



***PROPERTY AND EVIDENCE STORAGE
- THE DILEMMA -
IS THERE A BETTER WAY?***

JOURNAL ARTICLE

BY

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This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.

The views and conclusions expressed in the Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

INTRODUCTION

"It is among the historic cases that have been likened because of their sensational nature to the case of Simpson, accused of the slayings June 12, 1994 of his ex-wife Nicole Brown Simpson and her friend, Ronald Goldman."¹ Shortly after O.J. Simpson's arrest, almost every facet of the media stories, focused on the mishandling of case, including, searches, interviews, the collection of evidence, packaging, labeling, the corners handling of the autopsy and the subsequent burglary of the alleged vehicle driven by O.J. Simpson.² This particular case has focused on the importance of properly collecting, packaging and storing evidence and how the alleged mishandling has had a profound effect on the reputations of the Los Angeles Police Department, Los Angeles County Coroners Office and the Los Angeles County District Attorney's Office.

In 1992 the FBI's Uniform Crime Reporting (UCR) Program reported an estimated 14.9 million offenses across the United States.³ In 1993 violent crimes such as assaults and robberies increased more than three times faster than crime overall.⁴ Regardless of the type of crime, most all of these incidents had a common denominator - "physical evidence." In almost every criminal offense, evidence is a crucial element for a successful prosecution. The plethora of evidence located at crime scenes, found in the suspect's possession, abandoned during flight, or detected in a suspect's system during routine chemical tests are almost incalculable.

During the same time, law enforcement made an estimated 14.2 million arrests for criminal infractions other than traffic violation. The highest numbers of arrests were for driving under the influence (1.8 million), larceny-theft (1.6 million) and drug abuse violations (1 million each). Driving under the influence, theft and drug abuse violations are probably the best examples of relative uncomplicated cases to investigate. However, there is no doubt that the vast majority of these incidents had related evidence tied to their prosecutions.⁵

DUI cases might very well have blood, breath, or urine samples, audio tapes, video tapes or open containers of alcohol booked as evidence. Generally speaking, larceny cases would have

stolen or embezzled merchandise and or instruments to conceal the contraband. Typically, drug cases would include evidence such as narcotics and paraphernalia, firearms, residency documents, pagers cellular phones and in some cases large caches of currency. These items typify the types of physical evidence that is currently inundating the evidence lockers of police facilities throughout the nation. In addition to the evidence collected in routine criminal cases, more than \$2.5 billion of assets have been seized by federal authorities alone since 1985.⁶

The storage of property and evidence has changed little since the Metropolitan Police Act of 1829 in England when Robert Peel and Charles Rowan brought order and the military model to policing⁷ Property has always been an ancillary function of law enforcement that has lacked any substantive effort to keep it in line with the progress of other law enforcement programs and technological advances. Property and evidence has traditionally been "buried in the basement", ignored and in some cases the "victim of benign neglect."⁸ Because the property function is not a visible function of police departments, it generally operates quietly in the background until some crisis occurs, such as a major loss of narcotics, weapons or currency as documented in New York's "French Connection", the Miami River Boys" and several recent other highly publicized narcotics and currency thefts by on-duty Los Angeles County Sheriffs Department employees and Los Angeles Police Department narcotic task force officers.⁹

After such a disappearance, police managers are often queried on how they could have let it happen. As the internal investigations culminates, the findings generally are that proper controls, procedures, audits and inventories had never been developed.¹⁰

The vast majority of California's laws pertaining to the handling and disposition of seized property were written in the late 1800's, and in some cases they have never been updated. Unfortunately, the statues leave a great deal to be desired, as they only address certain categories of property and rarely discuss the vast majority of items that traditionally find their way into the confines of evidence lockers. Currently there are minimal guidelines or legislation that regulate how long property / evidence must be kept.

