



Ormond Beach Police Department
Evidence and Property Room Inventory
2010

**Report Prepared By: Lieutenant Kenny Hayes
Support Services Division**

ORMOND BEACH POLICE DEPARTMENT
2010-2011 Evidence Room Audit and Inventory

Executive Summary

In February of 2010 a comprehensive audit and inventory of the Police Department's evidence function was initiated to coincide with the change of command at the Chief of Police level. This would be the Department's first all-inclusive audit and inventory of the Evidence function since its formal inception in 1988. A group of three police corporals were selected to serve as the inventory team along with the assistance of Evidence Technician Michael Haller and Evidence Custodian Shannon Champion. These evidence section employees were tasked with providing the inventory team with historical information regarding property and evidence handling protocol throughout the audit and inventory process.

The inventory team immediately encountered difficulties with carrying out the inventory due to the discovery of a severe backlog in the purging of evidence and property that was no longer needed for court or other legal purposes. The inventory team uncovered flagrant violations of policy and protocol in regards to the proper storage of evidentiary items such as cash, firearms, narcotics and bio-hazard materials held within the storage section. Several hundred items of property and/or evidence, more than a thousand pounds of confiscated narcotics, hundreds of firearms and biohazard materials from old cases, some dating as far back as the mid 1970's, were being improperly stored and retained months and in most cases years after they should have been legally disposed of.

The team's inventory efforts were furthered hindered by the fact that the evidence section was operating under three different records management systems. Cases dating before 2000 were filed under a paper system of written property sheets. Records from 2000 to 2009 were filed under the QueTel evidence management computer program and paper reports while records since 2009 were being filed under the new Volusia County Records Management System. The team found numerous instances of poor, improper, inadequate or no record keeping as they scrutinized the case files and examined stored evidence.

The inventory team took on the arduous process of reviewing and comparing property sheets with items of inventory on hand in order to purge the evidence vault of all items that were no longer required to be retained. Destruction orders were obtained for firearms, narcotics and items of evidence no longer needed for court proceedings. Other items were returned to their rightful owners; including firearms, cash and items seized in criminal cases as evidence, found property or submitted for safe keeping.

The audit and inventory process uncovered years of improper and/or negligent storage, retention, destruction and records keeping pertaining to the property and evidence function despite all outward appearances that the unit was operating

normally and within established policies and procedures. Over the years the unit was able to pass random property and evidence spot inventories and quarterly cash audits. The unit also successfully passed the state accreditation process and two subsequent re-accreditation reviews.

During the audit and inventory process Evidence Technician Haller abruptly and unexpectedly submitted his resignation and retired from employment with the City. Immediately thereafter several improprieties were discovered that implied that monies and items of evidence had been secreted from the inventory team throughout the audit and inventory process that could be directly attributed as being intentional acts perpetrated by Evidence Technician Haller.

Because of the implications that serious misconduct, possibly criminal in nature, regarding the handling of money and items of property and evidence may have taken place, an independent review of the audit and inventory process by an outside law enforcement agency was deemed necessary. An independent review of the inventory process was considered crucial to validate the inventory team's findings and uncover any potential criminal misconduct. The Chief of Police subsequently requested the Florida Department of Law Enforcement (FDLE) to step in and conduct an independent investigation associated with the operation of the evidence function over the years. During this time frame Evidence Custodian Champion was reassigned to other duties. The findings of FDLE's investigation were still pending at the conclusion of the Department's audit and inventory process and will be incorporated into this report for review and reference once completed.

The audit and inventory process resulted in a total of two hundred and ninety six (296) firearms and one thousand fifteen (1,015) pounds of narcotics being destroyed (two firearms were also returned to their owners). Over five thousand (5,000) pounds of no longer needed items of property and/or evidence were also ultimately destroyed or disposed of. The inventory team was also able to return items of property and/or evidence that had been improperly retained to their rightful owners.

The inventory team purged a total of \$63,162.12 from the evidence safe. Of this amount, \$24,802.57 was turned over to the City, \$13,856.00 was returned to banks (recovered robbery money), \$1,050.00 in outdated/non-negotiable money orders was destroyed, \$140.00 in counterfeit money was turned over to the Secret Service, \$3,754.00 in cash was returned to owners (found property, released evidence or seized money) and \$19,559.55 was returned to another law enforcement agency (recovered from a theft reported in another jurisdiction). The amount of cash being held in the evidence safe for evidentiary purposes at the conclusion of the cash audit was \$4,200.70.

