



# APD Evidence Audit

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## Redaction Comments

The evidence audit was performed by Kim Barron with Professional Police Consulting, LLC. The report was reviewed by the Aspen Police and portions were redacted. Case report numbers were redacted as the associated case is open/active and under investigation. Take note, the case report number does indicate the two-digit year, for reference. Proprietary information was also redacted regarding location and access procedures to secured area and the evidence vault.

TO: Richard Pryor  
FROM: Kim Barron, Consultant  
DATE: May 23, 2010  
SUBJECT: Aspen Police Department Property Evidence Audit

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An audit was conducted of Aspen Police Department's Property/Evidence on May 20-21<sup>st</sup> by Kim Barron and Dan Montgomery. We were assisted with the audit by Aspen Police Department staff members Michele McClintock and Walter Chi.

The following people have access to areas where Property/Evidence is stored and maintained:

Michele McClintock  
Walter Chi  
Ian Malayeal  
Linda Consuegra

### **Audit Criteria**

1. Minimum 150 random cases numbers
2. Verify all currency
3. Verify all narcotics
4. Verify all firearms
5. Access into restricted P/E areas
6. Adherence to written policy and procedures regarding P/E intake, storage, release and destruction

### **Audit Process**

1. Aspen Police Department provided two lists of cases in which items were submitted to Property/Evidence. The lists included a description of evidence that was booked in under each case number from two different tracking systems, New World and Spillman. Aspen Police Department utilized the Spillman system until 2007 at which time the New World system was implemented in place of Spillman. After approximately 2 ½ years the department made the decision to return its property/evidence tracking function back to Spillman. It was noted the description of evidence items in the Spillman system are free-text descriptions and therefore provides better information than that in the New World system.

From the lists of items submitted to Property/Evidence I selected a random list of 172 cases. (Appendix A & B)

All currency was selected from the list. (Appendix C)

All narcotics were selected from the list. (Appendix D)

All firearms were selected from the list. (Appendix E)

Randoms were selected from the list. (Appendix F)

Every item for each case number of the 172 randomly selected cases was pulled from its storage location by Walter Chi or Michele McClintock. Each item was visually inspected to ensure its presence, that it was stored in the location identified, and that the paper records and computer records matched.

2. All bags containing currency were checked against the computer generated inventory list and the paper records to ensure the information matched. If it was possible to verify the count of money without opening the bag, the count was verified and written in blue on the outside of the bag with an auditor's initials. Bags that could not be visually verified from the outside were opened in the presence of Michele McClintock and counted by an auditor. The amount was written in blue on the outside of the bag and the bag was re-sealed, initialed and dated by the auditor with Michele McClintock also initialing the bag.

As of May 20<sup>th</sup>, 2010, there is approximately \$13, 152.30 in Property/Evidence. This does not include a large bag of change associated with 77A [REDACTED] as well as several other small bags of change. (Appendix C)

Represents the two-digit year.

The following case numbers associated with currency were not included in the computer generated printouts provided by Aspen PD although the items were found within the vault:

77A [REDACTED]	\$9
77A [REDACTED]	Loose change and \$1 bill
77A [REDACTED]	0.85
77A [REDACTED]	0.55
79A [REDACTED]	\$13
04A0 [REDACTED]	\$72
84A0 [REDACTED]	\$250, 8-20's, 1-50, 4-10's

3. All narcotics were checked against the computer generated inventory list and the paper records to ensure the information matched. Weights were made of each package using the drug scale from patrol where initial weights are done by the booking officers. Each bag was inspected to ensure the seals on packaging were proper, weights had been identified and contents were consistent with item description on bag and in computer records. All of the narcotics were visually inspected and weighed without removing them from the initial packaging. (Appendix D) There were numerous items that contained no weight either on the bag and/or in the computer report.