In 1984 POST Commission on Peace Officer Standards and Training published the first comprehensive guideline for the handling of property and evidence that provides a cursory framework on the retention of evidence.¹¹ Even though POST provided direction in 1984, some departments are still retaining worthless evidence for five, ten, or fifteen years, and in some cases forever! A recent informal survey of 25 small to medium sized police agencies throughout the state indicates that written guidelines covering retention of property and evidence is almost non-existent along with the fact that only about two percent of collected evidence is ever introduced as court evidence.¹²

As crime increases, so does the ever increasing amount of evidence, with no long term solution other than adding more satellite space, converting closets, and renting storage lockers at local storage facilities. Some agencies, however, are currently implementing bar code systems, relational data bases and pro-active policies to attempt to control the mounting inventories across the state.

Law enforcement leaders need to take immediate steps to re-think the importance of their property rooms and to begin planning for the future. This research paper will evaluate a number of issues that effect the management and storage of property/evidence, and will give managers an insight into the future of property and evidence management.

FORECASTING

It is from a "design", using a tested methodology, that individuals are move likely to outline their desired objectives. Futures study is one such methodology than can identify and articulate alternatives through a process that includes forecasting. Forecasting is an tool for decision making in the present and, thus, offers a planner reasonable control of his/her destiny.¹³

The research components included: identification of the project issue and sub-issue with potential relevant events and trends, distillation of events and trends determined to be most relevant to the issue, forecasting of the identified events and trends, cross impact analysis of the events and trends, and the creation of scenarios that ultimately contributed to the policies intended to provide direction for a strategic plan.

ISSUE DEVELOPMENT

This research focused on a myriad of concerns and issues facing the management of all property and evidence storage rooms statewide, with prospect of finding realistic solutions to the overwhelming problems that have plagued the function for decades. Because of the momentous impact that evidence can have on law enforcement, and due of the tremendous liability to a police organization when it is mismanaged, the following issue and sub-issues were developed:

ISSUE QUESTION

How Will Law Enforcement Agencies Manage Property and Evidence By The Year 2003?

SUB-ISSUES

How Will Crime Trends Effect the Handling and Storage of Property and Evidence?

What Legal Changes Will Be Required for the Management of Property and Evidence?

How Will Reduced Budgets Effect the Storage of Property and Evidence?

How will Technology Facilitate the Management and Storage of Evidence?

FUTURE STUDY

This author has been involved in the field of property and evidence management for the past thirteen years. As a result, a great deal of insight into the problems, issues and concerns for law enforcement administrators has been gained that will provide a fundamental outline for this research.

The issue and sub-issues were developed and examined from a variety of sources, including reading from periodical, a literature review of emerging concerns, discussion with property room managers and technicians and teaching Property Room Management across the country. The issues and sub-issues were examined to see what impact they would have on the management or the property function during the next ten years. Ten relevant events and trends were identified using a nominal group techniques (NGT), with law enforcement managers, investigators, city prosecutors, a defense attorneys, a computers programmer, a budget director, and property room personnel.

Forty-seven events and thirty-three trends were identified during the process. Using a voting process, the group narrowed the list down to the ten most important events and ten most important trends. The events were then graphed to show their probability of occurring over a ten year period of time (1993-2003). Graphs and charts were also created for the trends to show forecast of the trend

over a ten year period of time, as well as a reflection of the five previous years. The window of examination for then ten trends covers fifteen years. (1988 - 2003).

An endless number of societal trends will surely impact the management of property and evidence, such as the differing categories of evidence related to new crime trends, environmental concerns associated with hazardous materials entering the property room and an the potential for an influx of designer drugs . Political issues linked to gun lobbying, abortion demonstrations, the immigration dilemma and terrorism, along with legalizing drugs and other crime trends that may evolve, will bring many challenges to the property room manager.

Dependent upon economic trends, regionalization of services and or the privatization of the property function the management of property could easily be reshaped in the near future The property room may provide additional sources of revenue for department's that are willing to share their facilities or charge storage fees to owners of the property. This is currently being tested and evaluated in several communities in Northern California.

TREND IDENTIFICATION

The following step in the process was to identify specific trends and events that would likely frame the future of the primary issue. The issue of property room management was viewed from the broadest of considerations with a STEEP model being used to provide social, technological, environmental, economical and political perspectives.

