



# SENATOR MATT BARTLE

District 8 – Capitol Building, Room 319 Jefferson City, MO 65101

Column for Week of:  
June 23, 2008

Contact: Todd Scott  
(573) 751-1464 / (888) 711-9278

## Extending Expiration Dates for Evidence in Crimes

When a crime is committed, investigators and law enforcement officials depend on evidence to connect the dots. However, if evidence is lost it means there is a family somewhere who will not have closure because justice hasn't been delivered.

A bill I sponsored this session ensures that evidence is protected and not lost because of backlogs and delays in the process. [Senate Bill 795](#), which was passed as part of Senate Bill 818 allows police and prosecutors extra time to examine certain evidence that is seized during criminal investigations. This change in the law makes it clear that as long as there is probable cause — the standard that allows the police to seize the evidence in the first place — then the evidence can be kept past the expiration date.

We needed to make this change because we've noticed that, especially in child pornography cases, there is a danger that the evidence will go stale because of delays. A suspect's computer may be seized, but there is such a backlog of work that the computer forensics specialists cannot get to it quickly in many cases. Currently there is a 10 day expiration rule for evidence that was enacted long before lawmakers could have imagined present-day computers, cell phones, DVDs, iPods or BlackBerrys, and the sheer amount of electronic data that can be captured, collected and disseminated through the use of these devices. They probably never dreamed that this technology would create a proliferation of child pornography.

Now, law enforcement routinely seizes these devices during searches relating to sex crimes, child pornography, Internet solicitation investigations and other major case investigations. The officers who seize the evidence contained in these machines are not the individuals who are qualified to conduct a forensic investigation on the devices. This job is left to the experts — the computer forensics specialists.

Because of the expanse of data that can be found on these devices, it takes a substantial amount of time and expertise to safely and correctly conduct a forensic investigation of the device's content without compromising the evidence. Extra time means a backlog of work, making a "search" of a particular device within the 10-day window virtually impossible, even though the "seizure" of the evidence takes place upon the collection of the device.

Sometimes police seize hundreds of videotapes, CDs and/or DVDs during a single search putting a strain on those who must conduct an exhaustive search of countless hours of footage within a 10-day period, especially given the fact that these investigators are typically assigned and are actively working on 50+ cases at one time. The same holds true of biological forensic evidence, which can rarely be searched within 10 days of collection.

According to a recent *Kansas City Star* article, child-exploitation investigators recently completed a 30-day look at files being shared through Missouri computers. They found that more than 7,000 computers were trading known images of child pornography. More than ever we need to make sure our police departments have all the tools they need to do their job, including expanding the time limits for them to examine critical evidence. Senate Bill 795 would not have passed without the diligence and dedication of the Jackson County Prosecutor's office, which helped make people aware of the backlogs

and is committed to putting an end to child pornography in Missouri. This measure will become law in late August pending the governor's signature, allowing us to continue to fight against the exploitation of children in Missouri.

If you have any comments or questions about this week's column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by e-mail at [matt\\_bartle@senate.mo.gov](mailto:matt_bartle@senate.mo.gov) or by phone at (888) 711-9278. My web address is <http://www.senate.mo.gov/bartle>.

-END-