



Lessons Learned from Losses December 2010

Spoliation of Evidence

Courts do not like it when evidence is destroyed. Any potential evidence must be preserved and protected. It is extremely important to train all municipal staff to preserve any items, product, etc. that may have contributed to, or caused an accident, or are somehow connected to an incident that may result in a claim or lawsuit.

Examples of potential evidence include a failed chair or ladder, a product that starts a fire, machine that causes an injury, brake failure on a vehicle, etc. Failure to protect potential evidence could result in a "Spoliation of Evidence" claim, which is actionable and could result in severe sanctions *to the party that failed to protect the evidence*.

Discarding product evidence or even repairing evidence could also prevent us from pursuing a successful subrogation against a faulty manufacture, installer, designer, etc. Please maintain such items in a secure space dedicated for such purpose, where possible. If you are in doubt as to whether an item is potential evidence or if you are currently storing evidence and are not sure whether you should continue to store it, please contact us for assistance.

Scibal's contact information by unit is located on the JIF website.

Thank you and Happy Holidays!

