



Memo

To: Deputy Chief Stephenie Price
From: Carissa Garnes
Date: 6/5/2023
Re: Evidence Investigation

In May 2023, I was hired as an independent contractor at the request of Chief Dale McDorman and Deputy Chief Stephenie Price of the Beaufort Police Department. I was tasked with investigating a list of evidence that undisclosed person(s) within the Police Department claimed were missing. Those claimants had ultimately compiled a list of 435 law enforcement cases from which evidence was purportedly unaccounted for.

Having personal knowledge of the Beaufort Police Department's evidence records from my experience working as their evidence custodian for over three years, I know that the agency utilizes their Records Management System, Motorola Flex, for evidence management and began doing so for cases beginning mid-2015. Prior to this, evidence was logged predominantly using Tracker Products since 2011. In mid-2019, the service contract with Tracker was discontinued; any evidence still in inventory was migrated into Flex and all historical records from the Tracker system became inaccessible. The only documentation remaining from evidence destroyed during the Tracker era is in the form of destruction requests that had been drafted by myself and given to various officers, investigators, and command staff members between December 2017 and June 2019. Likewise, the small amount of evidence that had been managed using the agency's prior Records Management System, Lawtrak, was also migrated into Flex and marked accordingly in the Lawtrak system. However, the agency has retained Lawtrak for archival purposes.

Armed with this knowledge, I began reviewing the Microsoft Excel document containing the list of cases. In total, there were 435 unique case numbers, dated between 2004 and 2015, therefore all cases pre-dated the use of the Flex system. It appears that the evidence was compiled by comparing a Change of Custodian inventory dated December 2017 with another Change of Custodian inventory dated July 2021, however the difference in evidence between these two dates did not take into account evidence that was properly disposed.

I then checked to see if any of these cases had evidence migrated into Flex, and located two pre-Flex cases that each had one item of evidence, a DNA extract returned from SLED, that had just been entered into Flex in May 2023. This indicates that all of the evidence in these cases was actually disposed of between December 2017 and July 2021, since it was no longer appearing on the Department's inventory. In other words, all of the evidence listed as being in police custody was, in fact, accounted for during the inventory.

I then researched each case using the Lawtrak system, which is still accessible despite no longer being utilized by the Department. I was able to readily ascertain that all but two of the 435 cases were in Lawtrak, but only four cases had evidence logged in this system. It can be assumed that the evidence from the remaining cases was logged using Tracker products only. It remains unclear why some case evidence was logged in Lawtrak while others were not as it is inconsistent in terms of dates, case officer, or incident type.

My investigation then turned to whether the evidence was disposed of in accordance with state law and Departmental policy (as it was written during the timeframe in question) and what documentation was available to record the disposition of evidence. In 2017, General Order 12.10, with a revision date of 08-25-08, would have been in effect. This revision specified the amount of time evidence was to be held prior to disposition. The provisions of interest include:

- Municipal Court Plea – 10 days
- Municipal Court Trial – 1 year
- General Sessions Plea – 12 months
- General Sessions Trial – 4 years

Utilizing some of the case and adjudication status information that was provided to me, I conducted further research into each case and found the following:

- 51 Cases were adjudicated prior to 2013 and were well past the statutory and Departmental requirements for retention
- 85 Cases were adjudicated between 2014 and 2016 and able to be disposed
- 3 Cases were subject to the Preservation of Evidence Act (SC Code of Laws Title 17 Chapter 28 Article 3) however all of the provisions of the Act were satisfied prior to the disposition of the evidence
- 10 Cases were adjudicated in 2016 or later, and therefore could have been in violation of Departmental policy. However, without knowing the exact date of disposition, this cannot be verified. All of the evidence in these cases were lawfully able to be destroyed.
- 125 Cases were closed for various reasons, i.e. Administratively or Unfounded
- 41 Cases were juvenile cases and all juveniles had met the age of maturity plus one
- 40 Cases were expunged
- 4 Cases had unknown dispositions

In three cases, there was no evidence showing on the 2017 inventory. Two of these case numbers had no corresponding report in Lawtrak. Based upon all of my research, I can only conclude that no evidence ever existed under these case numbers.

In multiple instances, I located property receipts where some of the evidence and/or property was returned to the owner several years prior to the 2017 inventory. This indicates to me that other evidence custodians and investigators also concluded that it was no longer needed by the

Beaufort Police Department, further emphasizing my own research. In almost every case researched, the evidence could have long been disposed of prior to my taking custody of the evidence room in 2017.

During my tenure as evidence custodian, my procedure for the disposal of evidence would have included:

- Research whether the case resulted in an arrest
- If an arrest resulted, I would have researched the adjudication status to determine if the evidence or property was lawfully able to be disposed. If so, I notated these findings in the evidence program (I've included a screenshot of an example from Flex).
- If no arrest resulted, I would have consulted the case officer, assigned investigator, Patrol Lieutenant, or Investigations Master Sergeant and requested permission to dispose of the evidence. (I've included a screenshot of an example from Flex).
- Once I was able to determine that the case evidence was no longer needed, either with officer permission or through adjudication, I would notate such in the Tracker program just as demonstrated in the two Flex examples. Once it was decided that Tracker would cease being used, I was authorized to continue notating dispositions in this way in order to avoid the redundant process of logging the older evidence into the Flex system only to immediately mark it as destroyed. Due to the volume of backlogged evidence needing disposal (several thousand items) and the three-part process of logging a new case plus each evidence item into Flex, this would have likely required close to 100 additional man hours.

Using documentation available on the Evidence Drive on the Police Department's network, I was only able to locate a handful of documents which showed when evidence/property was returned to their owners. There were also several property receipts, transfer receipts, and chain of custody reports located within Lawtrak that showed the movement of evidence within and outside of the Department. The majority of the destruction and disposal documentation, however, would have been kept solely within the Tracker program. The same is true for evidence disposed of during the Motorola Flex era and will also be lost should the Department change Records Management Systems and not retain access to this historical data. If this is a concern, my recommendation would be to either implement a new procedure for evidence where documentation and annotations are stored locally, or calculate a way to store this data prior to implementing a new records system.

Based upon my investigation, I found nothing to substantiate the claim that there is missing evidence from the Beaufort Police Department. I can also conclude that no violation of state law occurred in regards to the list of purported evidence. Furthermore, it became apparent during my research that extensive lengths were made to document the movement of evidence by members of the Police Department. During my tenure as the evidence custodian, I facilitated the digitization of approximately ten years of paperwork that had been found within the evidence room and adjacent office. While much of the original documentation cannot be recovered from the Tracker program, what can be located offers reassurance that proper procedures were followed and adequate research was conducted prior to the disposition of any evidence and I feel confident that, if those Tracker records were available, they would prove the same. If additional documentation or resources are located that may alter the results of my investigation, I would be happy to address them.

/s/ Carissa A Garnes 6/5/2023

Attachments:

- Email Response from Tracker Products
- Beaufort Police Department General Orders
- Flex Destruction Example with Charges
- Flex Destruction Example with No Charges