



CHAPTER 5 PEAFF MEETING

May 16, 2018

Naples Police Department
355 Riverside Cir, Naples, FL

Meeting called to order at 10 A.M. by Beverly Hunt

Thanks to Naples Police Department (Andrea “Andi” DeLisle) for providing the venue. Naples Chief of Police Tom Weschler welcomed attendees.

Introductions, including visiting members, PEAFF President Sheila Lustigman; Scott Lustigman

Due to previous engagements by some of the speakers and the number of speakers present, our business meeting was held after the speakers.

Speakers included:

- Cynthia Rossen, PA - SAO
- Femi Young - SAO Post Conviction Unit
- Chris Van Bomel – FDLE - Firearms (Tampa Office)
- Rachel Aponte – FDLE - Biology (Crime Lab Analyst) Ft Myers Office
- Jen Licata – FDLE - Biology Supervisor Ft Myers Office
- Kimberlee Barton – FDLE- Latents (Ft Myers Office)

Attorney Cynthia Rossen - Post Conviction Relief and how long we might be required to keep evidence.

Rules mentioned were:

3.801 – items that are not evidence but credit for time

3.850 – motion PCR, vacate judgment and sentence

3.851 – death penalty cases

3.853 – DNA claims -- Defendant has 2 yrs from claim to the end of appeal

Cases conclude 60 days after a sentence with a 30 day appeal chance and then anytime after the appeal is complete.

SAO Femi Young - Spoke about the actual releasing of evidence and/or items not considered needed further

- Cases SAO will not be seeking items
 - Suicides
 - Abandoned Property
 - Misdemeanor or resolved cases

- TR cases
 - *LEO doesn't intend to file criminal charges*
 - Items can be returned.
- Cases SAO may or may not be seeking evidence
 - Injunctions
 - Open criminal cases
 - Civil/probate cases -- open warrant/summons
 - Current in custody
 - Defendant on probation
 - Or where DNA may be obtainable
- Cases SAO advised to keep
 - Sex offenses
 - Homicides

??? If part of the evidence is used / left in court for a trial, why can't the rest of the evidence be purged? SAO answer is: Evidence cannot be gotten rid of because of a possible re-trial with different witnesses in the new trial.

- Evidence in misdemeanor cases need to be kept for a max of a year.
- If defendant is out of custody and on probation, they can file an appeal so agencies have to keep evidence until their sentence is complete, including appeals.

FDLE Firearms – Chris Van Bomel

- Firearms processed last
- 5 firearms limited per submission, NOT per case.
- Revolvers NOT eligible for NIBIN (will still work but only violent/shots fired cases)
- FDLE NOT taking cartridges without witness/victim, must have a victim/intended victim or an indication of a crime
- Bullets do not go into NIBIN but will work if a violent case
- If you are sending off a firearm for a Serial number restore, DO NOT try to restore yourself, send off as is.
- Guns located in water... Submit the firearm in the water it was recovered in, if you cannot then in fresh water
- NOTIFY WHEN A CASE IS CLOSED.

FDLE Biology – Rachel Aponte (Crime Lab Analyst)

- SAKs – Agencies have 30 days to submit to FDLE, FDLE has 120 days to return.
- Homicides – submit 5 items on 1 submission
- Other cases – submit 3 items on 1 submission
- Burglaries – 1st submission is 1 item per subject
- Touch/wear not accepted unless Violent Crimes
- NO bullets/cartridges accepted for touch DNA without blood
- Criminal parentage -- Buccals for child, mother and alleged father. If child is unborn, submit fetal tissue.

FDLE Latents – Kimberlee Barton

Latent submissions (Latent cards)

- BIS – no subject listed
- Latent's case – subject listed

FBI Database (Next Generation Identification)

- Reserve hits from FBI

Submission Guidelines

- 10 items per submission 1 lift = 1 item
- Can send more once the report from the 1st submission has been released.
- If sending to process, DO NOT process first.
- NIBIN requests – 72 hrs for a RUSH
- If officer's print shows on tape being submitted for latents, place "X" through it to indicate that print does not need to be processed.

Meeting Business:

- Secretary Tonya Jennings gave a short rundown of the last meeting.
- Announced that there will be a vacancy for Vice President, current VP Cory Mundy will be stepping down due to moving out of state. *Good Luck to him in his new endeavors.
- Discussed upcoming Conference in August and how to register and book room.

Informal Round Table Discussions

- If you have a firearm that was purchased by an 18 year old prior to the new law, where no one under the age of 21 can purchase a firearm, can you return that firearm or do you follow current law?
- Do agencies use the FDLE – Firearms Eligibility System (FES) and does that fully determine whether or not a firearm gets returned or do you still rely on your agency deputy/detective to sign off on it?

Next Chapter 5 Meeting will be held in August, date and location to be determined. Treasurer's report was not available. Meeting was adjourned at 11:55 and lunch was provided by Naples PD.

Submitted by:

Tonya Jennings, Secretary