



E85 The National Institute of Standards and Technology/National Institute of Justice (NIST/NIJ) Evidence Management Initiative

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Learning Overview: After attending this presentation, attendees will learn about the activities of the NIST/NIJ Evidence Management Steering Committee (EMSC) including: the results of a national survey of evidence handlers, progress regarding the development of best practices regarding the retention and preservation of evidence types, and deliberations held at the Evidence Management Conference in October 2019.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by informing attendees that maintaining the integrity of physical evidence is a fundamental aspect of the administration of justice. Every day, critical decisions are made to determine outcomes in legal proceedings based on evidence and how it is managed. Once identified as evidence, the item begins a long and often complex journey until its final disposition (e.g., destruction, return to owner). Depending on the type of case, the type of evidence, the size of the item, and numerous other factors, an individual piece of evidence could be held for decades. Short- and long-term maintenance of the evidence involves a wide range of stakeholders, each with different organizational roles and responsibilities in the context of the larger system of justice.

In 2016, Congress passed the Justice for All Act calling for the “establishment of best practices for evidence retention” in consultation with federal, state, and local law enforcement agencies and federal laboratories. The NIJ commissioned the NIST to lead the development of evidence retention guidelines due to previous collaborations in the development of best practices for biological evidence published in April 2013. In March 2018, the EMSC met for the first time and developed a plan to complete its charge to: (1) develop best practices for the retention, preservation, integrity, and disposition of evidence and property; and (2) encourage adoption through education and engagement of the broad community of United States justice system stakeholders involved in the management of evidence.

Numerous studies and government-sponsored publications identify the need for best practices in the storage, preservation, and disposition of physical evidence. As the use of forensic evidence in criminal proceedings increases, the need to properly maintain the integrity of that evidence becomes pronounced. The national crises of untested sexual assault kits resulted in the passage of the SAFER Act of 2013 with revisions in subsequent years, which is symptomatic of a larger, systemic issue in the management of physical evidence. The NIST and NIJ 2013 report addressed storage issues in biological evidence, and the authors state: “Many law enforcement agencies do not recognize or support the efforts of their property rooms. Although these agencies bear ultimate responsibility for maintaining the integrity of the evidence, the real problem is a system-wide failure to properly account for evidence from collection through final disposition.”¹

This presentation will include discussion of the activities that EMSC took to begin addressing the aforementioned issues. These activities include: (1) a national survey of evidence handlers and organization heads to learn more about existing gaps; (2) a review of the literature to support evidence preservation, storage, and disposition and identify gaps in the literature related to evidence handling and storage; (3) a public conference for federal, state, and local government representatives, communities of practice, and the public stakeholders to discuss, prioritize, and publicize evidence management issues and solutions; and (4) a report summarizing the findings of the previous three activities and identify best practices in evidence management in preservation, storage, and disposition.

This presentation will provide a summary of the findings of each of these activities and provide further opportunities for attendees to become engaged in the activities of EMSC.

Reference(s):

1. Ballou S., Stolorow M., Taylor M., Bamberger P.S., Brown L., Brown R., et al. *The biological evidence preservation handbook: Best practices for evidence handlers*. 2013; p.iv. <https://nvlpubs.nist.gov/nistpubs/ir/2013/NIST.IR.7928.pdf>.

Evidence Management, Preservation, Stability