A destruction of narcotics was done on August 25, 2009, I was provided a list of all items destroyed on that date. The destruction list indicated an employee sealed 3 boxes on August 20, 2009 and two other employees took the boxes for destruction. (Appendix G)

4. All firearms were checked. I verified that the computer records and the paper records matched, and that the items were stored in the proper location. All firearms were located within the safe inside the vault. A total of 4 cases were verified as they related to firearms. One handgun in the vault was not stored in a safe manner nor made safe by the booking officer. There were two weapons found in the safe that should have gone to destruction, one in 2007 and one in 2008 as indicated on computer records. These two weapons were still showing as active items of evidence although they had been cleared for destruction. (Appendix E)

A recent destruction of firearms was completed on May 14, 2010, the following firearms had been turned over to the Colorado Bureau of Investigations:

No case number	22 long rifle
06A [REDACTED]	Browning 12 gauge
91 [REDACTED]	Ranger 16 gauge
No case number	Smith & Wesson (no noted caliber) Model 669
99A [REDACTED]	Smith & Wesson 22 Model 622

(Appendix H)

5. The procedures for access into restricted areas was observed and verified. [REDACTED]

There are four employees, Michele McClintock, Walter Chi, Ian Malayeal and Linda Consuegra that have access [REDACTED] These same people

also have

6. Adherence to written policy and procedures regarding Property/Evidence intake, storage, release, and destruction: Property/Evidence custodians are generally in compliance with policy and procedures of intake, storage, release, and destruction, with the exceptions noted in the "Exceptions" section of this report.

**EXCEPTIONS:**

**RANDOMS:**

Case Number	Description	Comments
09A0 [REDACTED]	Video	Not found
09A0 [REDACTED]	SANE collection kit	Not found-notes in computer said sent to CBI
09A0 [REDACTED]	Stolen from City Market	Item is a bottle of sports drink
07A0 [REDACTED]	Stills of suspect	Not found
06A0 [REDACTED]	Empty pill bottle	Returned from CBI 5/11/09 but not in storage location yet
06A0 [REDACTED]	Print from car door	Not found
06A0 [REDACTED]	White spray can top	Not found
06A0 [REDACTED]	Sheet rock	Not found
06A0 [REDACTED]	Photos of purse	Not found
06A0 [REDACTED]	Prescription bottle	Not found
05A0 [REDACTED]	See comments	Item is a large box of gun parts
05A0 [REDACTED]	Aspen series signs	Not found
05A0 [REDACTED]	Silica gel tube	Not found
05A0 [REDACTED]	Silica gel tube	Not found
04A0 [REDACTED]	Gold room key	Not found
03A0 [REDACTED]	Desk cabinet door	Not found
03A0 [REDACTED]	5 cans containing samples	Not found
09A0 [REDACTED]	Victim's white panties	Not found
07A0 [REDACTED]	Digital video	Not found
06A0 [REDACTED]	4 latent print cards	Not found
06A0 [REDACTED]	Plastic bag for aprons	Not found
06A0 [REDACTED]	Small water pipe	Not found
05A0 [REDACTED]	Video	Not found
04A0 [REDACTED]	Account closed check 242, \$22.42	Not found
09A0 [REDACTED]	Blood kit	Not found

04A0		Account closed ck#1089, \$5.28	Not found
00A0		Original credit/sales slips	Not found
09A0		Urine sample	Not found
04A0		2 mini skirts	Not found
01A0		Lidocaine and syringes	Not found
02A0		Broken glass	Not found
03A0		I mac computer monitor	Not found
03A0		Glass dove	Not found
04A0		Sword used during assault	Not found
04A0		Epson 820 photo printer	Not found
05A0		White ammo can	Not found
01A0		Letter and photos	Not found
2009-00		Pipe	Stored in Box 23

**NARCOTICS:**

07A0		needles, straws		on "Destroy" list 5/28/07, two bags
04A0		cocaine bindles-2	5.3 gm	no weights listed
05A0		small glass jar w/mj	66.4 gm	no weight on bag or in report
05A0		marijuana .02 oz	.14 oz	Amount is gross weight by audit including all packaging
06A0		marijuana bud	.125 oz	no weight on bag or in report, amount is gross weight by audit including all packaging
06A0		marijuana and tin case, .235 oz	2.47 oz	no weight on bag, amount is gross weight by audit including all packaging
06A0		\$20 bill w/marijuana and rolling papers	.215 oz	no weight on bag or in report, amount is gross weight by audit including all packaging
06A0		two yellow bindles	6.8 gm	no weight on bag or in report, amount is gross weight by audit including all packaging, listed as Box 24 but found in Box 23
06A0		baggie w/pot	.345 oz	no weight on bag or in report, amount is gross weight by audit including all packaging
06A0		foil pipe w/pot	.460 oz	no weight on bag or in report, amount is gross weight by audit including all packaging
06A0		trace amounts of mj	.185 oz	no weight on bag or in report, amount is gross weight by audit including all packaging
06A0		Green post-it w/white folded bindle	5.2 gm	no weight on bag or in report, amount is gross weight by audit including all packaging, not in Spillman
07A0		glass jar w/ green leafy	6.72 oz	no weight on bag or in report, amount is gross weight by audit including all packaging