Upgrades to evidence vault security systems are being installed, to include an audible alarm system and 24-hour video surveillance and recording capabilities for the entire vault interior, evidence submission lockers and all access doors. A

new Evidence Technician and Evidence Custodian have been employed and are currently integrating the entire evidence record keeping function into the County Records Management System currently utilized by the Department, to include bar code inventory and management capabilities. Comprehensive audits and inventories of the Evidence Unit and function will be conducted on an annual basis as standard policy and procedure in conjunction with those random spot inventories and quarterly cash audits currently being conducted.

Forward

In late February of 2010, a full and comprehensive inventory of the property and evidence section of the Ormond Beach Police Department was ordered by then Division Chief Henry Osterkamp due to the pending retirement of Chief Michael Longfellow.

Then Sergeant Kenny Hayes, the Professional Standards Unit Supervisor, was assigned to supervise an inventory team that consisted of three Corporals; John Passalacqua, Michelle Gaden, and James Doggett. The team was given the task of a complete ceiling to floor audit and inventory of the evidence section.

Sergeant James Gogarty, current supervisor of the Property and Evidence Unit, was brought in to assist at the outset to help facilitate the team's smooth transition into the unit and to ensure cooperation and assistance by department members assigned to the evidence function.

The evidence unit was staffed at that time by two full time non-sworn employees, Evidence Technician Michael Haller and Evidence Custodian Shannon Champion. ET Haller had been assigned to the unit since its creation as a stand alone area of operation in approximately 1988. EC Champion was assigned to the unit in 2006 after the death of former Evidence Custodian Roy Pearson. The unit, at the time this project began, was also staffed by two (2) part-time volunteers.

Initial discussions with ET Haller and EC Champion indicated they had a great deal of anxiety concerning the impending inventory. Both indicated the likelihood that anomalies would be found by the team. Among the concerns expressed by both was the fact that they knew of a severe backlog of items to be purged such as old drug evidence no longer needed for court. ET Haller indicated the likelihood that records would show property was being held by the unit that had in fact been previously destroyed and or disposed of by former members of the agency in supervisory or command positions long ago. ET Haller believed that this activity was never properly entered on the records which would cause property the agency shows as being on hand to be unaccounted for. Both ET Haller and EC Champion strongly expressed the opinion that lack of manpower in the unit over a long period of time has resulted in work not being completed. They were concerned that the team's findings would reflect badly upon them personally as the inventory progressed.

It should be noted that on the surface the unit appeared to be operating efficiently. Although packed with property and having little or no spare space, the room was secure, and items were being purged in response to release notices from the State Attorney's Office. Cash being held by the unit was kept in a secure safe and was being audited on a quarterly basis by the Professional Standards Unit. The general cleanliness, security, and operation of the unit were checked

quarterly by the Professional Standards Unit. This audit was conducted primarily by a visual check of the facility and interviews with evidence unit staff.

It should be noted that at no time did ET Haller or EC Champion ever advise prior or current members of staff that there were operational issues or concerns within their unit other than to point out they felt additional personnel should have been assigned to the Evidence function.

OBPD Evidence Section Background

Prior to the late 1980's, the Ormond Beach Police Department secured evidence in a closet within the criminal investigation offices. The CID supervisor was responsible for the care and maintenance of the closet. Evidence was simply placed in the closet by the officer who seized the item. In approximately 1988, a portion of the old jail section in the police building was set aside to function as the evidence storage room. The evidence submittal area was outfitted with individual evidence submittal lockers so that officers could submit evidence in a secure manner and keep it separated from other cases. Mike Haller was assigned in April of 1988 as the agency's first evidence custodian.

In 1996, both ET Haller and then Sgt. Henry Osterkamp attended a forty hour training course entitled "Managing the Property and Evidence Room." Sgt. Osterkamp made several recommendations to then Ormond Beach Police Chief Robert Stewart after attending the class. Chief among the recommendations was the purchase of a computer software program to track evidence, a formalized policy on the operation of the unit, a concerted effort to purge evidence no longer needed for court, and a complete inventory of property being held. Most of these recommendations were carried out with two notable exceptions; no formal inventory was ever conducted and the purging of old evidence remained sporadic. The prevailing philosophy of the time seemed to be that stockpiling evidence prevented the accidental destruction of anything that may later be requested by the State Attorney's Office or the court.

