



DPI Investigator

May 2011

Evidence Spoliation Alert

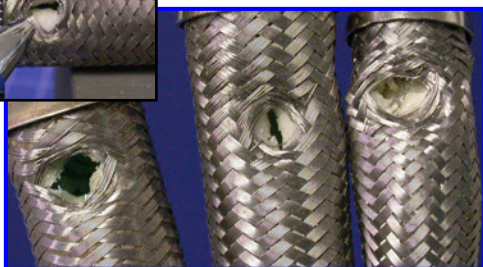
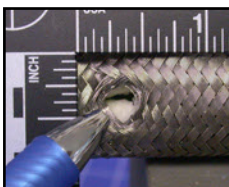
Recently, DPI became aware of a pattern of evidence damage that we consider to be due to improper inspection handling. The items are stainless steel braided water heater connectors with light-colored thermoplastic rubber inner tubing. Many of our clients will have seen this connector design and the characteristic tubing deterioration that results in leakage.

When evidence leaves the DPI facility for inspection by another party (most commonly the manufacturer), it is photographed prior to being packed up by the Shipping and Receiving staff. If the item is returned to DPI, a photo documenting the condition of the evidence as received will be taken. Obviously, the majority of items the S&R staff see are damaged in one way or another, and usually only one item at a time is received in a package. Only something really out of the ordinary would be checked over in extra detail.

An odd puncture was noticed on a returned connector, and DPI staff started taking a closer look. After a couple of more examples were discovered, the storage facility was searched, and several others were found. The most recent damaged items have been photo-
documented in extra detail for future reference.

The appearance is consistent with puncture damage by an instrument shaped like a common ink pen. *These items did not leave DPI with this damage!* As far as DPI has been able to determine, clients have not been notified that the manufacturer intends to use this "inspection technique." It is DPI's opinion that this is destructive and consistent with spoliation.

Many of our clients maintain their own evidence storage facilities. DPI advises checking your evidence in storage (and even review cases you may have already closed) to see if evidence has been damaged in this manner.



**Water Heater Connectors-
Puncture Damage**



We have had a number of adjusters call stating they did not receive their report even though it had been sent more than once. If you are having this problem, please confirm the address (e-mail or postal mail) where the report is being sent. We often find that the address we have on record is a bulk mail address where we have been directed to send reports.

Sometimes evidence just won't fit in the mailbox

Fans are common items inspected by DPI, but this one was a little unique.

Our new storage facility can handle almost anything, so send in those unusual items.



**Patti Sweitzer
With Her Biggest Fan**

Meet The Inspector

Billy McClellan has been a DPI inspector for four years. Billy was an Honor Graduate of the Legal Specialist School and served in the United States Army and Army National Guard as a JAG Legal Specialist. He also holds a degree of Applied Science Computer Electronics Engineering Technology. Billy has experience in industry with heavy equipment, fire alarm systems, CCTV, and access control. He has taken and taught numerous OSHA classes.

At DPI, Billy has specialized in water/electrical failure items. His current expertise is sump pump failure analysis, and soon he will further branch out to other electrical and fire-related failure inspections.



Billy is a skilled analyst and an excellent writer. His contributions to DPI are greatly appreciated.

NEWS from CPSC

U.S. Consumer Product Safety Commission

Aquarium Heaters Recalled by United Pet Group Due to Fire and Laceration Hazards

FOR IMMEDIATE RELEASE

April 21, 2011

Release #11-202

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission, in cooperation with the firm named below, today announced a voluntary recall of the following consumer product. Consumers should stop using recalled products immediately unless otherwise instructed. It is illegal to resell or attempt to resell a recalled consumer product. **Name of Product:** Marineland Stealth and Stealth Pro Aquarium Heaters **Units:** About 1.2 million **Importer:** United Pet Group, of Cincinnati, Ohio **Hazard:** A wiring problem can cause the aquarium heaters to overheat or break during normal use, damaging the aquarium and posing fire and laceration hazards to consumers. Overheating can cause the heater to shatter or the aquarium glass to break. **Incidents/Injuries:** United Pet Group has received 38 reports of fires resulting in property damage and 45 reports of broken aquarium glass. United Pet Group has received one report of a consumer who suffered an eye injury when the aquarium heater forcefully broke while he held it. **Description:** The recall involves the following Marineland Stealth and Stealth Pro aquarium heaters. The heaters are black plastic tubes and have a temperature adjustment knob at the top. The model name "Stealth" (in white letters) or "Stealth Pro" (in red letters) is printed on the side of the heater. The model number and the wattage rating are printed below the model name. Stealth Pro heaters were also sold as part of aquarium starter kits. **Sold at:** Pet stores nationwide and on various websites from January 2004 through February 2011 for between \$20 and \$300. **Manufactured in:** China and Italy **Remedy:** Consumers should immediately stop using the recalled aquarium heaters and contact United Pet Group for a free replacement aquarium heater or a full refund. **Consumer Contact:** For additional information, contact United Pet Group at (800) 338-4896 between 7:30 a.m. and 5:30 p.m. ET Monday through Friday, or visit the firm's website at www.marineland.com

Marineland Stealth Models Marineland Stealth Pro Models

Wattage	Model #	Wattage	Model #
25W	ETP25	25W	ML90447-00
50W	ETP50	50W	ML90448-00
75W	ETP75	75W	ML90449-00
100W	ETP100	100W	ML90450-00
150W	ETP150	150W	ML90451-00
200W	ETP200	200W	ML90452-00
250W	ETP250	250W	ML90453-00
		300W	ML90454-00