Through the expertise and assistance of the selected panel members, a comprehensive list of trends and events were selected through the use of a Nominal Group Technique (NGT). Prior to the panel's input, a discussion ensued to ensure each listed trend was framed within the context of it being a "*a series of events by which change is measured over time.*" After the preliminary rounds of trend development, the group voted utilizing a silent voting technique to select and prioritize the **top ten** trends for further discussion. The trends identified were:

Trend 1 - Regionalization Of The Property Function -

The willingness of city police departments to share resources with other local municipalities, creating a multi-jurisdictional function. Examples of REGIONALIZATION may currently be seen in crime labs, aerial support units, canine programs, gangs details and jails.

Trend 2 - Impact Of Toxic Evidence In Property Rooms -

The mandates of regulatory agencies to safeguard employees from health risks due to exposure to toxic material, such as hallucinogenic drugs, hazmat samples, etc.

Trend 3 - Volume Of Seized Property -

The actual quantity of property seized by number and/or volume, dictating minimum storage space requirements for the storage of property and evidence.

Trend 4 - Property And Evidence Disposal Costs -

The economic impact of space, fees, permits, etc., for storage, disposal, return and sale of property and evidence.

Trend 5 - Level Of Internal Thefts From Evidence Vault -

The number of unauthorized intrusions into secure property storage locations which compromise criminal cases, embarrass the department or involve criminal activity, such as theft.

Trend 6 - Criminal Appeal Process (Time)-

The average length of time until a criminal conviction is final and evidence need no longer be maintained, as affected by the number of lawsuits and appeals permitted.

Trend 7- Level Of Law Enforcement Funding -

The amount of economic support to municipal police agencies from local, state and federal sources.

Trend 8 - California Crime Rate -

The level of reported Part I crimes in the state, which correlates to the amount of evidence collected.

Trend 9 - Level Of Privatization Of Property And Evidence Rooms -

The number of police property functions that will be performed by outside vendors on contract.

Trend 10 - Level Of Computer Digital Technology Utilization -

The willingness of police management to utilize the latest technological advance in the management of property and evidence.

EVENT IDENTIFICATION

Through the expertise and assistance of the selected panel members a comprehensive list of events were selected through the use of a Nominal Group Technique (NGT). A discussion ensued to ensure each listed event was framed within the context of it being a "discrete, one-time occurrence," which could be verified as having happened. After the preliminary rounds the group voted and prioritized the ten events for further discussion. The following events represent those event

Event 1 - Hologram Introduced As Evidence As Best Evidence In Lieu Of Original Evidence -

Holography would be utilized in-lieu of photographs or video. The perspective of this technology would allow the detective, judge or jury to examine a hologram of the collected evidence in the courtroom, and the original evidence could be disposed of from storage early in the investigation once a hologram was made for court purposes. This could easily reduce the necessary size of property rooms in the future.

Event 2 - First County Wide Property Room For Municipal Police Departments

County sheriffs open satellite warehouses for storing, cataloguing, and maintaining property and evidence. This project could easily eliminate the need for thousands of square feet of space from local police facilities that could better be used for other law enforcement responsibilities.

Event 3 - Marijuana And Heroin Legalized -

After years of debate and reduced budgets, the decision is made to legalize certain drugs and narcotics. Whether completely legalized, or whether an attempt is made to regulate them through civil law or tariff, removing the criminal element of narcotics usage would tremendously reduce the need for law enforcement evidence storage.

Event 4 - First Fully Automated Property/Evidence Storage Room Available To Municipal Law Enforcement Agencies -

Robotics are developed to package, transport and store property and evidence in warehouses similar to those in the grocery industry where robots do all the work.

Event 5 - Substance Analysis Computer Developed For Property Rooms -

Computer technology would be able to analyze any substance collected, provide the necessary documentation and eliminate the need for the evidence to be transported to the county crime lab or Department of Justice lab.

Event 6- Evidence Retention Waiver Accepted By Court -

Few statutes govern how long evidence is stored. An Evidence Retention Waiver would allow the prosecution and defense to stipulate to the collected evidence. The waiver would allow immediate destruction or disposal of the collected property and evidence, thus reducing storage facilities

Event 7 - First Private Contract Property Room -

A private vendor contracts to a local police department to provide the first off-site property room completely operated by non-police personnel.