The late Roy Pearson was assigned as a second evidence custodian in the late 1990's. During these years, there was still no formal policy in place for operation of the evidence unit. The two custodians simply accepted items of evidence and processed them when applicable and stored them in the evidence room in as orderly a fashion as possible. All items of evidence were tracked by paper property sheets that were submitted as part of the applicable police report.

According to ET Haller, purging of items no longer needed for court or other purposes was done sporadically by the records supervisor or watch commanders of the time. This purging, according to ET Haller, was often conducted without the requisite entries being made into the record as to the disposition of the items. It is for this reason that ET Haller was convinced that a full inventory would reveal

property sheets being held by this agency for property that had been destroyed long ago.

While this method of purging may have been ET Haller's recollection of how property and evidence had been disposed of in the past, current and former supervisors and command staff do not agree with these assertions. While former supervisors and command staff members have acknowledged that they assisted ET Haller with one (1) or two (2) purgings of evidence and contraband, all were completed with the requisite court orders and required documentation. ET Haller was responsible for the filing and security of these documents as part of his records keeping responsibilities as well as for ensuring the requisite court documents/destruction orders were obtained prior to allowing any item to leave the evidence section.

In 1998, then Sergeant Henry Osterkamp attended the Southern Police Institute's Command Officers Development Course. He was assigned to complete a staff study as part of the course curriculum. Sgt. Osterkamp chose this agency's evidence room as the topic of his study. Sgt. Osterkamp submitted the staff study to the new Chief of Police at that time, Larry Mathieson. Sgt. Osterkamp reiterated some of his previous recommendations in the staff study report such as the need for a complete inventory of the evidence section and a formalized policy on its operations. During this time Chief Mathieson instituted a practice of conducting quarterly audits of the property and evidence room and cash being held by the unit. These audits were not comprehensive and served only as a spot check of the units operations. In addition, the agency sought and obtained accreditation through the Commission for Florida Law Enforcement Accreditation in 1999. The evidence unit continued to stockpile property and evidence with little attention paid to the purging of un-needed items as the 1990's came to a close. It is notable that the evidence unit's operations passed scrutiny by the accreditation team in spite of the lack of purging.

In 2001, a new police building was being constructed. According to former Chief Michael Longfellow, then Commander Richard Hedges ordered ET Haller and EC Pearson to purge any items of evidence or property that the agency was no longer required to keep. Chief Longfellow recalled that a large dumpster was even set up in the alley outside of the evidence section to facilitate a large scale purging and destruction of such material. The intention according to former Chief Longfellow was to reduce the amount of property and evidence that would need to be moved into the new facility. All property and evidence that was no longer needed due to the statute of limitations running out, or having been released by the court, was to be purged. ET Haller reports that he does not recall having conducted any such large scale purging. He states that the evidence room from the old building was essentially moved "bag and baggage" into the new facility creating an immediate glut of material. ET Haller reports that the room was arranged as best as they could at the time.

A new computerized evidence control system called Quetel was purchased and implemented to coincide with moving into the new police facility. ET Haller received training on the Quetel system from a factory representative to include all aspects and capabilities of the system. ET Haller reports that he was asked during this time by command staff how long it would take to enter data on all of the evidence that was being held into the new system. This would require entering information into the record concerning each case and printing a bar code decal to be placed on each piece. Haller reports that he informed staff that it would be an enormous undertaking that would require inordinate amounts of overtime. ET Haller advised that he was then instructed to begin documenting evidence taken in from that point forward into the new system. This decision essentially created two separate tracking systems for property and evidence being held by the agency. Cases prior to 2000 were documented and tracked by a paper only system of filed property sheets. Cases from 2000 on had paper property sheets as back-up but also were entered into the computerized Quetel tracking system.

