of them then.)

c) State Charge Property should be linked to a court database. Once appeals have been exhausted or after sentence is served the evidence can be released. If uncharged the evidence could be released after the statute of limitations has been reached. This could be automated in some fashion but of course this would take cooperation between the courts, DOC, us, maybe Prob&Parole. That would be difficult.

As for us in Sex Crimes, obviously Cold Case is the place for these to be done. Since we do not have a statute of limitations on many cases, a lot of our property should be held indefinitely as they do in Homicide.

### Sgt. Colon

I concur with Sgt. Trout's suggestions.

### Sgt. Zink/Sgt. Murry:

**From:** Zink, Sondra L  
**Sent:** Wednesday, February 16, 2011 12:25 PM  
**To:** Murry, Roy M; Folsom, Mark  
**Subject:** RE: Property and Disposal Audit Comments

Ok. I talked to Trish and here is her feedback:  
She is strongly opposed to FI being released basically for the reasons I mentioned below.

Regarding cases that have been adjudicated:

If they have given a guilty plea, they have 180 days to file a motion to appeal. Having said that if they are given probation and the probation is later revoked, their 180 days begins when they are returned to jail. Trish said if it is a case with a guilty plea, she would be OK with a property disposal anytime after 1 year from the date of the plea.

If the case went to trial and they were found guilty, they can file an appeal any time prior to their release from prison. I asked if they are released on parole and are sent back, does the same situation apply. She said no because then they are there for a actual charge of parole violation, rather than whatever the original charge was. Basically she said in a case where they went to trial and were found guilty, she would recommend that no evidence be released until the suspect has been released from custody (served the sentence or paroled).

I told her we used Case Net and Mo LENS (Mo LENS provides the maximum release date for a conviction) as sources for information regarding these action and asked if there were a reliable regarding pleas, convictions, release dates, ect. She said her experience is that everything is accurate unless you are dealing with a very old case. She said in the older cases it is not that the information is not accurate, it is often just not there. She said in any of those cases, she would recommend us just contacting her and she would be able to provide the needed info.

*Sgt. Sondra Zink*

Kansas City, Mo. Police Department  
Crimes Against Children Section  
(816) 234-5150 office  
(816) 234-5570 fax

**From:** Zink, Sondra L  
**Sent:** Wednesday, February 16, 2011 9:41 AM  
**To:** Murry, Roy M; Folsom, Mark  
**Subject:** RE: Property and Disposal Audit Comments

I agree with no disposing of forensic interviews. Our case this week is a prime example. The case was originally unfounded due to the victim's lack of disclosure during the forensic interview (but had disclosed to others). Now we have a suspect that has confessed to it all and the case has been re-opened. I agree it does not happen often, but this is now the 4<sup>th</sup> that I know of in the last year. The Forensic Interview is critical to portray a child making disclosures as opposed to an adult. I know the prosecutors have said that is pivotal in prosecution.

I know I have easier access to contact prosecutor than Roy does so I have called and left a message for Trisha. I am going to run a few questions by her and get her feedback. As soon as I hear back from her, I will update you.

*Sgt. Sondra Zink*

Kansas City, Mo. Police Department  
Crimes Against Children Section  
(816) 234-5150 office  
(816) 234-5570 fax

**From:** Murry, Roy M  
**Sent:** Tuesday, February 15, 2011 3:30 PM  
**To:** Folsom, Mark  
**Cc:** Zink, Sondra L  
**Subject:** RE: Property and Disposal Audit Comments

I understand: Pete's other main concern is when a suspect has served his/her time he's wanting to dispose of evidence. I would like to see access to the prosecutor's database, or better yet, direction from the prosecutor's office on how long a suspect has to appeal his conviction etc.....before we dispose of this type of evidence, especially if a suspect is released from custody on probation/parole...How long after the conviction and completion of sentence should we reasonably hold evidence.

