



## MEMORANDUM

To: Chair and Members, Police Services Board  
From: Antje McNeely, Chief of Police  
Date: 2019-03-15  
Re: Report on Annual Audit of Property and Evidence Control

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The Board's policy on the Collection, Preservation, and Control of Evidence and Property requires that I ensure and report back on compliance by members of the police service with sections 132, 133, and 134 of the *Police Services Act* (enclosed).

In accordance with this policy and to ensure compliance with the noted sections of the Act, an annual audit of property/evidence held by the Kingston Police was completed by Sergeant Melanie Jefferies. As required for the purpose of this audit, Sergeant Jefferies was not routinely or directly connected with the property/evidence control function in 2018.

The scope of the audit included all categories of property stored or retained by the Property and Stores Unit and sought to verify compliance with the *Police Services Act*, the Adequacy Standards Regulation, and Kingston Police general orders. The audit also included a security check of storage locations and random sampling and records system checks to ensure that continuity procedures were being followed and that property could be easily located. The audit included a policy review and confirmation of its compliance with the *Police Services Act*; interviews with relevant stakeholders; a physical examination of storage facilities; and a physical examination of randomly selected property and related documentation.

Regular audits help to ensure accountability, exploration of other available options and resource allocations, and ongoing improvement. Enclosed is a summary of observations, recommendations, and action taken with respect to this annual audit.

  
Antje McNeely  
Chief of Police

Enclosures

## EXCERPTS FROM THE *POLICE SERVICES ACT*

### **Property in possession of police force**

**132.** (1) This section applies to personal property of all kinds, except firearms and money, that comes into the possession of a police force under either of the following circumstances:

1. The property was stolen from its owner or was found abandoned in a public place, and the chief of police is unable to determine who owns it.
2. The property was seized by a member of the police force in the lawful execution of his or her duties, all legal proceedings in respect of the property have been completed, there is no court order for its disposition and there is no legal requirement, apart from this section, that it be retained or disposed of.

### **Sale**

(2) The chief of police may cause the property to be sold, and the board may use the proceeds for any purpose that it considers in the public interest.

### **Perishable property**

(3) If the property is perishable, it may be sold at any time without notice. R.S.O. 1990, c. P.15, s. 132 (1-3).

### **Non-perishable property**

(4) If the property is not perishable, the following rules apply to its sale:

1. The property may be sold when it has been in the possession of the police force for at least one month, in the case of a motor vehicle as defined in the *Highway Traffic Act* or a bicycle, or for at least three months, in the case of other property.
2. The sale shall be by public auction or by public tender.
3. At least ten days notice of the time and place of the public auction shall be given by publication in a newspaper of general circulation in the municipality.
4. The sale may be adjourned, repeatedly if necessary, until the property is sold. R.S.O. 1990, c. P.15, s. 132 (4); 1997, c. 8, s. 38.

### **Claim of owner of property**

(5) If a motor vehicle, bicycle or other property has been sold before it has been in the possession of the police force for three months and if the owner makes a claim before that time, the owner is entitled to receive the proceeds, less the costs of storage, advertising and sale.

### **Register of property**

(6) The chief of police shall ensure that the police force keeps a register of property and that the following rules are followed:

1. The description and location of every item of property shall be recorded.
2. If the property is sold, full particulars shall be recorded.
3. If the property is returned to its owner, his or her name, address and telephone number shall be recorded.

### **Exception**

(7) This section does not apply to a motor vehicle that is impounded under section 220 of the *Highway Traffic Act*. R.S.O. 1990, c. P.15, s. 132 (5-7).

### **Money**

**133.** (1) This section applies to money that comes into the possession of a police force under the circumstances described in paragraph 1 or 2 of subsection 132 (1).

**Accounting**

(2) The money shall be accounted for according to the prescribed method.

**Use of money**

(3) If three months have elapsed after the day the money came into the possession of the police force and the owner has not claimed it, the board may use it for any purpose that it considers in the public interest. R.S.O. 1990, c. P.15, s. 133.

**Firearms**

**134.** (1) This section applies to firearms that are in the possession of a police force because they have been found, turned in or seized.

**Safe-keeping, return to owner**

(2) The chief of police shall ensure that firearms are securely stored, and that they are returned to their owners if there is a court order or other legal requirement to that effect.

**Destruction**

(3) If all possible court proceedings relating to a firearm have been completed or the time for them has expired and there is no court order or other legal requirement governing how the firearm is to be dealt with, the chief of police shall ensure that it is destroyed promptly, unless subsection (4) applies.

**Firearm of special interest**

(4) If the chief of police considers the firearm unique, an antique, or of educational or historical value, he or she shall notify the Director of the Centre of Forensic Sciences.

**Idem**

(5) If the Director indicates, within three months of receiving notice, that the firearm is required for the Centre's collection, the chief of police shall ensure that it is transferred there.