There were several important components of the computer tracking system that were never utilized when items were entered into the system. One major component that was not utilized was the ability to flag items for later purging or destruction. When the items were entered, the system allowed for a purge date to be added. This feature would have caused a message to appear at a later date that would notify the user that the item had reached its purge date. ET Haller reported that he entered the minimum amount of information required to add the item to the system. The purge date was simply left blank. ET Haller reported that the purge date was difficult to determine due to all of the variables involved. ET Haller relied rather on notices received from the State Attorney's Office or the court to determine when an item would be purged.

This underuse of a then state of the art property management system served to perpetuate the lack of purging that continued to result in the stockpiling of evidence and property. Another overlooked fact was that a significant amount of property brought into the evidence section is on non-criminal cases in which the State Attorney's Office and the court have no involvement. These items are not addressed at all under ET Haller's system of relying on State Attorney Releases for any purging done. This resulted in numerous items of property being retained long after they could have been returned to the owner, turned over to the city, or disposed of.

Another component of the Quetel evidence tracking system was a bar code reader that was purchased with the system. The bar code reader was to be used for tracking and inventory purposes. It was discovered that this bar code reader malfunctioned at some point in time after the system was purchased. The device was never replaced or repaired. ET Haller reported that he tried to get the unit replaced but the request was denied because of the cost. This assertion was denied by former command staff members of the agency.

Pre-Inventory

Sergeant Hayes spent some time in the week preceding the team's arrival to talk with both EC Champion and ET Haller about their activities and the operation of the unit in general. It became clear that a significant amount of evidence and property needed to be purged prior to any attempt to inventory the unit. The drug and gun room, a secure inner room set aside for the storage of these items was packed from floor to ceiling with boxes of old drug evidence and hundreds of guns that had been collected since the late 1970's.

Then Division Chief Osterkamp was briefed on the state of the unit and Sgt. Hayes' plans to have the team concentrate on purging and destruction of items that no longer needed to be held by the agency. It was agreed that this effort would begin and continue until all of the stockpiled material had been removed from the unit. The main floor of the evidence room could then be inventoried and more purging and destruction undertaken as needed.

Sergeant Gogarty brought a concern forward just prior to the team's first day of work. During a walk through of the unit, Sgt. Gogarty observed a large amount of items packaged in sealed very large brown paper bags on a pallet in the evidence room consistent with packaging for destruction. When Sgt. Gogarty inquired about the items, EC Champion indicated that the items inside the bags were marked for destruction and consisted mostly of small or trace amounts of narcotics and old drug paraphernalia and drug test kits. She stated that a blanket court order would be sought to destroy the material. EC Champion further reported that there were no property sheets for the bulk of the items nor was there an inventory listing of the items in the bags. EC Champion made the comment at the time that "for all intents and purposes, these items don't exist."

Sgt. Gogarty became concerned due to the amount of material present and felt that there should be a detailed accounting of what was being destroyed. Based on the manner in which the items were packaged in sealed bags without any pre-packaging inventory having been conducted, it would have been virtually impossible for any type of inventory listing of items for a destruction order to have been completed. It was decided that the inventory team would be tasked with the disposition of this pallet of items prior to moving into the drug and gun room.

Inventory Team Arrival

The team's first order of business became the painstaking task of emptying all of the aforementioned bags and accounting for what was inside. A spreadsheet was created listing the items along with a case number when known. A Circuit Court Judge was contacted regarding obtaining a court order to destroy the items. The judge indicated that a destruction order would be signed if it was accompanied by a listing of the items and approximate weights along with the agency case numbers if they were known. It was determined that the bags contained a variety

of items from small crumbling envelopes containing trace amounts of marijuana or pills to sealed bricks of marijuana weighing several pounds. There were a few old drug test kits and paraphernalia such as small pipes and other marijuana smoking apparatus. Some of the items contained case numbers but many were unmarked. It was clear that this material was all from very old cases, some dating back to the late 1970's.

The contents of each bag were itemized and case numbers listed when known. Sgt. Gogarty and ET Haller contacted a judge and explained the situation. The judge did in fact sign a destruction order which cleared the way to dispose of the material. These bags became part of the first load of material transported to the incinerator for destruction. When the team finished with these bags, they began to address items stored in the inner secure drug and gun storage room. The first trip to the incinerator conducted by the inventory team was done on March 1, 2010. There was 5.66 tons or 11,320 lbs of old evidence material purged from the evidence unit and destroyed on this date to include drugs, guns, no longer needed items of evidence, and unclaimed property.