Event 8 - All Police Personnel Carry Personal Recorders

Law enacted that requires all uniformed officer while on patrol have both audio and video recorders (in vehicle) to monitor both officers and citizens conduct. Storage of the tapes would require tremendous storage space and documentation.

Event 9- Disaster Destroys All Evidence In Property Room In Medium Sized

Police Agency -

Major disaster destroys property room, causing the loss of all pending court evidence.

Event 10 -Photo Evidence Rejected By Courts Due To Susceptibility

To Tampering -

New technology allows any photo or video to be digitally altered so that the alteration was undetectable, resulting in the inadmissibility of photographic evidence. This would decrease the amount of stored photos obviously, but may greatly increase the actual amount of physical evidence necessary to be stored.

STRATEGIC PLANNING

Examination of possible future trends and events provides the basis for developing a strategic plan to answer the question of "How Will Law Enforcement Agencies Manage Property and Evidence By The Year 2003?" A strategic plan has been developed to underscore property room concerns, along with several strategies that will streamline procedures statewide and initiate legislative change for the retention of property and evidence.

MISSION STATEMENT

The Burbank Police Department developed the following mission statements. The mission statement (Marco) will be used to guide the organization to the required future state, while the (Micro) statement will impel the Burbank Police Department's Property room.

Macro- - "The mission of the Burbank Police Department, through both preventative and enforcement efforts, is to maintain social order, minimize crime and traffic problems, and provide police services to the community in a courteous, caring and efficient manner."

Micro- - "The mission of the Burbank Police Department's Property and Evidence Unit is to support successful prosecution of criminals and to insure the proper management of all property that comes into the jurisdiction of the department by cooperative, creative and professional collection, documenting, packaging, auditing, purging, and disposing of all property in compliance with all legal and policy guidelines."

STRATEGIC MANAGEMENT PLAN

The purpose of a Strategic Management Plan was to develop a strategic plan that could be used by any law enforcement agency that is interested in finding pro-active solutions for the storage, retention and timely disposal of property and evidence. The plan provides a situational analysis of the environment, evaluate strengths and weaknesses of the model organization, identifies stakeholders, recognizes and defines policy considerations and guide the implementation process. For successful implementation, an internal and external audit was completed.

The results of the audit showed potential opportunities and threats of the external environment as well as the internal strengths and weaknesses of the Burbank Police Department. The identified opportunities, threats, strengths and weaknesses are observed as to the input that each will have on the issue of property room management in the year 2003.

Opportunities, and strengths would provide the justification for the necessary changes to the property function statewide. Threats and weaknesses would prevent or hinder the any meaningful changes to the property function.

The **external opportunities** that would support changes to law enforcement's handling of property and evidence would be legislated standards that would provide guidance and statutory protection in the retention of property and evidence, while the constitutional rights of the accused are safeguarded. In addition, rising crime rates, higher incarceration rates and increased courts appeals could in fact be the impetus for legislative relief.

External threats that would preclude any proactive solutions to the innumerable dilemma facing property technicians would be that of court appeals filed by defense attorney's and court decisions that would prohibit any modifications to new statutes or regulations developed by POST or other organizations. Increased levels of youth violence, gang membership, drug usage, and increased quantities of firearms in the community will provide significant demands and mandates for the police department's property room. The cost of technology could prevent local police agencies from acquiring the needed tools to provide the most cost effective programs possible. The

importance of technological advances in other areas of law enforcement could overshadow the need within the property function, since it generally is a lower priority than others.

Internal strengths of the Burbank Police Department's would be assessed as its professional reputation, proactive management, technological leadership, including a model property room, community support would insure the necessary support for creating changes to the property room stateside.

Internal weaknesses that would hinder any changes within the property room function would be that of some managers unwilling to make changes, why tamper with it if its not broken. In addition there are a number of more pressing issues within any law enforcement agency that could easily take precedent over the property function.

