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October 2017

Illinois Association of Property and Evidence Managers

Volume 9, Issue 4

Treasurer's Letter

In the wake of the recent catastrophic weather events of hurricanes Harvey and Irma, we are reminded that there is no time like the present to dust off your agency's property room policies and procedures. This is a good time to ensure your agency not only has procedures in place to best attempt to protect your property and evidence in case of a major weather event or other catastrophe, but also to get management on board with trying out a practice run.

It is time again for membership dues renewal! Membership dues will remain at the 2017 rates of \$35 for individual active and associate dues and \$125 for agency, crime lab or corporate dues. Dues renewal invoices should be going

out via email by early November. The website member area password will be changing annually and the new password will be emailed to members upon receipt of their paid annual membership.

The election for Executive Officers will be taking place in November, with terms beginning in January 2018. Voting by paid, active members will again take place electronically. The electronic system delivers a code for voting to your email inbox. So, please ensure you are receiving IAPEM emails and they are not being blocked by your firewall or filtered to your spam folder. The two week voting period will take place from November 15th through November 29th. Initial

nominations were made at the Spring Business Meeting, during the 2017 Conference. Further nominations may be made at the Fall Business Meeting. If anyone is interested in running for an Executive Officer position, please contact Board Chairperson, CJ Camel.

Save the dates! The 2018 IAPEM Conference will take place **April 11-13, 2018**. The 2018 Conference will be held at the Crowne Plaza in Northbrook, with plans to move to a venue further south for 2019. Presentation and registration information should be made available soon.

Stay safe! *Michelle Borrero,*

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“They ruled that the evidence wasn’t destroyed on purpose and that authorities couldn’t be faulted for a natural disaster.”

NY Top Court Hears Case Involving Blood Sample Lost in Storm



The case of a man convicted of burglary based largely on forensic blood evidence destroyed by Superstorm Sandy’s floodwaters went before New York state’s highest court on Thursday.

Peter Austin was convicted in 2013 of two break-ins in the Bronx after his DNA was linked to blood found at the crime scene. Prosecutors were able to introduce the findings from their DNA analysis of the blood, even though the physical blood evidence was contaminated when the police warehouse flooded in 2012.

Austin, who was sentenced to 7-14

years in prison, argues that jurors should have been told they could discount the DNA analysis because the physical evidence was destroyed.

The New York Court of Appeals heard oral arguments from Austin’s attorney and the Bronx prosecutors on Thursday. A decision in the case is expected later this fall.

Judges can instruct a jury to discount evidence when it was lost or destroyed intentionally or through negligence, but lower courts have ruled that no such jury instruction was needed in

Austin’s case. They ruled that the evidence wasn’t destroyed on purpose and that authorities couldn’t be faulted for a natural disaster. They also noted that the blood samples themselves may have been of limited value to Austin, who had not asked to conduct an independent review of the evidence.

“The evidence was destroyed or rendered inaccessible as the result of a meteorological event beyond human control,” the Appellate Division wrote in its 3-1 ruling.

-www.forensicmag.com

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Houston Police Nix Use of Fast-food Numbers at Crime Scenes



Police commanders in Houston say order numbers taken from a popular Texas fast-food restaurant cannot be used to highlight evidence at crime scenes.

Officers are not allowed to use the distinctive orange-colored, tent-shaped numbers Whataburger customers receive so that orders can be brought to their tables.

Police spokeswoman Jodi Silva says there were concerns use of the markers amounted to a police endorsement of Whataburger.

“But sometimes, officers want to make sure nothing gets kicked or ignored or drenched in rain, so they improvise with whatever's handy. “

She says the action was taken following the shooting death in March of a young woman. Officers who were waiting on crime-scene investigators wanted to mark bullet casings and other evidence and borrowed the order numbers from a nearby Whataburger.

Photos of the markers received online attention, as Whataburger is a popular Texas destination, similar to In-N-Out Burger in California.

-www.forensicmag.com



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Sadly, the beloved fast food establishment is not a sponsor of Houston police, so no free fries with that speeding ticket.

Although at least one older image of Whataburger numbers at a Houston-area crime scene is circulating online, the one that sparked concerns was a March homicide on West Little York. Essence Derouen, a young mother friends described as the "life of the party," was shot to

death in her car on the way home from a club - and police needed to mark the evidence.