Problem Areas Found

Evidence Purging:

Periodic purges are essential to prevent unnecessary stockpiling of material that the unit is no longer required to store. It was determined that there were a total of only six (6) evidence purges involving drugs and guns conducted since the formation of the evidence unit in 1988. These purges involve identifying drugs and weapons that can be destroyed. The reasons for destruction are varied. Some material that can be purged is determined through releases from the State Attorney's Office on items that are no longer needed for court purposes. In other cases, the statute of limitations is reached for filing of criminal charges which precludes the need for further holding of the items. In still other cases, drug items are taken in by the agency as found property or guns are taken in for destruction. Each case must be scrutinized to determine if there is any reason the agency must still hold the property. When it is determined that the item should be destroyed, it is added to a running list. The list of items is then used to create a court order for destruction. Once the court order is reviewed and signed by a judge, the items are transported to an incinerator in Tavares Florida where the items are destroyed.

The six purges that have been conducted are as follows and do not include any non-drug or weapon purges that would have been conducted intermittently and on a much smaller scale. There were two (2) purges in 1988; one (1) in October and one (1) in November. One (1) purge was conducted in February 1989. Two (2) purges were conducted in 1995; one (1) in August and another in November. The last documented destruction/purge was conducted in 2007. The three (3) purges conducted in late 1988 and early 1989 seemed to be consistent with good

housekeeping and the timely purging of these materials. The next two (2) purges however were not conducted until seven (7) years later. Then, there was a twelve (12) year span in which no destruction of stockpiled guns or drug evidence was conducted at all.

It was apparent as the inventory team went about its efforts to purge items prior to the inventory that the number of purges that have been conducted by evidence personnel over the years was woefully inadequate. The team discovered bulk amounts of drugs dating back to the late 1970's that were still being stored and were taking up valuable space in the evidence section. The same was found for stored guns. Guns dating back to the same era were discovered that could have been destroyed some twenty-five (25) years ago. The conclusion may be drawn that even the sporadic and inadequate purging that was conducted missed a significant amount of material that at the time of those purges was sitting on shelves and could have been added to those destruction orders.

Evidence personnel acknowledged that there was a backlog of purging and destruction but the explanation given was there has been a chronic "lack of manpower" in the unit for an extended period of time. Whether or not the unit was truly understaffed or not, the fact remains that this operational shortcoming on the part of the evidence unit caused a huge overstock of evidence and contributed to over crowded storage shelves and an overflowing drug and gun storage room. It should be noted that the evidence unit had been staffed for some time by two (2) full time employees and two (2) part time volunteers. This number of evidence personnel is uncommon for an agency our size as most comparably sized departments only have one (1) or two (2) persons working in the evidence section.

Records Keeping:

The inventory team was tasked with scrutinizing evidence to determine if it could be purged or needed to remain held by the agency. This effort focused initially on guns and drugs because those items were stockpiled and took up an inordinate amount of storage space within the evidence room. As each item was looked at and cases were examined there was an immediate realization that records' keeping was going to be an issue as the process moved forward.

All evidence taken in by the agency prior to 2001 was documented on paper property sheets that were part of the police report on the case. These property sheets served as the record of the property being held in the evidence room. Any movement of the item of evidence required an entry on the sheet. If an item was destroyed or returned to an owner for instance, an evidence unit member would be tasked with writing an entry on the sheet to document that activity. In many cases, the property sheets would have numerous items listed. Some items could be logged out as being returned or destroyed and others still held for a variety of reasons. The team began to find sheets that listed property that the evidence

section should be holding but the item could not be located. In most cases, a logical conclusion could be drawn that the item was returned or destroyed, however no entry was ever made on the property sheet to prove that conclusion. The team could not say definitively what might have happened to the item. This lack of records keeping gives the impression that the items were “missing”. As these records go back in many cases over 20 years, no-one knows what became of the property. Many of these sheets were initially handled by ET Haller. Questioning ET Haller on these anomalies proved fruitless as he simply said that he did not remember what he did or did not do 20 years ago.