STAKEHOLDER ANALYSIS

Stakeholders are those people or groups who are concerned about some segment of the issue. Fifteen stakeholders were identified as having the greatest impact on the property room function. The stakeholders identified as being most critical to the issue were the Police Chief, City Prosecutor, Property Clerks (statewide), CAPE (California Association for Property and Evidence), Defense Attorney's, Police Investigators, criminal defendants, and POST staff and commissioners (POST - Commission on Peace Officer Standards and Training).

DEVELOPING ALTERNATIVE STRATEGIES

In order to generate and analyze alternate strategies capable of achieving the macro and micro mission statements, four alternated strategies were developed. The four strategies were:

Alternative One - Legislative Change

Initiate legislation that would reduce the length of time property and evidence is held by police departments.

Alternative Two - Accreditation Process

Develop operational procedures that would set standards for accreditation and provide a model for all police agencies with special emphasis directed at audits and inventories.

Alternative Three - Privatization

Interface with the private sector to develop standards and specifications to utilize private vendors (privatization) to manage the property and evidence function.

Alternative Four - Regional Property Room

Initiate local interest to develop a regional property room to be shared between geographically bound municipalities.

The three strategies which best matched the criteria were selected for a more detailed analysis. Advantages and disadvantages (pros and cons) then were gleaned from oral polling and brainstorming.

PREFERRED STRATEGY

After assessing all strategies in light of their potential for acceptance and implementation, **Strategy One - Legislative Change** was determined to have been the strategy that would have produced the greatest impact on the property function. However, after critical analysis it was realized that this course of action can only be solved on a state level, because of the necessity for legislative action. Saying that one police department can coordinate such action is presumptuous. Just as a small catalyst can initiate a huge chemical reaction, however, one agency can be the seed for legislative action. POST is the agency that needs to prompt, assist and coordinate legislative action, and that is outside the scope of the research. The action of one agency, however, can be the seminal effort to develop, test, promote and propose statewide action through an agency such as POST, therefore that local department action will be the focus of this project.

The preferred strategy selected was **Strategy Two -Accreditation Standards** which could be designed to be the stimulus the for future legislative change if POST chose to support the issue. This strategy will provide both POST and law enforcement agencies a comprehensive guide for the operation of property rooms statewide, with special attention directed at property retention , inventory control and auditing. The preferred strategy will have four components which are listed at the conclusion of this paragraph and will be discussed individually.

- Develop retention schedule (review times) for all property and evidence.
- Quantify need for legislation reform.
- Develop guidelines above minimum accreditation standards.
- Secure support of local District Attorney and City Attorney.

Develop Retention Schedule For All Property And Evidence.

Develop criteria with CAPE for suggested time retention (review times) for all stored property and evidence that would be acceptable to police department's statewide. These time limits may be directly related to statutes of limitation or shorter periods of time that would be agreeable. The mandated review times place the accountability of property / evidence retention on the assigned investigating officer, which in turn closely controls needed evidence and eliminates the unnecessary stockpiling of valueless evidence. Mandated reviews also require articulated reasons for the continued retention of older property and evidence.

Quantify Need For Legislation Reform.

With the assistance of CAPE (California Association for Property and Evidence) and POST, survey police and sheriff's department's statewide to quantify and document the need for legislative change related to property retention, inventory control and audits. Empirical data is necessary to evaluate the amount of evidence be retained versus the amount going to court, the amount of time evidence is retained after the case is suspended or closed, categories of evidence that never go to court, categories of evidence where photographs would be acceptable, categories of evidence where oral testimony may be allowed in lieu of physical evidence and alternatives being utilized in other police agencies.

Develop Guidelines Above Minimum Accreditation Standards.

Initiate accreditation procedures with the assistance of POST for the operations of the property function statewide. Standards should be developed beyond any minimal standards that may be acceptable for an routine accreditation process. These standards should provide interested departments with operational guidance, recommended policies and procedures, technological standards and specifications, employee standards, security recommendations

including architectural design, packaging requirements, environmental regulations, procedures for purging and destroying, inventory and audit controls and training. These would form the basis of the guidelines that POST would hopefully use as support material in recommending legislative remedy to the larger issue of evidence retention.