Sgt. Roy Murry #4560  
Crimes Against Children Section  
930 Squad  
816-889-1640

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**From:** Folsom, Mark  
**Sent:** Tuesday, February 15, 2011 8:26 AM  
**To:** Murry, Roy M  
**Subject:** RE: Property and Disposal Audit Comments

I don't like the idea of getting rid of forensic interviews. As time marches on, people change, especially kids. Plus, people's memories may fade. I think we need to keep them until the SOL has completed (they turn 38).

Also, lots of times the young victims really don't have a choice, the parents make the decision regarding cooperation/charges (and they may be the perps or sympathetic to them).

Capt. Mark Folsom  
Commander  
Special Victims Unit

**From:** Murry, Roy M  
**Sent:** Friday, February 11, 2011 3:48 PM  
**To:** Folsom, Mark  
**Cc:** Zink, Sondra L  
**Subject:** RE: Property and Disposal Audit Comments

Maybe we could consider this as an option Captain:

Pete's biggest hang up for storage with us seems to be the extreme and excessive amount of old videotapes, CD's etc..... Obviously, while a suspect is charged, convicted, or serving a sentence we would not dispose of any evidence.

However, when a case has no cooperating witness, victim, or the case was no pros by the State, maybe we should consider holding only DNA evidence and disposing of everything else. We could get rid of a lot of CD's, old tapes etc.... on these types of cases.

Even though our unit had a couple of recent cases where years later we needed the evidence, it was small in comparison to the number of cases that we released evidence on.

If we held onto the DNA evidence, the witness and victim interviews could be redone if needed and because it's not an everyday issue it shouldn't hurt us that badly. There are boxes on the back of the 236 that allow us to hold or dispose of evidence only concerning that particular item/items.

I would still like to see a dedicated warehouse for sex crimes and homicide as between our two units we would need long term storage for many of our cases.

Just my thoughts.

Sgt. Roy Murry #4560

Sgt. Johnson

I agree and recommend approval of the findings and recommendations of the Property and Evidence Disposal Process Audit.

Sgt. Lamport

I don't have anything to add. We usually have a quick turn around once we receive the forms the only thing that seems to slow us down is contacting JACO. It appears recommendation #6 covers this.

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I don't like recommendation #3. We have no idea which property releases are in the stacks we get because P & E doesn't give us one. If they develop a database and can attach a check-off sheet showing which ones are in each stack, the sergeant can insure they get every one of them back. Also, a database would allow them to set up a rotation as to when to inquire with the investigative unit again (every few years) as we have gotten some more than once.

#6 would be great as the sergeants advised.

#7 Agreed. We need more time when we get several hundred at a time.

#8 Definitely agree with this one. Crimes Against Children/Juvenile get ones that don't apply to us all the time, just because a juvenile is the suspect.

#9 This is fine but SVU already has written policies for each section regarding property disposals. We can certainly reinforce that with our personnel if it needs to be done.

Finally, I like Sgt. Trout's suggest of the three box system:

Property forms should be marked in one of three ways. Safe Keeping, Evidence City Charge, Evidence State Charge

a) Safe Keeping property can be disposed of by Property and Evidence on their own.

b) City Charge Property can be disposed of by some clerk who checks Alert for disposition in charged case and after a year has passed in uncharged cases.

c) State Charge Property should be linked to a court database. Once appeals have been exhausted or after sentence is served the evidence can be released. If uncharged the evidence could be released after the statute of limitations has been reached. (Rapes and Sodomies have no statute of limitation so many of these can never be disposed—in those cases we should not be asked to review as often.)

Capt. Mark Folsom  
Commander  
Special Victims Unit

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**From:** Hundley, Randall

**Sent:** Thursday, February 10, 2011 3:44 PM

**To:** Folsom, Mark; Miller, Jennifer; Mitchell, Floyd O; Terman, Mark D

**Subject:** Property and Disposal Audit Comments

Jennifer is currently printing the Audit Review from the Property and Disposal Audit. The DC has assigned me a T-date of 03/03/2011. **I am assigning you guys the T-date of 03/01/2011.** This is important to review and comment as it affects your unit and expectations. Pls have comments to me by date. Thx, reh

MEMORANDUM

02-20-2011

TO: Captain Mark Terman, ADC, Violent Crimes, Robbery Unit  
FROM: Sgt. Ron Legg, Supervisor 1080 Squad, Robbery Unit  
SUBJECT: Property and Evidence Disposal Audit

Captain Terman,

Regarding your request to review the audit committee findings, I have the following recommendations.