Evidence Processing:

The inventory team came across many items that had been submitted into the evidence room for some type of further processing. For example, an item that the submitting officer did not have the proper tools to process may have contained a suspect’s fingerprints. This item was submitted with a request for processing that should have been conducted in a timely manner by evidence personnel. The team also found items that were retrieved from crime scenes by ET Haller and brought into the evidence section to be processed. Many of these types of cases were found wherein the item was never processed in any way. In most cases, the statute of limitations was long passed rendering it pointless to attempt to process the item at this time. ET Haller’s response to questions about these cases was that he had no explanation for it and simply could not remember why the item was not processed. The obvious implications of this situation are that cases could have gone unsolved and remain so to this day because a simple procedure was not conducted that possibly could have helped implicate a suspect and perhaps solved a criminal case.

Money Handling:

The evidence unit’s handling of money over the years has evolved significantly. The earliest known method of money storage known by current department personnel was a wooden military footlocker commonly known as the “money locker”. This box was stored on a locked jail cell of the former police department building as early as the late 1970’s. An officer who submitted any cash money into evidence would seal the cash in an envelope and complete a paper property sheet. The money and a copy of the property would be stored in the “money locker” inside the locked jail cell.

At some point during the 1980’s, the “money locker” system was discontinued and a safe was obtained by the department. No-one currently employed by the agency recalls exactly when the “money locker” was retired although it was during ET Haller’s tenure as Evidence Technician.

As the team began to scrutinize evidence being held by the agency to determine if it could be purged, several property sheets were discovered that listed money

being held in the “money locker.” ET Haller was questioned about this and he responded predictably by saying he had no idea what ever became of the money locker. The evidence section safe contained a significant amount of money but this money was all accounted for and has been audited quarterly for several years. None of these newly discovered property sheets had money listed that was being stored in the safe. This left the question, if the money was not in the safe and the “money locker” was gone, what had happened to the money?

The inventory team eventually found the “money locker” which was buried under stockpiled property against the south wall of the evidence room. This old military foot locker did not have a lock but had the tell tale slot cut in the top as described by those who remembered its existence. The locker however, was empty. The locker was now nothing more than an unused piece of nostalgia. Although ET Haller was the evidence custodian when this locker was brought into the new building, again he could give no information on whether or not it still contained any cash at that time or what may have become of its contents.

It should be noted that cash handling problems within the evidence section and specifically involving ET Haller have been identified and documented in the past. In March of 2005, Sgt. Hayes attempted to conduct a quarterly cash audit as required by this agency’s standard operating procedures. These audits consist of verifying the cash on hand from the evidence safe and accounting for it from audit to audit. The figures can vary from quarter to quarter as new money is taken in and other money is returned to owners when no longer needed for evidence.

While working to resolve an overage in the figures with evidence personnel at that time, ET Haller and the late Roy Pearson, a stunning fact was revealed. There was other money being held by the evidence section that was not being made available by evidence personnel for the audit. ET Haller and EC Pearson had conflicting impressions as to what the audit was for and what funds were to be audited. ET Haller believed only “confiscated money” was audited. EC Pearson simply said he knew there was other money being stored in the evidence section but that he had never been asked to produce it.

Sgt Hayes’ previous audits as well as those conducted by past professional standards supervisors were flawed in that all were conducted under the mistaken impression that the money produced for the audit was all the cash that was being held by the evidence section. This writer made it clear to ET Haller in no uncertain terms that the purpose of the audit was to verify all money being held by the evidence section for whatever the reason. Sgt. Hayes created a memorandum to document the audit discrepancy for that particular quarterly audit and to document the order given to place all money held by the evidence section into the safe. ET Haller was ordered at that time to make sure that all money retained by the property and evidence unit was located and then placed into the safe. During subsequent quarterly audits conducted by Sgt. Hayes, ET

Haller maintained that all money held by the evidence unit was being stored in the safe.

As the inventory team began to scrutinize evidence being held by this agency, they began to find amounts of cash being stored in case files and case boxes at various other locations within the evidence room other than the safe. Sgt. Hayes reminded ET Haller of the standing order given in 2005 about all money being kept in the safe and asked him to explain how this could be happening. ET Haller's response was that he could not possibly know what money may have been filed away in case files in the past. Sgt. Hayes warned ET Haller again that there should be no money being stored anywhere other than the safe.

