



MEMORANDUM

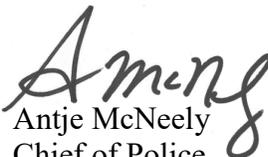
To: Chair and Members, Police Services Board
From: Antje McNeely, Chief of Police
Date: 2022-03-10
Re: Report on Annual Audit of Property and Evidence Control

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 Scott Huffman. As required for the purpose of this audit, Sergeant Huffman was not routinely or directly connected with the property/evidence control function in 2021.

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>General Items Storage</p> <ul style="list-style-type: none"> • At time of audit there were 8,676 items in the general storage area (main floor of headquarters), an increase of approximately 200 items over the previous year. • 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. • Both electronic access doors are monitored by surveillance video; the fire exit door is not. • There are five rows of shelving on which plastic bins and medium-sized articles are stored, with additional shelving at the end of each row. • Shelves are labelled to make property retrieval efficient, as well as to track the amount of storage space remaining. • A random sample of items from the RMS list revealed no issues with continuity. 	<ul style="list-style-type: none"> • It was recommended in the 2020 report that the bulbs be replaced with new LED bulbs. Some bulbs have been replaced. • Install cameras to better cover exhibit storage areas, as well as the fire exit • Install audible alarms on the North and South doors to the Property Room as they are not in a direct line of site to Property Room staff 	<ul style="list-style-type: none"> -Unserviceable fluorescent lights will continue to be replaced. -Installation of cameras and audible alarms under review regarding costs.
2	<p>Money and Jewellery Vault</p> <ul style="list-style-type: none"> • At time of audit there were 107 jewellery items, all of which were accounted for, a 47% decrease over the previous year (228). • At the time of this audit there were 246 money items, all of which were accounted for. • Money and jewellery are stored in a small locked room within the main storage area, known as the “valuables room.” • Both the door to the room and the inside of the room are under recorded video surveillance, and the Property Room staff control the key. 	<ul style="list-style-type: none"> • Entrance is covered well by surveillance video, but additional security measure of electronic security card access would be optimal to pinpoint date and time of entries to the room should an issue arise 	<ul style="list-style-type: none"> -Taken under advisement, will be considered.

No.	Observation	Recommendation	Action Taken
3	<p>Firearms</p> <ul style="list-style-type: none"> • At time of this audit there were 204 firearms in the possession of the Kingston Police. • All firearms are 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 Office, where Property personnel verify them; enter them into inventory on the RCMP site; enter them into RMS; and package and lodge them with a barcode, as well as handle any communication necessary between the Kingston Police and the Chief Firearms Office. • No ammunition is stored in this room. • This audit showed no issues with compliance. • Property personnel self-audit after each destruction, in preparation for their year-end report to the RCMP. • Firearms are taken to an off-site location to be melted down under the supervision of Emergency Response Unit officers. 	<ul style="list-style-type: none"> • Train second Property Room staff member in Firearms verification • Replace faulty light bulbs 	<p>-This will be completed as soon as a date for training is provided and scheduled.</p> <p>-Completed.</p>

No.	Observation	Recommendation	Action Taken
4	<p>Biological Exhibits</p> <ul style="list-style-type: none"> • Exhibits are 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 as a result of the 2016 audit, but it is not biomedical 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. • When time permits a constable assesses the older exhibits in the freezers giving consideration to possible CFS submission or purging of the exhibit. • A random spot check of exhibits in both the fridge and freezers revealed no issues with compliance. 	<ul style="list-style-type: none"> • As noted, the fridge purchased in 2016 to store specimens for 30 days prior to freezing is a regular full-size residential fridge and not alarmed. Should it fail on a Friday night, there is a likelihood that some or all specimens could be damaged or destroyed before it is noticed the following week. It is recommended that an alarmed biomedical fridge be purchased to eliminate this risk. • A fourth freezer should be purchased, both to ensure adequate storage for the future and for emergency storage should one of the current freezers fail. With reorganization, there is sufficient space along the same wall for both of the recommended additional appliances. 	<p>-These will be reviewed once costing and availability for additional appliances can be determined.</p>

No.	Observation	Recommendation	Action Taken
5	<p>Reference Material</p> <ul style="list-style-type: none"> • Items of reference material are stored in Room 22, located in the basement. • Items are held a minimum of 25 years. • The reference material is mainly comprised of paper investigative files, cassette tapes, VHS tapes, and DVDs stored in plastic bins and cardboard boxes. • Property personnel have access to the room key and are permitted access. The Facility/Fleet Supervisor also has access. • In 2017, reference materials were relocated to Room 22 from the south loading bay. At the time of this audit, the temperature in Room 22 appeared to be at normal room temperature, though the Property Room staff report that the temperature in this room is quite often very hot. A residential, portable dehumidifier was in the room, but unplugged. It is unknown if it functions. • The room appears to be near or at capacity, with little or no room for additional items. The Sergeant reported that when time permits, staff make efforts to asses and purge items if possible. • Both access doors are under recorded video surveillance. • Random sample of items from RMS list revealed no issues. 	See recommendation under Item 6, Cold Case / MCM Files and Large Items.	See response at Item 6.

