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Inspection and Inventory Audit Report

Teaneck Police Department NJ

Conducted April 1, 2019 – April 18, 2019
Chief (Ret) Michael S. Miller
Lt. (Ret) Robert A Pettit, Jr.

Background: I was contacted by Teaneck Police Department Captain Mark Distler in reference to conducting an inventory audit of the Police Department's Evidence Room. The agency is accredited and it is seeking re-accreditation at this time. I subsequently provided a quote for services, which the Department subsequently accepted. We agreed on a start date of April 1, 2019 and an estimated completion date of April 19, 2019.

On Scene Evaluation: I, along with Lt. (Ret.) A. Robert Pettit, Jr. arrived at the Teaneck Police Department on April 1, 2019 and met with Ofc Dan Garcia, Property Custodian. I was given a tour of the facility and also had the opportunity to interview the custodian. A custodian was onsite at all times during our auditing. During the course of the onsite evaluation, I initially focused on learning about how a) the current function operates in terms of intake, packaging, temporary storage, transfer of property into long term storage, storage schemes, and final disposition.; as well as b)how the department utilizes their property management system to track and manage their inventory. Each of these functional areas is discussed in detail within the report. The onsite portion of the inspection and audit was completed on April 17, 2019.

Checklist:

The evidence/property room is being maintained in a neat and orderly fashion. **Yes**

The integrity of the stored evidence property is being maintained. **Yes**

The evidence/property is being protected from damage and deterioration. **Yes (with notation)**

Proper accountability procedures are being maintained. **Yes (with notation)**

Evidence and/or property having no further evidentiary value has been identified and is ready for disposal. **No.**

Temporary storage areas are clean, intact an all locking mechanisms are functional. **Yes**

It appears that all department directives concerning the property management function are being followed without exception. **Yes.**

Notation 1: The evidence room underwent a mold remediation in 2018.

Notation 2: Accountability procedures are generally good with the exception of legacy evidence prior to PR000001 in 2007 and no directive requiring dual verification of cash prior to submission as noted within the report.

Teaneck Inspection

Intake and Packaging of Evidence:

- Efficient. Case officer completes BEAST entries and generate barcodes.
- Require double verification for cash and CDS prior to heat sealing. Have both officers sign across the seal(s).
- Modify CD labeling to eliminate cutting labels so they fit the binders

Property Management Systems:

Log Books:

Log book system is used to track evidence until mid-2018. Each item is given a unique property record number. The log books are generally well maintained with the exception of narcotics until roughly 2014, which had been logged into the books but not updated. Upon conferring with Captain Distler and Ofc Garcia, I learned that some cases, particularly BON cooperatives had been stored within the narco unit, and the drugs and records were not maintained in the evidence room. This situation appears to have been corrected several years ago.

BEAST System is not being used as intended.

Location/Status related errors are primarily due to one of two reasons.

1. Outgoing evidence custodian did not have a good understanding of how to operate the Beast system correctly.
2. Items are being scanned exclusively via speed sheet rather than at point of transaction.

Storage System related inefficiencies are primarily due to the system not being set up to mirror the physical design of the room(s)

Four main aspects of BEAST

Collection Purpose: Why an item is brought into the function. Examples include:

- Evidence
- Forfeiture
- Found Property
- Safekeeping

Offense Type: The most serious offense associated with the item, or other occurrence prompting item intake. Examples include:

- Homicide
- Robbery
- Possession of CDS
- Ordinance Violation
- Found Property

Status: The general whereabouts of the item. Examples include:

- Stored in location (and the specific location within the department)
- To lab
- To court
- At UCPO (new)
- At UCSO (new)

Item Type: The specific category of property or evidence to which an item belongs. Examples include:

- Handgun
- Rifle
- Shotgun
- Vegetation
- Power Substance
- Rocklike Substance

The above aspects, when properly documented work together to create an accurate inventory of all items on hand, an accurate chain of custody for each item and serve to provide alerts to the property custodian to assist in disposition of each item. Unfortunately, the system is not being used correctly for these purposes, which in turn compromises the usefulness and veracity of the data.

