

MEMORANDUM



To: Chair and Members, Police Services Board
From: Antje McNeely, Chief of Police
Date: 2020-03-05
Re: Report on Annual Audit of Property and Evidence Control

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 2019.

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>Bicycles</p> <ul style="list-style-type: none"> • Stored in a secure cage located in the basement of the station (recently received bicycles). • Property personnel hold the combination to the padlock, and the door is under recorded video surveillance. • Bicycles that meet the criteria for auction are moved to, and stored in, the large outbuilding at 717 Division Street. • 717 Division Street is climate-controlled, secured by key, and under recorded video surveillance. • Currently there are 36 bicycles being stored at 717 Division Street that meet the criteria for auction. • Auctions are generally held twice a year. The next police auction is April 4, 2020, and a subsequent auction will be held in the fall (date yet to be determined). • There was only one auction in 2019 due to a lack of items for the fall auction. As a result, there is currently an excessive number of bicycles in the bike cage as well as leaning against the exterior of the cage. • Random sample of items from the RMS list revealed no continuity issues; however, movement to conduct the audit was challenging due to the large number of bicycles. 	No recommendation.	Information only.

No.	Observation	Recommendation	Action Taken
2	<p>Large Articles / Long-term Storage (MCM Files)</p> <ul style="list-style-type: none"> • At time of audit there were 624 items being stored in this area. • Large secure room in basement with electronic access card restrictions. • Bay-style garage door for moving large items in or out of storage. • Door is under video surveillance. • Holds large items and Cold Case / MCM items. • Large items will not fit on existing shelves. • In response to a 2017 audit recommendation, skids of shrink-wrapped files have been unwrapped and relocated to shelving, which has allowed for additional storage space and easier access to the files. • Random sample of items from RMS list revealed no continuity issues. • A tablet was recommended in the 2018 audit to eliminate Property personnel having to return to the main-floor office to verify the status of property. However, there is a difference of opinion as to the need for a tablet. Current Property personnel are retiring in 2020 and, in consultation with the sergeant supervising the Property/Stores Unit, it has been decided to reassess the need for a tablet once new employees assume these positions. 	No recommendation.	Information only.

No.	Observation	Recommendation	Action Taken
3	<p>Reference Material</p> <ul style="list-style-type: none"> At time of audit there were 9,999 items of reference material stored in Room 22. Items are held a minimum of 25 years. Mainly comprised of paper and DVDs stored in plastic bins. Property personnel, the sergeant supervising the Property/Stores Unit, and one full-time Records Unit employee (who assists on an occasional basis) have access to the room key and are permitted access. The Facility/Fleet Supervisor also has access. Since the 2017 audit, Reference Material has been relocated to Room 22, which is climate-controlled. Door is under recorded video surveillance. Random sample of items from RMS list revealed no continuity issues. 	No recommendation.	Information only.
4	<p>Flammable/Hazardous Materials</p> <ul style="list-style-type: none"> At time of audit there were 11 items. There is an ample amount of shelving and floor space for future storage. Building is well ventilated, but a gap near the top of the roof allows for rain, snow, and/or birds and small animals such as squirrels to gain access. Property tags must be placed in plastic bags to prevent fading of details (description of property, assigned incident number, officer) due to weather. All 11 items were accounted for, with 8 set for disposal. It was recommended in the 2016 and 2017 audits to find a more permanent repair for the gap near the top of the roof. A quoted cost of \$3,711 was obtained, and this recommendation was reassessed. There are a minimal number of items stored in this location, with the majority set for disposal. In the event of a criminal case in which flammable materials are seized as evidence, they could be stored at 717 Divisions Street, which is under video surveillance, to ensure integrity. 	No recommendation.	Information only.