1. Remote access to the Jackson County database from the 2<sup>nd</sup> floor.
2. The development of a clear, concise, and simple matrix outlining when property can be released and when it must be held, along with a quick reference of what databases can be checked for said info. (Posted next to above mentioned terminal.)
3. More accurate system of tracking to ensure units are getting credit for slips returned to property and evidence to avoid redundancy and repeated work.

Respectfully,

  
Sgt. Ron Legg #4779

Major Hundley  
FYI - for inclusion in the  
response packet.  
Capt Terman  
2-28-11

RECEIVED  
FEB 08 2011  
#2  
INVESTIGATIONS BUREAU

RECEIVED  
FEB 07 2011  
5  
CHIEFS OFFICE

MEMORANDUM

February 7, 2011

TO: Deputy Chief Nick Nichols, Executive Officer, Chief's Office

FROM: Thomas Gee, Manager, Internal Audit Unit

SUBJECT: Request for Response to Property and Evidence Disposal Process Audit, 10-04.

Sir,

Attached please find the Property and Evidence Disposal Process Audit, 10-04. This audit has been reviewed by the auditees for accuracy. I am now requesting it be forwarded in the following manner for their written response if any:

1. To the Investigations Bureau to be routed to the Narcotics and Vice Division and the Property and Evidence Section and any other elements within the Bureau at the discretion of the Bureau Commander.
2. The appropriate personnel should craft their written response and return the audit through their chain of command back to you in the Chief's Office.
3. I then request you send it back to me so we may prepare the audit for submission to the Chief.

By written policy the auditee has 30 working days to submit a written response. In this case their response would be due in the Internal Audit Unit on or before **Tuesday, March 22, 2011.**

Respectfully submitted,

  
Thomas Gee

*De Masters -  
Submitted for your review and  
response please. Thank you.*

*cc: Majors Zimmerman, Hurdley and Mrs. Netzel  
for comments; Return to Bureau office. TPATE  
for response is **MARCH 3, 2011.**  
De J. P. Justice  
2/8/2011*

## Exhibit 7

# Property and Evidence Response

RECEIVED

OCT 17 2011 5

## MEMORANDUM

October 3, 2011

OCT 20 2011  
FEB. 7 #5  
CHIEFS OFFICE

**TO:** Deputy Chief Darryl Forte', Commander, Executive Services Bureau

**FROM:** Major Robert J. Kuehl, Commander, Logistical Support Division

**SUBJECT:** Response to Property and Evidence Unit Disposal Audit 10-4

Attached are the responses from both Sgt. Francis and Sgt. Schilling regarding the above referenced audit. In my assessment, the most cogent piece of information is the line highlighted in the response authored by Sgt. Francis regarding full implementation of the Tiburon system and the abandonment of the current PROPIN system.

Subsequent to the receipt of their responses, a very in-depth look at our current systems and structure of the Property & Evidence Unit has led me to the conclusion that any additional time, energy or effort spent on this unit must be in pursuit of the viability of a migration to the Tiburon module. Additionally, given the size, scope and complexity of this project, which will require an in-depth look at our current systems, department policies and will include a very detailed migration plan, it should be given due diligence complete with the assignment of a project manager. This is particularly important since this has the capacity to impact virtually every element on this department and will have to do in no small way with the disposition of property that has significant evidentiary value.

It is also my opinion that this is not likely to occur given the current structure of the Property and Evidence Unit. As it stands, the Property & Evidence Unit does not have a commander assigned to its table of organization. It is my assessment that this prevents this project from gaining any traction as the appropriate commander could serve as the project manager. Additionally, I am also inclined to conclude that the lack of direct command oversight of this unit that would normally be provided by a captain also presents what could be significant risk to this element from a quality assurance/quality control/strategic oversight viewpoint. While Sgt. Francis and Sgt. Schilling are outstanding when it comes to the operational aspects of this element, it is neither reasonable nor appropriate to charge them with the duties and responsibilities that would fall under the auspices of a captain.