BEAST Corrective Actions taken:

- I updated BEAST tables to more closely align with Teaneck police operations.
- I created storage locations to match the physical design of the room(s).
- I updated internal BEAST tables.
- I trained Ofc Garcia on how to better utilize BEAST features.
- Care must be taken both during initial input and when checking items in and out that record is indicative of these four main aspects and especially the current custody status of each item.

Temporary Evidence Holding:

Temporary holding is a key in only design, meaning that once the impounding officer has secured the items, the only person(s) who could access them are the property custodian keyholders. The current method of temporary evidence holding is acceptable.

Physical Design of the Evidence Vault

The main vault appears to be in compliance with the NJ Attorney General Guideline and best practices.

Security/Environmental**: Construction is solid including above the drop ceilings, which is optimum.**

- The vault is located in a secure area within the police department and is under video surveillance.
- The vault door is alarmed and monitored.
- Vault door does not contain glass or other easily breeched materials.
- The vault does not contain windows but is separated from records archives only by chain-link.
- Locking mechanisms include separately keyed deadbolt locks at all access point doors.
- Fire suppression present.
- *NJ Attorney General/NJSACOP Guideline requirement* - <u>**High risk items are secured under a separate layer of security (cash, CDS, firearms and jewelry/precious metals/gemstones valued at over $500.**</u> This is accomplished through the use of locking cabinets with the vaults. CDS, currency and jewelry, precious metals and gemstones along with perishables are all stored within vault, separated within locked cabinets.
- Room has been remediated for mold.
- HEPA air handler is present.

Storage Scheme: Logistically the room should is laid out so that it is easily understood by a reasonable person.

- The storage locations within the room can easily translate to identifiable storage locations within the BEAST. It is possible for the custodian to locate an item in a timely manner based on "property numbers" in the legacy system and; barcode in the BEAST system.
- Shelving requires moving boxes to get to other boxes. Additional shelves should be added to eliminate stacking boxes on top of boxes.
- Items are generally kept off the ground.
- Good assortment of bins, boxes, open shelving, drums and binders.
- Storage locations should be created for items moved from their primary location awaiting a process such as return, destruction, auction, etc. When an item is slated for its respective process, it should be moved to the awaiting process location, such as "destruction box A", but should remain in status "stored in location" until the item is actually destroyed or transferred to another agency for destruction.

Administration of the Evidence Vault

Special Handling Items:

Cash/Jewelry/Gems/Precious Metals:

Cash is generally handled properly.

- Found money and non-essential evidence money is transferred into a law enforcement trust account within municipal finance, within 48 hr; or returned to owner.
- Funds pending forfeiture are deposited with County Prosecutor, within 48 hr.
- Only cash absolutely needed for prosecution such as dye pack cash, bloody cash, serial number recorded cash is kept as evidence.
- Cash and other high value storage locations should be contained within the “Cash/Jewl” locker section in the BEAST

Firearms: Firearms are segregated from general property in an area known as “RLOCK or GLOCK” in locking cabinets.

- Notation of cleared and checked should be notated in BEAST entry, along with the hazard marking “Firearm” on the BEAST label.
- Firearms storage locations should be contained within the “firearms” locker section in the BEAST
- Hasp and lock needed RLOCK1

CDS: CDS is segregated from general property in an area known as “NARC” in locking cabinets.

- CDS storage locations should be contained within the “CDS” locker section in the BEAST
- Storage location NARC10SAFE was locked with a padlock, which needed to be cut as the custodian did not have a key and it was also reported that the prior custodian did not have a key. The safe contained CDS from mostly the 1980s and very little documentation was available. The chain of custody is generally useless as there is no linkage to cases and the logs are incomplete. I suggest seeking prosecutorial authorization to destroy these items. Snapshot in time audit attached.

DNA: DNA is segregated from general property in an area known as “DNA” in a locking refrigerator.