Typically, Silva said, police would wait for Crime Scene Units with the Houston Forensic Center to come put out evidence markers. But sometimes, officers want to make sure nothing gets kicked or ignored or drenched in rain, so they improvise with whatever's handy.

-Houston Chronicle

Illinois Murder Case Challenges Longstanding Ballistic Tests

When Illinois jurors convicted Patrick Pursley of murder, they relied on an expert's assurance that the scratches and dents on bullets and shell casings from the crime scene proved they could only have come from Pursley's gun.

More than two decades later, technological advances have eroded confidence in ballistic experts, and the analyst who testified against Pursley is no longer so sure of his findings. Now Pursley is awaiting a new trial, and the case could become the first in which a database used to help put countless criminals behind bars sets someone free. The issue could also pave a new path for other convicts to challenge convictions.

"I knew that this could exonerate me because there would be no bias. It would just be a computer algorithm saying it is or it isn't," said Pursley, who was convicted in 1994.

A judge agreed that the results from the Integrated Ballistic Identification System cast doubt on the trial expert's conclusions. Pursley was granted a new trial in March. The system known as IBIS compares high-resolution, multi-dimensional images of shell casings to find markings unique to a specific weapon. In Pursley's case, it failed to match the gun police took from him to the

bullets that killed 22-year-old Andy Ascher on April 2, 1993, in Rockford, northwest of Chicago.

It's not clear how many cases like Pursley's exist. So far, Illinois is the only state that allows the system to be used in appeals. Pursley is the first to use the 2007 law, "which could set an important precedent for others," said Andrew Vail, an attorney at the law firm representing Pursley for free along with Northwestern University's Center on Wrongful Convictions.

Steven Drizin, the assistant dean at the center, said he's hopeful other states will update their laws. "This is pretty much uncharted territory and it shouldn't be," Drizin said.

The images placed into IBIS are stored in the National Integrated Ballistic Information Network managed by the Bureau of Alcohol, Tobacco, Firearms and Explosives. Since 1999, the 2.8 million images entered into the database have helped investigators identify suspects in countless homicides nationwide, according to the ATF, which lists success stories on its website.

Winnebago County prosecutors are appealing the judge's ruling for a new trial. They maintain that Pursley was the man who approached Ascher and his

girlfriend while they sat in a car and demanded money. Ascher's girlfriend told police she was looking for cash in her purse when she heard two shots and saw Ascher slouch down in the driver's seat. The gunman wore a blue ski mask and black gloves, according to Ascher's girlfriend, but police never found either item.

Since Pursley's first trial, at least five convictions nationwide that relied on ballistic evidence have been overturned, according to the National Registry of Exonerations. Without the technology, matching bullets to firearms requires an expert to manually compare photographs of shell casings from a crime scene to shell casings test-fired from a gun.

IBIS can produce "high confidence" matches, but someone still must analyze them under a microscope. And even ballistic experts who believe in the accuracy of their craft acknowledge that it's reckless to declare their results with absolute certainty because it's impossible to examine every gun in the world.

-www.forensicmag.com



"Even ballistic experts who believe in the accuracy of their craft acknowledge that it's reckless to declare their results with absolute certainty because it's impossible to examine every gun in the world."

Houston Forensic Science Center Eliminates Digital Backlog

A year ago, it would take an average of 110 days to process a cellphone or other digital evidence at the Houston Forensic Science Center.

Now that average has been pushed down to a little over two weeks for audio or video materials, and 24 days for digital analysis, the Center

announced this week.

A long-standing backlog at the HFSC's Digital and Multimedia Evidence Section has been cleared, they said.

Although analysts are now sent for on-site data retrieval at crime scenes from items like cellphones, laptops and surveillance cameras, the full dive into the digital

information can only be done at the HFSC's laboratory, they said.

The digital backlog was eliminated through additional hiring and improved procedures,

-Full story at www.forensicmag.com

"Our ultimate goal is to provide investigators with quick, accurate, impartial scientific analysis that can be used to help solve a crime," said Ryan Johnson.

October 2017

How Labs Prepared for Harvey: Protect People First, Then Equipment

The Houston Forensic Science Center braced for Hurricane Harvey two weeks ago. Two hundred staff members pitched in, some lugging 500 pounds of dry ice in case of long-term loss of power and refrigeration, others unwinding 80,000 square feet of plastic sheeting to cover vital equipment and evidence. Windows were bolstered for leaks. Some vital evidence was hauled over to the Houston Police Department's property room, and other materials were moved away from windows.