It should be noted that I have evaluated the possibility of placing this unit somewhere else in the organizational structure of the department, but it does not appear to me that there is an appropriate or suitable location for them other than the Logistical Support Division. Given that, it is my recommendation that consideration be given to the addition of a captain to the table of organization for the Property & Evidence Unit. I believe that this individual could not only provide

the necessary command level oversight, but also fully explore the viability of migrating the unit to the Tiburon system.

I recommend that this information be forwarded to the Internal Audit Unit after your review/endorsement.

*Major Robert J. Kuehl*  
Major Robert J. Kuehl 10/31/2011  
Commander  
Logistical Support Division

Forward to Audit

*Chief of Staff*  
10-19-11

FROM THE DESK OF

ROBERT KUEHL

October 3, 2011

DC Forte',

As you know, we've been exploring options within the P&E Unit since this audit was conducted; my conclusion remains that the addition of a captain to that unit is critical for all the reasons outlined in my response to the audit.

I have included the request for that position in my response to the audit as it seemed to "flow" better that way and, in my humble opinion, the audit itself serves as significant justification for the position; if you would like me to handle it differently, just let me know...and I'll argue with you about it 😊 (just kidding...sort of!)

Thanks and have a great day!

Bob

## MEMORANDUM

March 18, 2011

TO: Major Robert Kuehl, Commander, Logistical Support Division

FROM: Sergeant Randy Francis, Supervisor, Property & Evidence Unit

SUBJECT: Response: Property and Evidence Unit Disposal Audit 10-04

Having reviewed the recommendations outlined by Officer Forbes of the Internal Audit Section regarding the methods currently being utilized by the Property and Evidence Unit in the disposal of property, I have the following comments in order as they are listed on his Findings and Recommendations cover sheet:

#1 and #2 were commentary findings and stated no recommendations.

#3 deals with preparing a report to the Chief detailing the current inventory numbers, the number of property disposition requests sent to each unit, the number of disposal requests returned by disposition, and the number of disposal requests by unit not returned.

Response: Such a report can be designed on an Excel spread sheet. My questions are, does the *Chief* really want this and how often does it need to be prepared? This spread sheet could become quite complicated if it is to track each current mailing and still track all previous mailings that have exceeded the T-date. Assistance from someone more familiar with designing spread sheets would be required.

#4 recommends P&E members work with Planning and Research to update PI 04-04 and to include a list of potential problem solving alternatives.

Response: PI 04-04 could use some updating now that Tiburon has been introduced. However those changes would be minimal and the changes needing to be listed are pretty much so in affect. Revising the whole PI prior to the full implementation of Tiburon and abandonment of PROPIN would be time and effort wasted. Alternative problem solving methods are basically common sense methods. The police department is not a part of Public Works and should not be collecting trash or non-evidentiary items of no value. Should push come to shove and the officer and supervisor desire to provide a good faith recovery, the item should be properly disposed of and noted in the applicable report or on the activity sheet. As always, members in doubt can call either supervisor of the P&E Unit for further input.

#5 deals with additional training for detectives on the RMS feature regarding the disposal of property when a case has reached final disposition.

Response: I concur.

#6 speaks of gaining remote access to the computer system used at the Jackson County Prosecutors office to check on the status of a defendant and the case.

Response: I have been saying this for years. Our detectives should be able to access these programs remotely just as they do an ALERT, MULES or NCIC program.

#7 recommends adjusting the turnaround time set on the T-dates for those units receiving large numbers disposal requests.

Response: I disagree. They are given a month to complete this assignment. The reason these units get more disposal requests is because we have more of their items in storage. Giving them more time does not reduce the number of items in storage as these are high intake items coming in weekly. Reducing the amount of time it takes to disperse the requests from time of delivery at the 5<sup>th</sup> floor to the assigned detective should be explored.