5	<p>Main Storage (General Items)</p> <ul style="list-style-type: none"> • At time of audit there were 7,208 items in the main storage area (main floor of headquarters). • There are three doorways that lead to the main storage area. Two have electronic access card restrictions (Property personnel and sergeant in charge of the Property/Stores Unit), and the third is an “exit only” fire door. • All three doorways are under recorded video surveillance. • There are five rows of shelving on which plastic bins and medium-sized articles are stored. • Shelves are labelled to make property retrieval efficient, as well as to track the amount of storage space remaining. • As per a recommendation in the 2016 audit, Property Disposition Reports were added to officers’ work queues in RMS. This has resulted in a significant increase in officers responding to these requests and providing instructions to Property personnel on whether to hold, return, file as reference, or destroy the item. • In 2017, there were 6,475 items (including firearms, jewellery, and cash) disposed of, and in 2018 that number almost doubled, with disposal of 12,988 items. • In 2019 the number of items disposed of decreased to 6,920. This is likely related to the fact that the sergeant supervising the Property/Stores Unit was regularly assisting the Property Clerks in 2018 but since that time has been assigned additional responsibilities in other areas. • It was noted in the 2018 audit that officers were not verifying that the item they were providing a disposition on (to hold, return, file as reference, or destroy the item) was not signed out. • A recommendation from the 2017 and 2018 audits was that property signed out (i.e., for court) be flagged in the officer’s work queue after seven days for it to be returned to the Property Room or the sign-out renewed. Property personnel have addressed this issue by simply changing the location code of the item to “signed out,” which alleviates their search for items that have been signed out by officers. 	No recommendation.	Information only.
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No.	Observation	Recommendation	Action Taken
	<ul style="list-style-type: none"> • A recommendation in the 2017 and 2018 audits was for the assignment of a part-time civilian employee to assist Property personnel one day a week to allow them to keep up with the increased number of items authorized for disposal, special projects, reorganization to maximize storage, and other duties that fall within their area of responsibility. This recommendation will be addressed with modified shifts and hours for new hires filling the current Property personnel positions. • The 2017 and 2018 audits also contained a recommendation in relation to a part-time civilian employee being essential in succession planning since both full-time Property personnel were to retire in 2020. The sergeant supervising the Property/Stores Unit has indicated that in March 2020 a new part-time casual employee will be training with one of the current full-time employees. • A full-time employee in the Records Unit has been trained and has been assisting on an as-needed basis in the Property Room since 2013. • Additionally, one full-time employee at the Information Desk has been trained. She has access to the Property Room and the Property and Stores database and is able to retrieve property. • In January 2020 a posting for the Property/Stores position was distributed internally. • Random sample of items from the RMS list revealed no issues with continuity. • A recommendation in the 2017 and 2018 audits was to modify 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), to allow Property personnel a day for administrative work and to catch up prior to the weekend. This will be reassessed with the hiring of new staff to fill the current positions and possible modification of shifts and hours worked. 		

No.	Observation	Recommendation	Action Taken
6	<p>Main Storage (Firearms)</p> <ul style="list-style-type: none"> • At time of this audit there were 125 firearms/bows/crossbows. • Stored in a small locked room within the main storage area known as the “gun room.” • Property personnel control the key to the gun room, which is under recorded video surveillance. • All incoming firearms are submitted to the Property/Stores Unit, where the two Property personnel verify them; enter them into inventory on the RCMP site; enter them into RMS; and package and lodge them, as well as handle any communication necessary between the Kingston Police and the Chief Firearms Office. • All items were inventoried and accounted for (three signed out to Forensic Identification). • No ammunition is stored in this room. • There were 90 firearms disposed of in 2019. • Property personnel self-audit after each destruction, in preparation for their year-end report to the RCMP. 	<ul style="list-style-type: none"> • In relation to succession planning, both Property personnel are retiring in 2020. In relation to the handling of firearms, there are two sworn officers who have taken the Verifiers Course and are designated Firearms Officers; however their role is to act as a liaison in the event that a firearm requires a trace or requires test firing to verify that it is an actual firearm. Aside from this, Property personnel handle all firearms submitted to the Property Room. Both have the Canada Firearms Registry Verifiers Course. • To manage this responsibility, a new employee will require training by current Property personnel and the Verifiers Course. • Succession planning was noted as “high risk” in the 2016, 2017, and 2018 audits. 	Once position competitions are held, successful candidates can be trained as required.
7	<p>Main Storage (Jewellery and Money)</p> <ul style="list-style-type: none"> • At time of audit there were 73 jewellery items, all of which were accounted for. • At the time of this audit there were 126 money items, all of which were accounted for (1 item was signed out to an officer). • Stored in a small locked room within the main storage area, known as the “valuables room.” • Room is under recorded video surveillance, and Property personnel control the key. • Property personnel self-audit the inventory mid-year. 	No recommendation.	Information only.

No.	Observation	Recommendation	Action Taken
8	<p>Main Storage (Biological Exhibits)</p> <ul style="list-style-type: none"> • Stored in one of three commercial-grade freezers or the fridge. • Freezers are kept at -31 degrees Celsius. An audible alarm is triggered in the Property Room if the temperature climbs to -21 degrees Celsius. • 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. • The fridge was purchased since the 2016 audit, but it is not commercial grade and therefore does not have an alarm. • 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. 	No recommendation.	Information only.

No.	Observation	Recommendation	Action Taken
9	<p>Controlled Drugs and Substances Act (CDSA)</p> <ul style="list-style-type: none"> At the time of audit there were 1,536 drug exhibits in the drug vault, in comparison to 869 drug exhibits in 2017. There are currently approximately 700 items scheduled for destruction. The Drug Continuity Officer indicated that he was not able to take the exhibits to be burned in September due to his caseload and being without a partner at the time. The plant where the controlled burns are conducted is currently on a scheduled winter closure for six to eight weeks. The Drug Continuity Officer is planning for the next burn to occur in March or April 2020, which will significantly reduce the number of exhibits in the Drug Vault. 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. Agencies may now dispose of CDSA seizures upon conclusion of a case and must notify Health Canada within 30 days of disposal. This has improved efficiency and increased the amount available for destruction. Drug exhibits are stored in a small secure room in the basement known as the “drug vault.” The Door to the drug vault is under recorded video surveillance with electronic access card restrictions. An inventory of random exhibits within the drug vault verified that there were no issues with continuity. 	No recommendation.	Information only.