**Idem**

(6) If the Director indicates that the firearm is not required for the Centre's collection or fails to respond within three months of receiving notice, the chief of police shall ensure that the firearm is destroyed promptly.

**Disposal otherwise than by destruction**

(7) The chief of police may dispose of a firearm to which subsection (6) applies otherwise than by having it destroyed if he or she first obtains the Solicitor General's approval of the method of disposal. R.S.O. 1990, c. P.15, s. 134 (1-7).

**Register of firearms**

(8) The chief of police shall ensure that the police force keeps a register of firearms and that the following rules are followed:

1. Every firearm's description and location shall be recorded.
2. When a firearm ceases to be in the possession of the board or of a member of the police force, full particulars shall be recorded, including the name of the person who disposed of it and the date and method of disposal.
3. If the firearm is returned to its owner, his or her name, address and telephone number shall also be recorded.
4. On or before the 31st day of January in each year, a statement shall be filed with the Solicitor General listing the firearms that have come into the possession of the police force during the preceding calendar year, indicating which firearms are still being retained and which have been disposed of, and giving the particulars of disposition. R.S.O. 1990, c. P.15, s. 134 (8); 1997, c. 8, s. 39.

**SUMMARY OF OBSERVATIONS, RECOMMENDATIONS, AND ACTION TAKEN  
ANNUAL AUDIT OF THE PROPERTY/EVIDENCE FUNCTION**

No.	Observation	Recommendation	Action Taken
1	<p><b>Bicycles</b></p> <ul style="list-style-type: none"> <li>• Stored in a secure cage located in the basement of the station (recently received bicycles).</li> <li>• Property Clerks hold combination to the padlock, and the door is under recorded video surveillance.</li> <li>• Bicycles that meet the criteria for auction are moved to, and stored in, the large outbuilding at 717 Division Street.</li> <li>• 717 Division Street is climate controlled, secured by key, and under recorded video surveillance.</li> <li>• Currently there are 59 bicycles being stored at 717 Division Street that meet the criteria for auction.</li> <li>• Auctions are held twice a year. Next police auction is April 13, 2019, and a subsequent auction will be held in the fall (date yet to be determined).</li> <li>• There are approximately 10 racks which hold on average 8 bicycles each and have been pushed together to maximize storage.</li> <li>• Random sample of items from the records management system (RMS) list revealed no continuity issues.</li> </ul>	No recommendation.	Information only.
2	<p><b>Large Articles / Long-term Storage (MCM Files)</b></p> <ul style="list-style-type: none"> <li>• At time of audit there were 499 items being stored in this area.</li> <li>• Large secure room in basement with electronic access card restrictions.</li> <li>• Bay style garage door for moving large items in or out of storage.</li> <li>• Door is under video surveillance.</li> <li>• Holds large items and Cold Case / MCM items.</li> <li>• Large items will not fit on existing shelves.</li> <li>• At time of 2017 audit skids of shrink-wrapped items took up too much floor space.</li> </ul>	A tablet would be beneficial for the Property clerks. It would be easily transported to various areas within Property/Stores and would eliminate clerks having to return to the office on the main floor from basement storage areas to verify status of property. It would be helpful if the RMS could be accessed from the tablet to enter information on property from the room in which the clerks were working. This was also a recommendation in the 2016 and 2017 audits.	In 2018, two additional Ethernet jacks were activated in property areas so that an existing portable laptop could be utilized closer to the area in which Property Clerks are working. Our current system is being reviewed based on best practices across the province in this respect.

	<ul style="list-style-type: none"> <li>• If an officer required an item from shrink-wrapped file, the entire skid has to be cut open and then rewrapped. This was costly and time consuming.</li> <li>• As a recommendation of the 2017 audit, the shrink-wrapped files were unwrapped and have been relocated to shelving, which has allowed for additional storage space.</li> <li>• Another recommendation was to remove a sink that was not used, since there was a nearby washroom. This was also done and has created additional storage space.</li> <li>• Random sample of items from RMS list revealed no continuity issues.</li> </ul>		
3	<p><b>Reference Material</b></p> <ul style="list-style-type: none"> <li>• At time of audit there were 9,108 items of reference material stored in Room 22.</li> <li>• Items are held a minimum of 25 years.</li> <li>• Mainly comprised of paper and DVDs stored in plastic bins.</li> <li>• Property Clerks, the Patrol Administrative Sergeant, and one full-time Records employee who assists on an occasional basis have access to the room key and are permitted access. The Facility/Fleet Supervisor also has access.</li> <li>• Since the time of the last audit, Reference Material storage has been relocated to Room 22, which is climate controlled.</li> <li>• In the 2017 audit it was noted that plastic bins stacked on shelving units had reached a height that would make it unsafe to store them any higher and Property Clerks had to climb on a ladder or shelving to reach materials. Moving the Reference Material to Room 22 has eliminated this risk and allowed for easier accessibility for Property Clerks to retrieve items safely.</li> <li>• The door is under recorded video surveillance.</li> <li>• Random sample of items from RMS list revealed no continuity issues.</li> </ul>	No recommendation.	Information only.