07A0 [REDACTED]	less than 1 oz mj	.505 oz	no weight on bag or in report, amount is gross weight by audit including all packaging
07A0 [REDACTED]	marijuana, green leafy substance	.485 oz	no weight on bag or in report, amount is gross weight by audit including all packaging
07A0 [REDACTED]	white chocolate cookie	27.9 gm	no weight on bag or in report, amount is gross weight by audit including all packaging, possibly contains psilocybin mushrooms
2008-0 [REDACTED]	white contact lens case w/whi powder .02 gm	11.0 gm	no weight on bag or in report, amount is gross weight by audit including all packaging
2008-0 [REDACTED]	marijuana .08 oz	.275 oz	not found in New World, amount is gross weight by audit including all packaging
2008-0 [REDACTED]	altoid can containing marijuana	1.335 oz	no weight on bag or in report, amount is gross weight by audit including all packaging
2008-0 [REDACTED]	small plastic container w/green leafy substance	1.015 oz	pipe found in pkg as well, opened to verify weight of drugs, amount is gross weight by audit including all packaging
2008-0 [REDACTED]	marijuana .23 oz		item not found
2008-0 [REDACTED]	white powdery subs in green bindle .7 gm		item not found
2008-0 [REDACTED]	white powdery subs in yellow paper 1.0 gm		item not found
2008-0 [REDACTED]	plastic bag w/green leafy substance	.9 oz	no weight on bag or in report, Amount is gross weight by audit including all packaging
2008-0 [REDACTED]	sugar cube laced w/LSD, qty 1	3 pieces	no weight on bag or in report, amount is gross weight by audit including all packaging
2009-0 [REDACTED]	2 blue pills-no desc on bag-Adderal pills qty 2	2 pills	no initials on package
2009-0 [REDACTED]	plastic baggie cont/ mj .245 on bag, .015 comp	.405 oz	Amount is gross weight by audit including all packaging, item 2 & 3 switched in computer
2009-0 [REDACTED]	plastic baggie cont/mj bag-.015 comp-.245 oz	.175 oz	Amount is gross weight by audit including all packaging, item 2 & 3 switched in computer
2009-0 [REDACTED]	film canister w/green leafy substance qty 1	.375 oz	on "To Be Destroyed" list 5/13/09 in Spillman, amount is gross weight by audit including all pkg
2009-0 [REDACTED]	marijuana in 3 different containers	1.82 oz	no weight on bag or in report, amount is gross weight by audit inc. all pkg
2009-0 [REDACTED]	no description on bag-marijuana in report .12 oz	.260 oz	no weight on bag, amount is gross weight by audit including all packaging
09A0 [REDACTED]	54 pills hydro & codone	54 pills	sealed properly-3 different types of tablets in bag
09A0 [REDACTED]	marijuana .005 oz	.805 oz	no weight on pkg, amount is gross weight by audit inc all pkg

