

INTERNATIONAL ASSOCIATION FOR PROPERTY & EVIDENCE

Property Room Standards

15. DISPOSITION AND PURGING

There is no procedure more important to keeping the inventory of a property room at a manageable level than an effective purging program. There is also no responsibility that is ignored more frequently.

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 the size of their inventory has a tendency to slow down routine operations involving evidence location and retrieval, inventories of evidence and related functions that create general inefficiencies in the overall operation.

Generally speaking the 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. By policy decision, some departments delegate dispositions of Found Property and Property for Safekeeping items (excluding firearms) to the Property Office, but such authority should not extend to the disposition of items held as evidence

In order to establish a credible purging system, certain criteria must be established to provide guidance in how long property should be kept before being reviewed. Most police officials would agree that most cases have been concluded (cleared, suspended, or reclassified) within the following time guidelines. The time can be increased or decreased at the discretion of the department.

A suggested review schedule could be to review felonies after one year, misdemeanors after six months, and found property and safekeeping after ninety days. Secondary review should be after similar periods.

A factor to consider in setting these review dates is the limitations of prosecution. In many states there are fixed periods of time after which prosecution on specified types of cases can no longer be initiated. In some states the time limit is absolute, in some it does not start until a suspect is identified, and in some it is extended by the length of time that the suspect is out of state during the statutory period. In many states, the limitation no longer applies once a warrant is issued for the suspect, as long as the agency can show due diligence in attempting to serve the warrant. Regardless of which set of rules apply in your given case, there is no sense in keeping evidence when it is determined that prosecution is no longer possible on a case, unless there is a need based on civil litigation involving the agency.

After establishing the time limits that are most suitable for the department, a system needs to be developed to add a review date to every item of property. Some type of purge review form should be used by property unit personnel to notify a detective when a case is due for review. The form should include check boxes to differentiate items to be released, disposed of, or held. The detective should be required to sign the form for accountability purposes, and state why it is needed. A supervisor should review all such responses. A schedule for re-review should be set for property that is held.

Departments that implement a purging system and rigidly enforce its guidelines usually will find a majority of their property is signed off for release or disposal on the first round, which is usually within a year

Homicide evidence is usually considered to be permanent, however sometimes even it can be purged from the property system. It is suggested that even homicide evidence be reviewed every few years. Sometimes it is found that the suspect has either served their sentence or died. The goal should be that there is not a single piece of property in the custody of the property room that is not needed.

Notification

Official notification to the owner must be made once the determination that property may be disposed of. Any telephone calls that are made attempting to notify owners must be carefully documented, noting the date and time of the attempt, and with who messages are left. A postcard should be sent when telephone contact cannot be made. Some agencies prefer to utilize a form letter instead of a postcard for increased privacy at a slightly higher cost. First class mail is considered adequate under most circumstances, except when the item to be disposed of is of considerable value, at which time certified mail is recommended.

Whichever form is used, a copy should be made and placed in a suspense file to document when notification was made and when the clock starts counting for the owner to respond. A reasonable period of time for the owner to respond, usually thirty days, should be established by policy and printed on the letter. Returned cards or letters should be attached to the master file. A release form should contain basic identifying information of the person to whom the property is being released. This information should include name, address, phone, and a Driver License or ID Card number. Consider photocopying any picture ID and taking a photo of the person to whom any valuable property is released. The form should also have a perjury statement indicating they have a legal right to the property being released and should bear the signature of the person to whom the release is made. A letter from an owner authorizing the release of property to a third party should be kept. Verify the authenticity of such a letter when the value of the property is extremely valuable.

Destruction

Many items to be disposed of have little or no value. The property officer should make a subjective evaluation if the auctioneer should take these items or if they should be destroyed. Items that are to be destroyed should be rendered unserviceable before being placed in a trash bin, and the bin should be dumped in a location where “pickers” do not have access. Having a witness to the destruction process is always preferred.