

PROPERTY ROOM CONSULTING, INC

"We rescue law enforcement property rooms"



2nd Inspection and Annual Audit 2020

Teaneck Police Department NJ

Conducted December 3, 2020
Chief (Ret) Michael S. Miller

Background: I was contacted by Teaneck Police Department Captain Andrew McGurr in reference to verifying their 2020 Annual Audit and Evidence Inspections. The agency is accredited, and it is seeking re-accreditation at this time. I provided a quote for services, which the Department subsequently accepted. Due to COVID-19 parameters, the two inspection will be performed closer to each other than normal.

On Scene Evaluation: I, arrived at the Teaneck Police Department on December 3, 2020 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 auditing.

Checklist:

The evidence/property room is being maintained in a neat and orderly fashion. **Yes, particularly firearms and drugs are being reorganized. Improved and ongoing.**

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

The evidence/property is being protected from damage and deterioration. **Yes**

Proper accountability procedures are being maintained. **Yes (with notation 1&2)**

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

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: I intentionally reference sequential property numbers as PR rather than PD as the Department references them to avoid confusion with another PD field.

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).

Property Management Systems:

Log Books:

Log book system is used to track evidence until mid-2018. Each item is given a unique property record (PR) 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. I am aware 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. **No changes**

BEAST System is not being used as intended.

BEAST issues from past inspection corrected. No new issues.

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

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.

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. No changes

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:

■ [REDACTED]

- Vault door does not contain glass or other easily breeched materials.

- The vault does not contain windows [REDACTED]

- Fire suppression present.

- *NJ Attorney General/NJSACOP Guideline requirement -* [REDACTED]

- Room has been remediated for mold.

- HEPA air handler is present.

Storage Scheme: Logistically the room 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.
- Addition of bins for storing digital media is working nicely.

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.

- [REDACTED]

Firearms:

[REDACTED]

CDS:

[REDACTED]

DNA:

[REDACTED]

Storage capacity is becoming an issue. 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*. **Progress must be made in reducing number of items in holding.**

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. Custodian has initiated follow-up, ongoing.

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. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] 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 Bergen 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 conducting 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

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

- **Indictable charges filed and disposed of in Superior Court:** 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.

- Indictable charges filed but downgraded or otherwise disposed of in Municipal Court; OR Non-Indictable charges filed: 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 item's eligibility date.
- Criminal case, no charges filed: Items should be purged upon expiration of the statute of limitations, with exception of CODIS, AFIS cases which are held indefinitely.
- Found Property: 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:

Representative Sample: N=344

Items Not Located = 0

Items Not Located Rate= 0.00%

Completed Transactions: N=37

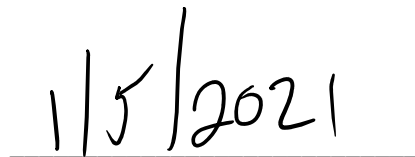
All items had basis for disposal and are properly documented.

Audit Discussion:

The items not located rate is excellent.



Michael S. Miller



Date

Plan of Corrective Action:

Top Priority Items:

- The property custodians 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.

NOTHING FOLLOWS