4	<p><b>Flammable/Hazardous Materials</b></p> <ul style="list-style-type: none"> <li>• At time of audit there were 15 items</li> <li>• There is ample shelving and floor space for future storage</li> <li>• Building is well ventilated, but gap near top of roof allows for rain, snow and/or birds and small animals such as squirrels to gain access.</li> <li>• At time of audit the floor was covered in snow.</li> <li>• Property tags must be placed in plastic bags to prevent fading of details (description of property, assigned incident number, officer), due to weather.</li> <li>• All 15 items were accounted and 4 were set for disposal.</li> </ul>	<p>As per the 2016 and 2017 audits, it is recommended that a more permanent repair for the gap near the top of the roof be pursued.</p>	<p>To correct this issue, a different approach will be undertaken by the Facility/Fleet Supervisor to provide adequate ventilation.</p>
5	<p><b>Main Storage (General Items)</b></p> <ul style="list-style-type: none"> <li>• At time of audit there were 7,055 items in the main storage area (main floor of headquarters)</li> <li>• There are three doorways that lead to the main storage area. Two have electronic access card restriction (Property Clerks and Sergeant in charge of the Property/Stores Unit); the third is an “exit only” fire door.</li> <li>• All three doorways are under recorded video surveillance.</li> <li>• There are five rows of shelving on which plastic bins and medium-sized articles are stored.</li> <li>• Shelves are labelled to make property retrieval efficient, as well as to track the amount of storage space remaining.</li> <li>• As per the recommendation in the 2016 audit, Property Disposition Reports were added to officers’ work-queues in the RMS. This has resulted in a significant increase in officers responding to these requests and providing instructions to Property Clerks on whether to hold, return, file as reference, or destroy the item.</li> <li>• In 2017, 6,475 items (including firearms, jewellery, and cash) were disposed of; in 2018, that number almost doubled, with the disposal of 12,988 items.</li> </ul>	<ul style="list-style-type: none"> <li>• As recommended in the 2017 audit, assignment of a part-time civilian to assist the Property Clerks one day a week would allow them to keep up with the increased number of items authorized for disposal, special projects, and reorganization to maximize storage, as well as other duties that fall within their area of responsibility. Maintaining the Property/Stores Unit becomes challenging if one clerk is on holidays or off due to illness or a large amount of property is lodged due to a major case in the Special Services or Criminal Investigations unit. This can disrupt and impact the efficiency of the Property/Stores Unit and increases the risk for error.</li> <li>• As noted in the 2017 audit, in the Report on the Inspection of the Kingston Police Service April 2006 (Ministry of Community Safety and Correctional Services), one of the recommendations of the Inspection Team was that “The Chief of Police ensure all property is disposed of in a more timely manner.” Property Disposition Reports in officers’ work queues are in keeping with this recommendation; however, the Property</li> </ul>	<ul style="list-style-type: none"> <li>• This is an area in which officers on accommodation could assist. At this time the Sergeant in charge of this unit also assists as required in addressing added workload. Staffing requirements in this area are currently being reviewed.</li> </ul>