<p>6</p>	<p>Long-term Storage, Cold Case / MCM Files, and Large Items</p> <ul style="list-style-type: none"> • Room 20 is a large secure room in the basement with electronic access card restrictions. • It can be accessed by a roll-up garage door for moving large items in or out of storage. • The access door is under recorded video surveillance. • Room 20 holds large items and Cold Case / Major Case Management (MCM) items dating back to 1989. These are contained in a mix of plastic bins and cardboard boxes. • There is no humidity-control equipment in this room. Due to the proximity to the basement garage, seasonal variations in humidity are frequent. • Cold Case / MCM files are listed on the RMS as only “in Room 20,” without a specific bay or shelf location. • The room is moderately well organized; however, the use of the space is inefficient. It is anticipated that, since the Reference Room is nearly full (Room 22), a secondary or new primary reference location will have to be created in the near future. Room 20 is the most logical location. • Room 20 additionally holds large items that will not fit on existing shelves in the general storage area of the Property Room or large volumes of items seized during search warrants. • Random sample of items from RMS list revealed no continuity issues. 	<ul style="list-style-type: none"> • The current Reference Room (Room 22) location is approaching capacity. An evaluation should be made to determine if this is the most suitable room for future use or if there is another more suitable space within the building. • The Reference Room (Room 22) contains files and exhibits from unsolved sexual assaults. The temperature and humidity in this room could pose a threat to the viability of those exhibits in the long term. Additionally, with advances in DNA technology in recent years, a review of historic sexual assault exhibits could be done with the aim of resubmitting samples to the Centre of Forensic Sciences for analysis. • Given the seriousness of the Cold Case and MCM investigations (primarily homicides) being stored in this room, ensuring they are not compromised by decay is crucial. The mix of media (paper, photos, cassettes, VHS tapes, and DVDs/CDs) will deteriorate in high heat and high humidity environments. According to the Council on Library and Information Resources, the life expectancy of a DVD is estimated to be 30 years when stored under optimal conditions of 25°C (77°F) and 50% relative humidity. Both Room 20 and 22 are not optimal in this regard. Other magnetic tape-based media and paper will decay much faster. It is recommended that, as part of the planning for expanding the reference section into Room 20, that an archivist be consulted to conduct an examination of Room 22, Room 20, or another space within the building and provide best practice suggestions for the renovation and ongoing storage of this evidence. • It may be worth considering combining the reference documentation and Cold Case / MCM files into Room 20 as an investigative archive that could be temperature- and humidity- 	<p>-Previously undertaken assessment is still underway, which involves various parties (e.g. structural engineer, fire marshal, electricians, archivists, etc.). As with many other projects, COVID-19 continues to be a factor in delays.</p>
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No.	Observation	Recommendation	Action Taken
		controlled and monitored. This would provide ample room for file storage for the Kingston Police for many years to come. Large seized items could then be confined to Room 22, which has the benefit of access doors both from the garage and the interior of the building.	
7	<p>Controlled Drugs and Substances Act (CDSA)</p> <ul style="list-style-type: none"> • At the time of audit there were 1,483 drug exhibits in the drug vault, in comparison to 1,144 drug exhibits in 2020. • The Drug Continuity Officer indicated that due to COVID-19 there has been a delay in scheduling the disposal of drug exhibits. The Property Room staff have made inquiries as recently as February of 2022 to schedule this, but no dates have been provided. • Drug exhibits are destroyed upon conclusion of a case. • 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. • An inventory of random exhibits within the drug vault verified that there were no issues with continuity. • The Drug Vault was well organized and exhibits were found with ease. Storage space is diminishing largely due to the delay in the disposal of exhibits. This delay is not within the control of the Kingston Police and presumably will return to scheduling regular disposal dates in the future. 	No recommendation.	Information only.

No.	Observation	Recommendation	Action Taken
8	<p>Bicycles</p> <ul style="list-style-type: none"> • There are currently 92 bicycles in total being stored by the Kingston Police • Any bicycle found or seized by an officer is tagged, entered into RMS by Property Room staff, and stored in a secure cage located in the basement of the station. • Property personnel hold the combination to the padlock to the cage, and both the cage and the door are under recorded video surveillance. • Bicycles that meet the criteria for auction are moved to, and stored in, the large outbuilding at 717 Division Street, located at the rear of police headquarters. • 717 Division Street is climate-controlled, secured by key, and under recorded video surveillance. • Auctions are generally held twice a year. The next police auction is spring 2021, and a subsequent auction will be held in the fall. • Random sample of items from the RMS list revealed no continuity issues with bicycles stored in the bike cage. 	No recommendation.	Information only.
9	<p>Flammable/Hazardous Materials</p> <ul style="list-style-type: none"> • Flammable and/or potential explosive materials (e.g., gunpowder) are stored in a small brick structure in the south parking area of police headquarters. • There is an ample amount of shelving and floor space for future storage. • The 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. • 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 	<ul style="list-style-type: none"> • Alternate ventilation options for the flammable storage building should be explored. The need for ventilation in this building is obvious, but the open space could allow for easy introduction of a source of ignition to the room. • The Sergeant in charge of the Property Unit and the Kingston Police Association Health and Safety Committee should collaborate to assess the location of this structure and educate our members. 	-Options are currently being considered, and upgrades will be completed.

No.	Observation	Recommendation	Action Taken
	<p>number of items stored in this location, with the majority set for disposal.</p> <ul style="list-style-type: none"> 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. There is a separate caged area within 717 Division that could be repurposed if needed. 		