#8 recommends P&E members conduct regular updates to field officers on common scenarios that produce potential problems.

Response: This recommendation really does not fit the problem stated. The problem being mentioned is that the field officers are listing the wrong unit as the follow up unit. This is not a P&E issue to deal with. This problem should be handled by the initial investigative unit member contacted by the field officer. Proper instructions should be given at that time. If no such contact is made, the approving supervisor should review the information and question the recovering member regarding the scenario.

#9 deals with training members, specifically investigative members when items are no longer needed and can be disposed of.

This training should be conducted within the investigations bureau and within each individual investigative unit as various crimes have different times regarding the statute of limitations. Those members need to be trained what tools, such as ALERT, MULES, NCIC etc., are available to them. They also need to have a check list to verify that they have exhausted all avenues and or have followed their unit/bureau's procedures prior to authorizing the final disposition so that they can rest assured that negative consequences will not fall upon them should it later be discovered the items were still needed.



Sergeant Randy Francis  
A/ADC  
Property and Evidence Unit

## MEMORANDUM

March 28th, 2011

TO: Major Robert Kuehl, Commander, Logistical Support Division

FROM: Sergeant Peter Schilling, Supervisor, Property & Evidence Unit

SUBJECT: Internal Audit Overview

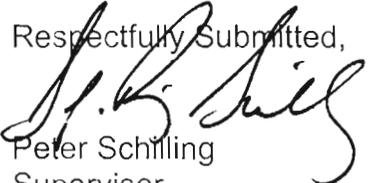
Major,

The Kansas City Missouri Police Department Internal Audit Unit completed its audit of the Property and Evidence Section in February, 2011. I have reviewed the findings and recommendations made by Officer Forbes as a result of the audit and I have noted the following suggestions;

- 1) The first recommendation was for a detailed report to be forwarded to the Chief of Police outlining the return rate of the Property and Evidence Disposal Form to ensure accountability. While this report could be used to ensure accountability, it seems to me to be waste of resources and manpower. The time required to track and prepare a report on a monthly or quarterly basis could be better utilized with the disposal process. Nothing has really changed over the past several years regarding the disposal process except for the importance placed on the issue.
- 2) The second recommendation stressed the importance of updating PI 04-4 to address the recovery of safekeeping items and possible alternatives to dispose of those items. While this represents a small percentage of our total inventory, I would recommend it be reviewed.
- 3) This recommendation was to ensure detectives receive additional training on the RMS system and the disposal icon in the system to reduce the number of property and evidence disposal forms submitted. This would greatly reduce the forms mailed but would require training from within the Investigations Bureau to achieve the goal.
- 4) This recommendation pertains to the additional computer with software that allowed officers to access the database of Jackson County. This would be a great idea but would need follow up to ensure completion.
- 5) Adjustment the time allowed for some units to return disposal requests beyond the 30 days would be acceptable.
- 6) Regular updates to field officers can be achieved thru the daily informant.
- 7) Additional training by the Investigations Bureau is essential to teach officers the importance of releasing property.

The audit recommendations could achieve the goal of ensuring the return of property disposals in the future. Unfortunately, if department members continue to dismiss the

importance of the current procedure, not much will change. One possible recommendation which was not given was for the formation of a small unit to only handle this complex issue. Members such as reserve officers could be utilized to man the unit and release the responsibility of current members who are currently juggling various responsibilities. Another solution is to use current members from within the Investigations Bureau to handle this responsibility. They could be encouraged to be selected by working them on a 5 day work week, with weekends off.