09A0 [REDACTED]	two green pills, one yellow pill, mdma	4 pills	returned from CBI, sealed by CBI, not on my Spillman report, in Spillman shows status returned from lab
09A0 [REDACTED]	marijuana in film canister	.365 oz	no weight on bag or in report, amount is gross weight by audit including all pkg
09A0 [REDACTED]	Marijuana in plastic baggie	.3 oz	no weight on bag or in report, amount is gross weight by audit including all pkg
09A0 [REDACTED]	Marijuana in rx bottle qty .035 oz	.54 oz	no weight on bag, amount is gross weight by audit including all packaging
09A0 [REDACTED]	Marijuana in black box .01 oz	.6 oz	no weight on bag, amount is gross weight by audit including all packaging
09A0 [REDACTED]	6 plastic baggies cont/whi powdery substance 5.9 gm	10.9 gm	no weight on bag, amount is gross weight by audit including all packaging
09A0 [REDACTED]	marijuana	.27 oz	no weight on bag or in report, amount is gross weight by audit inc all pkg
09A0 [REDACTED]	marijuana qty .115 gm	7.0 gm	no weight on bag, amount is gross weight by audit including all packaging
09A0 [REDACTED]	marijuana in plastic container qty .125 oz	4.405 oz	no weight on bag, amount is gross weight by audit including all packaging
09A0 [REDACTED]	marijuana in pill bottle	.53 oz	no weight on bag or in report, gross weight by audit inc all pkg
09A0 [REDACTED]	marijuana in plastic baggie .0135 oz	.0295 oz	no weight on bag or in report, gross weight by audit inc all pkg
09A0 [REDACTED]	one hit pipe w/marijuana	2.415 oz	no weight on bag or in report, gross weight by audit inc all pkg
09A0 [REDACTED]	film canister w/rx pills no qty listed	54 pills	no qty on bag or in report, opened and count verified, 9 different types of pills in container
09A0 [REDACTED]	marijuana in pill bottle, qty .505 oz	.63 oz	no qty on bag, opened and count verified, 9 different types of pills in container
09A0 [REDACTED]	marijuana (see next 4 below)		no weight on bag or in report, bag contained pipe and 4 assorted containers w/mj, too heavy for scale for gross weight of all pkg (see below)
	baggie from inside black ceramic container	.87 oz	no weight on bag or in report, amount is weight of baggie and mj only
	plastic ziplock w/marijuana	.26 oz	no weight on bag or in report, amount is weight of baggie and mj only
	brown glass jar w/marijuana	4.355 oz	no weight on bag or in report, amount is weight of jar and mj only
	clear plastic bottle w/marijuana	.345 oz	no weight on bag or in report, amount is weight of container and mj only
09A0 [REDACTED]	marijuana and chocolate laced w/marijuana .1 oz	.105 oz	no weight on bag, opened bag to weigh mj in ziplock bag, gross wt of both items 1.18 oz



09A0		Pill bottle w/Benzonite		Box 1B
09A0		White Powder		Box 1B
07A0		Pill		Box 11A
07A0		Pill		Box 11A
00A0		Rx bottle with tar		Box 17B
00A0		Fluid from syringe		Box 17B

FIREARMS:

Case Report	Description	Serial Number	Comments
Found Property	32294 Remington		Found in black case, on "Destroyed" list 7/26/07
02A0	Ruger Handgun		Not secured in safe manner, ammo with weapon
02A0	Glock 19		Barrel and spring removed from weapon, ammo with Weapon
02A0	Savage Arms 940	none found	On "Destroyed" list 7.24.08
2008-0	Firearms		Showed active on New World list but had been released 101209
2008-0	Firearms		Showed active on New World list but had been released 100909

CURRENCY:

Case Number	Description	Value	Comments
2008	Bag of money-report said \$512	\$612.00	bag sealed but not labeled, no value on bag or in property description
07A0	\$200 cash in an envelope	\$200.00	stored in a white bag within the bag- amount had not been verified
none	\$2000 found in small safe in jail bsmt	\$2,000.00	stored inside a previously used bag
06A0	Floopy(sic) ledger \$2 bill	\$2.00	no floppy disc, two 1-dollar bills inside, on Spillman as comp disc and papers
05A0	#83 Misc ID and Drugs	\$6.00	not in evidence bag
05A0	US \$773.00	\$774.00	one dollar off
05A0	\$1,957	\$1,946.00	short \$11
05A0	US \$ from wallet, clip, apt	\$893.00	no dollar amount in description, envelope says \$893.
05A0	Rolled up \$1	\$1.00	records show released to owner on 9/7/06
05A0	US green currency	\$400.00	seizure funds-indicated as "to be released" 1/19/06
04A0	\$72	\$72.00	in folded white sheet of paper, not on Spillman list
03A0	four \$100 bills from safe	\$400.00	packaged in manilla envelope
93A0	\$1,035	\$1,035.00	in opened plastic bag, two separate plastic bags
02A0	US currency	\$135.00	no dollar amount indicated in description or on bag
A85-1	\$24.32	\$24.32	in a plain white envelope, sealed with LRM initials
none	\$150	\$150.00	no case number or date, clear bag Aspen Book Store
87A0	\$86.31	\$86.31	in white envelope, unsealed
07A0	\$20	\$20.00	in drug safe