	<ul style="list-style-type: none"> <li>• However, officers are still not verifying that the item on which they are providing a disposition (to hold, return, file as reference, or destroy the item) is not signed out.</li> <li>• Cleanliness of the main Property Room was addressed in the last audit and has improved to some degree, with floors being cleaned occasionally by cleaning staff and all areas now maintained in a more orderly fashion.</li> <li>• Random sample of items from the RMS list revealed no issues with continuity.</li> </ul>	<p>Clerks will need assistance to keep up with this increase in authorization for disposal.</p> <ul style="list-style-type: none"> <li>• A part-time civilian employee is also essential to succession planning, since both full-time Property Clerks can retire in less than 24 months. The part-time civilian who assisted at the time of the last audit has since obtained a full-time position and is only informally trained. This employee now assists on an as-needed basis and relative to availability from the full-time position.</li> <li>• As recommended in the 2017 audit, modifying the Property/Stores Unit hours of operation to the public from the current 8:00 a.m. to 4:00 p.m., Monday to Friday, to 8:00 a.m. to 4:00 p.m. Monday to Thursday (closed on Friday) would allow Property Clerks a day for administrative work and to catch up prior to the weekend.</li> <li>• As also recommended in the last audit, signed-out property (i.e., for court) should be flagged in the related officer’s work queue after seven days to be returned to the Property Room or the sign-out renewed. This would alleviate issues with officers locating property that has been signed out for an extended period and advising Property Clerks to destroy or hold property that is not in the Property Room.</li> </ul>	<ul style="list-style-type: none"> <li>• Once retirement dates are confirmed, a long-term plan can be identified, a competition held, and successful candidates trained prior to the departure of current staff.</li> <li>• As noted, staffing in this area is being reviewed, which will incorporate potential start times.</li> <li>• Officers will be reminded to check the status of property in their queue.</li> </ul>
6	<p><b>Main Storage (Firearms)</b></p> <ul style="list-style-type: none"> <li>• At time of this audit there were 107 firearms/bows/crossbows.</li> <li>• Stored in a small locked room within the main storage area known as the “gun room.”</li> <li>• The Property Clerks control the key to the gun room, which is under recorded video surveillance.</li> <li>• All incoming firearms are submitted to the Property Unit, where the two Property Clerks verify them, enter them into inventory on the RCMP site, enter</li> </ul>	<ul style="list-style-type: none"> <li>• Succession Planning: Both Property Clerks are planning to retire in 2020. With respect to the handling of firearms, there is one designated Firearms Officer (sworn) who has taken the Verifiers Course; however, this position, when required, is to act as a liaison in the event that a firearm requires a trace or requires test firing to verify it is an actual firearm. Aside from this, the Property Clerks handle all firearms submitted to the Property</li> </ul>	<p>See action in Item 5 regarding succession planning.</p>

	<p>them into the RMS, and package and lodge them, as well as handle any communication necessary between Kingston Police and the Chief Firearms Office.</p> <ul style="list-style-type: none"> <li>• All items inventoried and accounted for (two signed out).</li> <li>• No ammunition is stored in this room.</li> <li>• There were 200 firearms disposed of in 2018.</li> <li>• Property Clerks self-audit after each destruction in preparation for their end-year report to the RCMP.</li> </ul>	<p>Room. Both have the Canada Firearms Registry Verifiers Course.</p> <ul style="list-style-type: none"> <li>• Training by the current Property Clerks and the Verifiers Course will be required for a new employee to manage this responsibility.</li> <li>• Succession planning was noted as a high-risk aspect in the 2016 and 2017 audits.</li> </ul>	
7	<p><b>Main Storage (Jewellery and Money)</b></p> <ul style="list-style-type: none"> <li>• At time of this audit there were 36 jewelry items all of which were accounted for.</li> <li>• At the time of this audit there were 187 money items of which all were accounted for (20 were signed out).</li> <li>• Stored in a small locked room within the main storage area known as the “valuables room.”</li> <li>• Room is under recorded video surveillance and the Property Clerks control the key.</li> <li>• The Property Clerks self-audit the inventory mid-year.</li> </ul>	No recommendation.	Information only.
8	<p><b>Main Storage (Biological Exhibits)</b></p> <ul style="list-style-type: none"> <li>• Stored in one of three commercial-grade freezers or the fridge.</li> <li>• Freezers are kept at –31 degrees Celsius. An audible alarm is triggered in the Property Room if the temperature climbs to –21 degrees Celsius.</li> <li>• A visual alarm (flashing light) is triggered at the Watch Commander’s Desk (located across the hall from the Property Room) if any of the freezers climb to –20 degrees Celsius.</li> <li>• The fridge was purchased since the 2016 audit, but it is not commercial grade and therefore does not have an alarm.</li> <li>• The fridge is used for specimens that must be stored unfrozen for the first 30 days of submission, as per instructions from the Centre for Forensic Sciences, until moved to frozen storage.</li> </ul>	No recommendation.	Information only.



9	<p><b>Controlled Drugs and Substances Act (CDSA)</b></p> <ul style="list-style-type: none"> <li>• At the time of audit there were 869 drug exhibits in the drug vault, in comparison to 1,644 drug exhibits in 2017.</li> <li>• As of July 17, 2018, Health Canada changed its mandate and no longer requires agencies to request permission for disposal. Police agencies are now only required to notify Health Canada within 30 days of all seizures under the CDSA.</li> <li>• Agencies may now dispose of CDSA upon conclusion of a case and must notify Health Canada within 30 days of disposal.</li> <li>• This has improved efficiency and increased the amount available for destruction.</li> <li>• As per the recommendation of the 2016 audit, the intake officer who seized the drugs is now identified as the officer with final disposition and the Property Disposition Report is now in the intake officer's work queue.</li> <li>• Drug exhibits are stored in a small secure room in the basement known as the drug vault.</li> <li>• The door to the drug vault is under recorded video surveillance with electronic access card restrictions.</li> <li>• An inventory of random exhibits within the drug vault verified that there were no issues with continuity.</li> </ul>	No recommendation.	Information only.
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