Secure Support Of Local District Attorney And City Attorney.

Present findings and concerns to District Attorney's Association for comments and recommendations. Presenting the issue to the DA's will educate prosecutors to the critical nature of the problem and how the ever increasing inventories are in fact a liability to successful prosecutions. (less than two percent of seized property is introduced into court is evidence). For one local agency to secure local District Attorney backing would encourage POST to seek similar backing on a statewide level from District Attorney Associations and the Department of Justice.

IMPLEMENTATION PLAN

The strategy will be implemented through a four step plan discussed in the previous section. It will be necessary for this author with assistance from the Board of Directors of CAPE to promote the need for legislative change by continued development of an organization (property room) that can be utilized as a model statewide. The ultimate goal of this implementation would be statutory relief for the property function.

It will be necessary to market the model organization in order to educate the law enforcement community, POST's staff and commissioners for the need to provide the property function better statutory guidelines for the storage, release and destruction of property and evidence. The education process is necessary since so few administrators have had any first hand experience understanding the myriad of problems and issues plaguing the property function of law enforcement.

It is anticipated that the major obstacle facing any enabling legislation would be from the legal community who have historically and philosophically been opposed to the premature release of any evidence or property. This mind-set must be transformed through education providing statistical data supporting this issue and providing legislative relief to law enforcement agencies.

While enabling legislation is being debated, law enforcement will be required to establish statewide standards that meet the needs of the function, while insuring that the legal community has a permanent record of the purged evidence. These standards must be employed to insure that all law enforcement agencies follow the same policies and procedures in the management of evidence in the property room.

In order to evaluate the proposed strategy, several departments of various sizes should act as models to evaluate and test the implications of an enhanced purging system (review systems) that may generate initial court challenges to the system. In the event the procedures are successful and supported by court decisions, then the program could be expanded to all law enforcement agencies.

TRANSITION MANAGEMENT

A Transition Plan will be needed to ensure that the "Preferred Strategies" are part of the overall plan. It is believed that the key component to the plan is the necessity to change current legislation to allow the early release / disposal of non-essential property and evidence. However, this strategy must be deferred, while a model organization(s) utilizes a modified review schedule that is acceptable to the CAPE Board of Directors and local prosecutors. In concert with these review standards would be extensive policies and procedures that govern the management of the property function.. These standards would be beyond any minimum accreditation standards recommended by POST or CALEA (Commission on Accreditation for Law Enforcement Agencies, Inc.) Acceptance of these standard would later be codified to insure that the law enforcement community was accountable for there inventories, along with the proper tools to control inventories.

Other Preferred Strategies such as privatization and or regionalization are secondary to the overall goals and objectives of the property function. Controlling inventories are paramount to reducing expenditures and designing efficient systems that are supportive of the law enforcement mission. Accreditation and privatization are those options that will further enhance the orderly management of property and evidence.

The decision to implement a successful strategic plan is predicated upon the design of the transition management plan. The transition management plan consists of four components. They are

the identification of a "critical mass" of "key," but not all, stakeholders — those who are defined as necessary to implement the strategic plan; (2) the identification of a transition structure (organization) to facilitate the desired change; (3) the tools, technology and methods that will be used to reduce tension, friction, organizational confusion and uncertainty, and (4) the development of an applicable timetable.

Since the desired future has been identified and described in prior sections, and since a strategic plan has been prepared with policies which will increase the likelihood of that normative future becoming reality, it is now necessary to establish a structure to manage the transition from the present to the future. To do so, necessary and appropriate changes will be implemented in a planned manner, with appropriate feedback to see that they remain entirely under control. Generally speaking the fear of change creates much consternation, and the pace of change grows increasingly frightening to some people. Strategies will be developed to mitigate organizational resistance to those changes.

CRITICAL MASS

To insure successful transition from the present to the desired future requires the commitment of a number of key players referred to as the "critical mass". The critical mass is the smallest number of individuals or groups whose support is necessary for successful change to take place and whose opposition will likely lead to failure.¹⁴

Ordinarily, the critical mass is comprised of key stakeholders, but can include others who do not have a specific interest in the outcome of the recommended change. Many of the remaining groups or persons can be influenced or even completely controlled by a very small percentage of their members. In order to implement the strategy most efficiently, it will be necessary to reduce the huge mass of stakeholders to the smallest possible number of people whose support is sufficient to ensure the approval of the stakeholders groups.