07A0	██████████	\$20	\$20.00	Stored in drug safe
07A0	██████████	\$5	\$5.00	Stored in drug safe
07A0	██████████	\$1	\$1.00	Stored in drug safe
09A0	██████████	\$735 cash	\$735.00	Stored in drug safe
09A0	██████████	Change box with money	\$129.27	all loose change in bag, amount has not been verified
10A0	██████████	\$810 cash	\$810.00	stored in box 3A, moved to money box upon audit
09A0	██████████	\$544 cash	\$544.00	stored in box 14A, moved to money box upon audit
none		1928 silver dollar, 1896 silver dollar	\$2.00	loose in money box, unknown what case they belong to
77A0	██████████	\$9	\$9.00	in zip lock bag, no seal
77A0	██████████	large bag w/loose change and \$1 bill		did not count to verify amount
77A0	██████████	0.85	\$0.85	in stapled plain white paper, did not verify
77A0	██████████	0.55	\$0.55	in sealed white envelope, did not verify
79A0	██████████	\$13	\$13.00	in zip lock bag, no seal, did not verify
84A0	██████████	\$250, 8-20, 1-50, 4-10's	\$250.00	in manilla envelope, torn open
none			\$10.00	loose \$10 bill in metal box sitting next to money box
01A0	██████████	Wells Fargo Bag, \$6100 & notes		Released \$1417 on 6/3/02 to ██████████ listed as Misc. instead of cash, not stored with money box. (See below)

01A0 ██████████ This case indicated there was \$6100 booked into evidence. An examination of the computer records indicated \$1417 had been released back to the owner. The remaining balance of \$4683 could not be located. There was a deposit slip with the hard copy records that was in excess of \$6000. Time constraints of the audit did not permit a complete investigation of this case to determine what had transpired with the remaining \$4683.00. A complete accounting of this case needs to be conducted by the department as the item still shows active in computer records. This item was listed in the category of "Miscellaneous" and was therefore not given a storage location with all other currency, Box 25.

Comments/Recommendations:

1. This is the first known audit that has been completed for the Aspen Police Department. The evidence room is kept in a neat and orderly fashion; the inventory within is exceptionally well organized for easy retrieval. The purpose of this audit was to examine conformity to current property/evidence policy and procedures, assess compliance with current CACP evidence standards and provide recommendations for improvement.

This audit included 331 cases broken down as follows:

- 172 random case numbers
- 54 currency cases
- 106 narcotics cases

## 6 firearms cases

2. During the audit, an unsealed plastic bag of foreign currency was observed hanging from a bulletin board inside the vault. When questioned about the money I was told it was currency found inside wallets and purses, some found property and others evidence that the property custodians did not know what to do with so they put it in the bag. The currency does not appear in any computer records. It is recommended this currency be logged into the computer and stored with all other money, listing the value as zero.
3. In order to be in compliance with CACP standards, an annual audit of property/evidence must be completed by a supervisor not routinely or directly connected with control of property. Using the audit that was just completed will provide a foundation for conducting future audits. It is recommended that future audits include all narcotics, currency and firearms, regardless of the year booked. All property items should be looked at in the annual audit from the date of last audit to the current audit date as well as a random sampling of prior years, an amount set by the Chief of Police. It is recommended the random sampling be no less than 3% of total inventory. When auditing narcotics, currency and firearms, the auditor would not be required to open all packaging which contained the initials of prior years auditors unless they chose to, or the item had been opened and resealed since the previous auditor had examined it.
4. Currently the narcotics storage area contains drug paraphernalia and money that is associated with drug cases. It is preferred that all drugs, and only drugs, be stored in this location. The destruction of drugs is unique to those items and does not include other items such as pipes and money. Officers should be required to package drugs, paraphernalia and currency as separate and distinct items.
5. During the audit there were several cases in which money was found in locations other than Box 25 (see "Exceptions: Currency") which has been designated for storage of money. All U.S. issued money should be stored in Box 25. If the booking officer feels the money may be tainted with drugs, it should be noted as such in the computer description as well as on the bag. There were 43 noted errors of the 54 currency cases audited.
6. Based on the observations made in this audit, it is recommended that officers receive additional training in how to properly package evidence, especially narcotics, money and firearms and policies should be established in each of these three areas to ensure consistency with how these items are handled. Most noted was the absence of a weight of drugs/narcotics or count on pills both in the report and on the evidence

bag (see "Exceptions: Narcotics"). There were 87 errors noted of the 106 narcotic cases audited.