Respectfully Submitted,  
  
Peter Schilling  
Supervisor  
Property & Evidence Section

RECEIVED  
LOGISTICAL SUPPORT  
DIVISION  
DATE: 3-11-11  
ITEM: #1

MEMORANDUM

March 8, 2011

RECEIVED  
MAR 08 2011  
FEB. 7 # 5  
CHIEFS OFFICE

TO: Deputy Chief Nick Nichols, Executive Officer, Chief's Office

FROM: Thomas Gee, Manager, Internal Audit Unit

SUBJECT: Request for Response to Property and Evidence Disposal Audit, 10-04

MAR 10 2011  
Executive Services  
Bureau

Sir,

Attached please find the Property and Evidence Disposal Audit, 10-04. This audit has been reviewed by the auditees for accuracy. I am now requesting it be forwarded in the following manner for their written response if any:

1. To the Executive Services Bureau for distribution as determined by the Bureau Commander.
2. The appropriate personnel should craft their written response and return the audit through their chain of command back to you in the Chief's Office.
3. I then request you send it back to me so we may prepare the audit for submission to the Chief.

By written policy the auditee has 30 working days to submit a written response. In this case their response would be due in the Internal Audit Unit on or before **Friday, April 19, 2011.**

Respectfully submitted,

  
Thomas Gee

DC Fonté:

For your review and response please.

DC Fonté  
3-8-2011

## Exhibit 8

### Audit Disposition Memo

## MEMORANDUM

11-21-2011



TO: Thomas Gee, Manager, Internal Audit Unit

FROM: Marvin Forbes, Officer, Internal Audit Unit

SUBJECT: Property and Evidence Volume Reduction 10-04 Disposition Meeting

On 11-18-2011, at about 1400 hours the Property and Evidence Volume Reduction disposition meeting was held in Chief Forte's office. In attendance at the meeting were the following: Chief Forte; Deputy Chief Hundley, Deputy Chief Gallagher, Major Hopkins, Major Keuhl, Major Cannon, Captain Terman, Captain Bosworth, Manager Gee, Sergeant Sanders and myself.

The purpose of the meeting was to review the recommendations put forward as a result of the Property and Evidence Volume Reduction that was completed in February of 2011. The following seven recommendations were presented to Chief Forte during this meeting.

- 1) *Recommend preparing a detailed report for the Chief that includes the inventory level, non-return rate and return rate (with disposition) of investigative follow up units in order to ensure accountability.*
- 2) *Recommend Property and Evidence work with Planning and Research to update PI 04-04 to include a list of potential problem solving alternatives.*
- 3) *Recommend implementing regular use of this (RMS disposal designation) process after there has been additional training on the feature of RMS and further testing of the process in order to ensure acceptable error levels.*
- 4) *Recommend pursuing this (remote access to Jackson County Database) capability.*
- 5) *Recommend adjusting the time allowed for the units that receive substantially more disposal requests more time for completion of the disposal requests. Recommend the reduction of time for units that receive few disposal requests.*
- 6) *Recommend regular updates by Property and Evidence personnel sent to field officers on common scenarios that produce potential problems.*
- 7) *Recommend a plan to address regular training of department members in charge of disposing property/evidence. The training should be conducted by department units and property and evidence personnel.*

Between the completion of the Audit and the audit disposition meeting, Major Kuel, Commander of the Logistical Support Division requested a Captain to be assigned to the Property and Evidence Unit. The main responsibility of the position is full implementation of the Tiburon system and the abandonment of the PROPIN System.

The request was granted and the position was filled with Captain Terman. He reported the progress that has been made with the project and addressed concerns expressed by other members in the meeting. In addition, he stated that the completion of the project would address the spirit of many of the recommendations. The exact format would most likely differ due to the change in the process of fully implementing Tiburon. For example, recommendation #1 addresses accountability through property and evidence maintaining a tracking process in order to produce a report that indicates exactly how each unit is performing with regard to disposal requests. But, full implementation of the Tiburon system could display property/evidence for any specific unit through a crystal report, thus eliminating the need for the Property and Evidence Unit to maintain a tracking process. However, he did not have an exact date of completion for the project at this time. Therefore, a post audit of the Property and Evidence Volume Reduction Audit 10-04 to be scheduled in about 18 months was approved by Chief Forte.



Marvin Forbes  
Police Officer  
Internal Audit Unit

Major Pruetting,

Recommend forwarding to Chief Forte for his review and approval.

HL  
11-21-11

Chief Forte,

forwarded for your review and approval.  
Major Pruetting

Approved  
Chief Forte 11-22-11