- DNA storage locations should be contained within the “DNA” locker section in the BEAST
- Add lock mechanism to both fridges

<u>Storage capacity is becoming an issue</u>. Lack of expansion space is evident at a nearly critical level. This condition is mostly the result of a failure to purge evidence over the last decade, which I will address in Section *Disposition*.

Temporary Release of Evidence:

Most often accomplished for lab analysis. Items needing lab analysis are generally segregated when they are removed from the temporary evidence lockers and placed in a "to lab" box. The evidence custodian is responsible for all submissions. I noted that a large portion of any paperwork discrepancies can be attributed to either the log book or the BEAST not being updated when given items are transferred, most often to lab. This condition is apparent in legacy entries, I.e. those prior to the current evidence custodians. Items known or suspected to not be currently at the lab need to be researched as best as possible and the disposition noted in the entries.

Disposition:

It is clear that disposition is not being accomplished in a regular manner and the room is overburdened with items that should have been disposed of years, if not decades ago. This is true of firearms, CDS and general property and evidence. To improve the general health of the evidence room as well as comply with State Statutes, AG Guidelines and directives and conform to contemporary best practices, **TIME** must be allocated to the evidence control officer to accomplish disposition. I estimate that roughly 75% of all items in holding could be purged from the room. For the next two-years, effort should be made to purge five items for each new item brought in. Meeting this goal should result in manageable inventory levels. To accomplish this, I estimate needing around 60 man hours per week being allocated to evidence management, and particularly purging. Disposition methods are discussed below.

- Destruction: Contraband as well as items of identification and financial instruments such as credit cards, financial documents, etc that cannot be returned should be destroyed by an appropriate method. The same applies to firearms that have been approved for destruction. Follow Union County policies relating to destruction, and if none exists, state policy.
- Auction: Property that becomes owned by the municipality such as that found by an officer, or unclaimed property not wanted by the finder or abandoned property should be auctioned. This can be accomplished by conduction a live municipal auction or using a service such as govdeals.com or propertyroom.com.
- Donate: Municipal government can authorize donation of property such as bicycles or youth sporting equipment to a 503c entity.
- Return to Owner/Finder

I provided general disposition training to Ofc Garcia and optimized the BEAST system for efficient disposition. Follow NJ AG Directive 2011-01 and revisions as well as Bergen County policy.

Disposition eligibility is dependent on the reason why a given item was impounded. The following is largely representative, although **some counties have stricter requirements**:

- <u>Indictable charges filed and disposed of in Superior Court:</u> NJ AG Directive 2011-01 sets an evidence retention period for all evidence used in a criminal prosecution which is generally 5 years OR expiration of sentence, whichever is longer. To determine eligibility, there is a time consuming and tedious process. First, the cases needing review need to be identified. Then the cases must be researched in PROMIS/GAVEL and the sentencing information of each person related to the case must be attained and subsequently submitted to the appropriate Assistant Prosecutor for approval. No item can be disposed of until approval is given. These tasks are best accomplished by civilian personnel with AOC access as the tasks do not require the expertise of a sworn officer and civilians tend not to be pulled for other purposes and come at a lower expense than sworn personnel.
- <u>Indictable charges filed but downgraded or otherwise disposed of in Municipal Court; OR Non-Indictable charges filed</u>: In most cases except DWI, which is ten years, items can be disposed of one year from the disposition date, unless an appeal has been filed. Although disposition can be accomplished without prosecutorial approval, the same research needs to be done to determine an items eligibility date.
- <u>Criminal case, no charges filed</u>: Items should be purged upon expiration of the statute of limitations, with exception of CODIS, AFIS cases which are held indefinitely.
- <u>Found Property</u>: 180 days from recovery date.
- Maximize the "return to owner" of stolen property in accordance with 2C:65-1, when there is no dispute as to ownership.