7. Each of the technicians must ensure that the items are properly packaged and that the descriptions accurately reflect the items, including the weights actually received. If they are not accurate or the officer does not enter the information into the computer correctly, the technicians should reject the items back to the booking officer. Once accepted, these technicians accept sole responsibility for these items.
8. Currently all narcotics scheduled for destruction are placed in a designated box within the vault by one of the evidence custodians. When it is time for destruction of the items, the contents are destroyed by burning or turned over to CBI. A drug manifest is completed prior to the narcotic destruction. An employee seals the boxes and two evidence custodians take the boxes for final disposition. It is strongly suggested that a policy is adopted that ensures that the auditor of the drugs accompanies them to final destruction.
9. Currently all firearms scheduled for donation/destruction are sent to CBI and listed on an inventory sheet. The receiving entity provides a sheet that is initialed by one of their employees to indicate the weapons they receive. It is strongly suggested that a check and balance system be adopted into policy concerning the destruction/donation of firearms to include a second person auditing the weapons and accompanying them to destruction/donation.
10. Aspen Police Department is well on their way to being in compliance with CACP evidence standards. There are two areas that should be improved upon in order to ensure full compliance when accreditation is pursued. One addresses establishing extra security measures for handling exceptional, valuable and sensitive items. Implementation of items #4,5,6,7,8,9 of this section would address this standard. The second standard requires a written directive designating one person as responsible for on scene property management activity. This may be addressed in current policy but the I was unable to find evidence of such a directive. (Appendix K)

#### Best Practices:

1. Currently all items that are not considered as evidence are stored in an unsecured area as "lost and found". These items are varied in nature and may contain wallets and purses. It is recommended all items considered lost and found be handled in the same manner as evidence as far as tracking and storage. A code should be added to the computer that indicates the item(s) as "found property" and be assigned a storage

location. The person turning in the found property should be offered a receipt for the item(s). A paper record should be completed for all found items.

2. Officers should be required to initial the seals when entering all items of evidence and most particularly money and drugs. Items that have not been sealed properly by officers should not be accepted into evidence unless they are properly booked. This would include not only a weight or pill count for drugs and value of money on the outside of each bag but also matching entries in computer records entered by the officers. It is extremely important that items are properly recorded.
3. It is recommended that a "Document" storage area be designated for all paperwork to include drivers licenses, registrations, receipts, etc.
4. In absence of a narcotics scale that has the ability to print weights as items are measured, it would be prudent to establish a policy in which a photograph is taken of the narcotics on the scale with the weight showing. This will help to identify the drugs as well as verify the actual weight. The weight in the photo should also be written on the outside of the bag.

#### Conclusions/Observations:

The Aspen Police Department's Property/Evidence is maintained by primarily three employees who are assigned to other areas of the department as their basic job function. In a small department it is difficult to justify a full time position to the management of property/evidence however, this audit suggests that APD could benefit by having a more dedicated resource for this critical function. The error rate observed in this audit is unusually high for the amount of evidence being handled. While the evidence room is neat and orderly, a change in custodians two years ago as well as switching of evidence tracking systems two times has resulted in inconsistency in many records as they compare to items on the shelf. If resources are available, a complete inventory would be beneficial but would require additional hours be invested over several months (6-12) in order to accomplish the task. I believe the results would be worth the time and manpower expended.

Based on the results of this audit it appears two things are attributing to the high error rate: lack of proper training for officers booking in property (or conformance to training they may have received) and evidence custodians having to accomplish property/evidence duties as collateral to their own primary duties resulting in not enough time being spent to adequately address this high liability area of the police department.

This page contains no comments