If organizational leaders hope to implement the strategic plan, it is important that they identify the critical mass and formulate strategies to influence the necessary commitment.

The following groups or individual were identified as critical mass players:

1. Police Chief
2. City Attorney - City of Burbank (Prosecutor's Office)
3. District Attorney (Los Angeles County - Glendale Office)
4. California Association for Property and Evidence - Board of Directors (CAPE)
5. Commission on Peace Officer Standards and Training (POST)

SUPPORT AND ADMINISTRATION

Considering the magnitude of changes that may be implemented statewide, the project manager should be given the flexibility to appoint a committee to assist him/her in the necessary studies and polls to determine the dimension of the problem and formulate strategies to distribute the necessary information to those POST managers that can effect the passage of any legislative change. Any committee should include a cross representation of those individuals or groups who have any relationships to the collection and storage of evidence and property. This would include police officers, property clerks / managers, detectives, prosecutors, fiscal planners, budget personnel, and appropriate representation from the defense community. Inclusion of experts from the private sector should also be considered in order to review new technologies for the storage a retrieval of collected property and evidence.

SUPPORTING TECHNOLOGIES

"Effective change effort often requires new ways of approaching problems; existing mechanisms may be inappropriate or ineffective in such situations."¹⁵ Any effort to restructure a program or system which has roots decades old will face a certain amount of resistance. Several techniques and technologies are available to diminish or abate anxiety, and to manage the change effectively. Through the use of these techniques, those charged with the required change will have the appropriate information to communicate the necessary data to the stakeholders to implement the change. The following techniques will be selected for use in supporting technologies:

Communicating The Vision - Successful leaders are those who have the capability to foresee the future and plan for it accordingly. They are capable of understanding the

organization they lead and how the environment affects their decision making abilities. There must be a close relationship between both the organization and the surrounding environment. If transition managers ever hope to reduce the ever increasing inventories of non essential property and evidence they must communicate the vision so others have an idea of where the property function is headed and the reason for the changes.

Milestone Recognition - Milestones will be instituted within the plan for such events as implementation dates and deadlines for certain legislative actions that must be adhered to for congressional action. As the milestones are accomplished they should be published and celebrated by all who participated.

Team Building - Through a series of team building workshops the transition team should develop a crystal-clear understanding of the concept and develop a pledge to making the plan a success.

Evaluation And Feedback - Monitoring feedback from a long-term project is difficult. Although shortcomings may be readily apparent, successes may be obscure in the short term. Because of the feedback lag time, it is imperative that time be spent on a regular basis evaluating the importance of the strategy as well as the skill of the implementation.

Consistent with the need to establish goals is the need to determine how effectively each policy of the strategic plan is achieving its stated objectives. Questions such as these need to be asked and answered: To what measurable degree have inventories been reduced? Has there been an adverse reaction to the evidence not being retained? Have the new standards placed a new awareness to the importance of property room management. Have operations costs be reduced with the lessening of inventories? Finally, a system for generating feedback should also be established and should operate throughout the life of the program which will include annual inventories. The project manager and staff should periodically solicit feedback from each other and various stakeholders during and after implementation.

Problem Finding - Each committee in the transition team will detect problems inherent to their area of responsibility. Often time these problems will extend over into another area of the project. Again, a sequence of team building workshops may be conducted to resolve these issues.

Responsibility Charting - All too frequently, good projects fail because of a lack of accountability and/or understanding as to who had responsibility for a particular effort. In order to avoid this pitfall, the "responsibility charting tool will be employed. Responsibility Charting is a technique that identifies the tasks and roles that must be accomplished to meet specified goals. "Responsibility charting clarifies behavior that is required to implement important change tasks, actions or decisions."¹⁶

TRANSITION MANAGEMENT TEAM

In order for a transition plan to be effective, all aspects of the plan must be carefully charted, showing critical events that must occur for the project to continue. It will be necessary to insure the myriad of issues and complexities of the property function are carefully defined in order that the proper goals and objectives are met. In order for new accreditation standards to be developed and legislative change adopted, both the model agency, CAPE and POST will need to work together to build consensus and market the changes to the law enforcement community.