The agency escaped with no lost evidence, all staff members safe, instruments undamaged, and the communications system intact

throughout the entire historic storm. Controlled substances were brought back online yesterday, and today the toxicology and biology work resumed, according to HFSC senior leadership.

On-the-fly improvisations were made possible through the intact communications system.

1,000 miles to the east, their forensic counterparts in Florida continue preparations. Gina Carter, a spokeswoman for the Broward County Sheriff's Office, told Forensic Magazine that the agency had already prepared for the worst.

"Our crime lab was closed down at close of business on Wednesday," Carter said. "All sensitive electronics/instruments were covered in plastic and all evidence was secured in our vault. Crime scene (same building) will be manned 24/7 and assessing lab area routinely. The building has generators that activate should there be a loss of power."

-Full story at www.laboratoryequipment.com



The Day DNA Evidence First Nailed a Murderer

It has been 30 years since DNA fingerprinting was first used in an investigation.

It was the result of a scientist coming across the idea in a failed experiment.

Thirty years ago this summer, a 15-year-old schoolgirl called Dawn Ashworth set off from a friend's house in the village of Narborough, Leicestershire, and began to walk home. Dawn lived in the nearby village of Enderby, a few minutes' walk away, and chose to take a short-cut along a footpath known locally as Ten Pound Lane. And then she vanished. It was not until two

days later that Dawn's body was found in the corner of a nearby field, covered in twigs, branches and torn-up nettles. The pathologist established that she had put up a considerable struggle before being raped and strangled. The hunt for Dawn's killer was unlike any previous murder investigation,

however: it was conducted with the help of a new science. The technique known as DNA fingerprinting was employed in a criminal investigation for the first time. Not only did this revolutionary technique lead, indirectly, to the killer being caught; it also prevented a grave miscarriage of justice.

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Evidence Mismanaged Under Former Sheriff—Back on Track Due to the Diligent Work of 2 New Evidence Custodians

A 6 month audit by the State Law Enforcement Agency, revealed a gross mismanagement of the evidence department under former Laurens County Sheriff Ricky Chastain.

An audit had not been done in at least two decades at the Laurens County Sheriff's Office. SLED started their audit on December 27th with 9 agents,

they found thousands of pieces of evidence from various cases thrown together, not properly labeled, and not properly stored.

The jail is not the only place evidence was being held. A safe in the narcotics room was being used for drugs, money, guns, and evidence to be held in, with no record of what was going in and out.

Overall, SLED reported 885 pieces of evidence were found that were not even logged in the system Laurens County had set up. They also discovered 6 guns were not located, 391 pieces of evidence not located, and \$386.18 was missing from one case.

Two new evidence custodians got to work, they created a new system to log in and log out

evidence. They also have spent months working to track down owners of evidence that was found that should have been returned or destroyed years ago.

-www.wspa.com



Illinois Association of
Property and Evidence
Managers

IAPEM
PO Box 957257
Hoffman Estates, IL 60195-9257

iapemtreasurer@gmail.com

President: Tom Lex
Vice-President: Amanda Fox Arney
Secretary: Stacey Rivas
Treasurer: Michelle Borrero
Chairman of Board: C.J. Camel

The Goals of IAPEM are:

- ◆ **Provide for an educational exchange, dissemination of information and networking relative to the property and evidence function, for agencies in the State of Illinois.**
- ◆ **Promote professionalism of property and evidence personnel and to support high standards of performance in pursuit of this task.**
- ◆ **Deal with the collection, storage, preservation and disposal methods within law enforcement agencies in the State of Illinois.**
- ◆ **Solicit legal opinions and educate the membership on current or pending legislation that may impact property and evidence collection and preservation.**

KEEP YOUR EYES OUT FOR EMAILS COMING SOON:



- ◆ The fall business meeting preparations are in full gear. We are narrowing down a date for mid to late October.
- ◆ Voting for Executive Board Members will be coming out in November.
- ◆ Membership dues are up for renewal.
- ◆ The 2018 Conference days have been set for April 11-13, 2018.

Mark those calendars!