I suggest beginning with older cases, non-indictable or downgraded cases and found property/CDS as they are the items with the greatest chance of eligibility and hence the best chance of quickly reducing bulk. Additionally, counties such as Bergen, Essex, Passaic and Hudson have routinely downgraded CDS offenses, which would normally be heard in Superior Court, to Municipal Court. In instances where cases have been heard in Municipal Court, the retention times are one-year from disposition, rather than 5 years or expiration of sentence.

Audit:

General: N=381

Items Not Located=3

Items Not Located Rate= 0.79%

Property Record	Location
2147	IDBIN 335
6694	IDBIN 353
26389	IDBIN 84-10

Cash/Jewelry/PM, Gem 0ver 500: N=362

Items Not Located = 1

Items Not Located Rate = 0.28%

Property Record	Location	Item
5059	Cash 1	$77.00

DNA: N=188

Items Not Located=0

Items Not Located Rate=0.00%

Firearms N = 1038

Items Not Located: 8

Items Not Located Rate = .77%

05574	RLOCK3	94-126-1 Ithica Mod 37	
05631	RLOCK4	s1 or s29; 02-03-83	
05968	RLOCK10	03-497 Paintball	
05976	RLOCK11	06037481	
06156	GLOCKD	Marksman Repeater	
06315	GLOCKG	Crossman 357 Air Rifle	
16908	GLOCK1	Glock 23	Reported to BCPO Court (unconfirmed)
31573	RLOCK12-20	.22 cal pellet	

CDS: N = 3936 (PR-000001 of 2007-Present)

CDS Items Not Located = 8

CDS Items Not Located Rate = .20%

15094	N4B3	1 BOX
15922	N4B4	2 CLEAR ZIPLOCKS EMPTY
15700	N4B4	CLEAR BAGGY CONTAINING 2.53
17582	N4B6	RAZOR BLADE
19005	N4B7	US 1 DOLLAR WITH RESIDUE
30245	N10B2	SILVER GRINDER
34054	N12SHL1	GLASS MASON JAR CONTAINING A FOOD
35362	N12SHL2	2 CLEAR BAGS 1 GREEN GAS

CDS: N=Unknown (Log Books prior to PR-000001, reliability uncertain)

Cases Not Located:

2007	39, 51, 55
2006	07, 14, 102
2005	32, 84
2004	93
2003	45, 56, 59, 60, 69, 79
2001	29, 30, 32, 34, 71, 91
2000	20, 26, 34, 64, 65, 70, 82, 86, 94, 99
1999	08, 14, 25, 47, 63-70, 99, 101, 102, 104-108, 114, 131, 132
1998	02, 19, 27, 33, 35, 58, 81, 100, 102, 118, 134
1997	08, 11, 16, 20, 39, 45, 49, 54, 56, 60, 61, 74, 94
1996	91, 158
1995	148

Audit Discussion:

The items not located rate across the board is excellent, with the exception of CDS prior to property record 000001 of 2007. For comparison, rates for rooms considered “good” run around 2% or lower and average at around 4% or lower. As noted above, the discrepancy rates are running less than 1%.

While I cannot say definitively why the CDS discrepancies are high 1997 through 2003, based on my training and experience I suspect poor recordkeeping is the likely culprit. I can not accurately determine a discrepancy rate prior to 2007.

Plan of Corrective Action:

Top Priority Items:

- The property custodians <u>need time allocated to them to purge roughly 5 items for each new item brought in, on average. I estimate needing about 60 manpower hours per week to begin to make a significant dent in the items to be purged.</u>
- Create storage locations and barcode each location. Each box, bin, drawer, open shelf, etc should be its own location and should be barcoded!
- Require double verification for cash and CDS prior to heat sealing. Have both officers sign across the seal(s).

Lesser But Still Important:

- Storage locations should be created for items moved from their primary location awaiting a process such as return, destruction, auction, etc. When an item is slated for its respective process, it should be moved to the awaiting process location, such as "destruction box A", but should remain in status "stored in location" until the item is actually destroyed or transferred to another agency for destruction.

NOTHING FOLLOWS