CONCLUSIONS

The issue question, "How Will Law Enforcement Agencies Effectively Manage Property and Evidence By The Year 2003?" has a direct relationship with crime rates, economic issues, technology and legislative change. Insight to the main issue can be found by answering the following four sub issue questions:

SUB-ISSUE ONE

How Will Crime Trends Effect the Handling and Storage of Property and Evidence?

It is difficult to assess what crime patterns lie in the future. Between 1982 and 1991 violent crime rose 64% in Los Angeles County. Since the beginning of 1994 there has been an overall 7% decline in violent crime in Los Angeles County which may be related to "Three

Strikes and You Out" legislation enacted in March of 1994. In the event crime rates escalate, it is an absolute certainty that the collection of property and evidence will increase proportionally. However, if crime rates decline due to stiffer penalties, evidence storage problem may still increase over the near term as the appeal process will inherently cause a negative relationship as evidence will be retained much longer.

SUB-ISSUE TWO

What Legal Changes Will Be Required for the Management of Evidence?

Examination of the literature showed that most of the statutory requirements related to property and evidence were authored in the late 1800's. Over the past 100 years few changes have done anything to streamline property room operations. A substantial portion of the California Penal Code that is applicable to property and evidence is directly related to the seizure and storage of "stolen" and "embezzled" property. Unfortunately, "stolen" and "embezzled" items are not the culprits inundating the confines of property rooms. Legislation will need to be drafted addressing alternatives to the storage of property, statutes that would mandate destruction or return before the item(s) become antiques, and that legislation that would provide retention guidelines for the release of property along with statutory protection to property personnel for release or destruction of property.

SUB-ISSUE THREE

How Will Reduced Budgets Effect the Storage of Property and Evidence?

A literature scan indicated that the economic conditions of California for the next 10 years is difficult to forecast. Based on unemployment rates, housing starts, the migration of certain businesses from California, the downsized defense industry, the short term economic conditions in California appears to be very gloomy. With funding for government services continually being reduced, it is unlikely that any financing for new programs or technology would-be appropriated. However, the limited financial resources may force administrators to investigate privatization, regionalization, partnerships, legislative relief, and or existing private sector technology directed to the law enforcement arena.

SUB-ISSUE FOUR

How will Technology Facilitate the Management and Storage of Evidence?

An analysis of the available literature, site visits, consulting, teaching and interviewing experts in the field indicate that technology within the property function has been extremely slow in design and implementation. Technology to track, store, package, secure and transport various products has been available for years. However, the property function has traditionally been low on law enforcement's priority list and has fallen behind in the technological revolution. Utilization of existing technologies such as bar coding, digital imaging, robotics, video and CD ROM's, the property room could easily be transformed into a "state of the art" function and provide substantial cost saving and efficiencies.

The complexity of changing or adopting new legislation or modify accreditation standards must be orchestrated from within several different law enforcement organizations, such as the Cal Chiefs, (CPOA) California Peace Officers Association, (CAPE) California Association for Property and Evidence and (POST) Commission on Peace Officers Standards and Training

The property function has deep rooted values, traditions, and norms. For decades the function has been managed by administrators who have upheld these values, beliefs and have been resistant to change. Any hint of change is generally met with resistance. Moving law enforcement from the present to the planned future will, therefore, be a very demanding and trying experience for managers. If property rooms within the law enforcement community are perceived as performing satisfactorily, individual managers (including administrators) inside and outside the respective organization(s) resist, as they see little need for change. This is especially true in the property / evidence arena since so few managers have experienced the opportunity of having to work in this specific area. Police managers and administrators must take this opportunity to re-evaluate their perceptions and beliefs about the importance of the property room and move to find proactive solutions to the myriad of problems facing today's property rooms.

ENDNOTES

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