ET Haller made an ill advised attempt to comply with Sgt. Hayes' order shortly thereafter. It was discovered after the fact, that ET Haller had solicited the assistance of EC Champion and both came into the police station on a Sunday without the knowledge or permission of their supervisor and without informing the inventory team. They searched the evidence floor for any improperly filed cash. There were items of cash removed from the main evidence floor and placed into the safe but the amounts were miniscule when compared to the amount of cash that was to be found as the inventory progressed. Both ET Haller and EC Champion were counseled for embarking on such an endeavor without their supervisor's approval.

Purge of Gun and Drug Room

The inventory team went about its work starting with the purging of old stockpiled drugs and weapons. This work was tedious and time consuming as each case had to be researched to determine whether or not the items could be purged. Once the item was cleared for destruction it was listed on a destruction order and set aside for packaging. When a full load of material was assembled, the team contacted the court to obtain a judge's signature on the destruction order and the material was transported to the incinerator in Tavares Florida. This process was repeated over the course of the next several weeks until the backlog of purging was completed. There were a total of three (3) trips made to the incinerator during this process. The purge results are as follows;

Guns Destroyed: 296

Weight of Drugs Destroyed: 1,015 Lbs (Does not include packaging weight)

Floor Inventory

Once the stockpiled evidence was removed from the evidence section, the team began to address the main floor of the evidence room. This room was cluttered and contained several large items of evidence no longer needed for court purposes that were taking up an inordinate amount of floor space. The team systematically disposed of these items and began to make better use of the floor

space. The actual inventory of the main evidence room was now finally possible. This task again was easier said than done as it involved tedious case file research. The research in many cases involved poring over old paper property sheets from cases too old to have been entered into the computer filing system.

As the inventory team would discover an “anomaly” such as a misfiled piece of evidence, a piece of evidence that had never been processed, or an inappropriately stored piece of evidence, they would consult evidence section personnel to address the issue. The team was under orders to carefully document these issues and to resolve them by involving evidence personnel to help correct the problem. The team began to find these types of “anomalies” frequently.

Policy Violations Revealed

The inventory team continued to discover misfiled property sheets, improperly stored cash, and unprocessed evidence as they dug deeper into the inventory process. The magnitude of these discoveries made it apparent that ET Haller’s performance shortcomings went well beyond simple mistakes or oversights in procedure. There were blatant examples of failure to perform the most basic evidence handling protocol. The most shocking example was revealed when contents of several locked file cabinets that were on the main floor of the evidence room were examined. The team already had standing orders that all areas of the evidence section would be examined and inventoried. ET Haller had indicated that these locked cabinets contained “his files” and personal property and would not be of any use to the inventory team. ET Haller was informed that eventually these cabinets would need to be opened and examined. Sgt. Hayes and Sgt. Gogarty became increasingly suspicious about what may be found in the locked cabinets in light of all of the recent problems that were discovered.

On Monday July 19th, 2010, Sgt. Hayes and Sgt. Gogarty entered the evidence section and asked ET Haller again about the locked cabinets. ET Haller repeated that the cabinets contained his own personal files and contained no items of evidence or property associated with the evidence function. At that time Sgt. Hayes ordered ET Haller to unlock the cabinets as the inventory team needed full access to all containers within the evidence section. ET Haller opened one locked drawer and the contents were checked by Sgt. Hayes. The files appeared to be miscellaneous paperwork that did not contain any evidence or documentation needed by the inventory team. ET Haller immediately began to gather the items from the drawer. ET Haller was then asked to open the remaining two cabinets. ET Haller said that he could not open the cabinets because he didn’t have the keys. When pressed as to where the keys were, ET Haller stated that they were at his residence. ET Haller was reluctant to open the cabinets’ right then, stating that it was “no big deal,” and that he would bring the keys in the next day. ET Haller was ordered by Sgt. Gogarty to go home to retrieve the keys and to report back to Sgt. Hayes or Sgt. Gogarty before entering the cabinets.

ET Haller returned later with the keys when Sgt. Hayes and Cpl. Passalacqua were present in the evidence section. ET Haller was told to unlock the cabinets and the contents were then examined by Sgt. Hayes with Cpl. Passalacqua and with ET Haller looking on.

The contents of the first cabinet were immediately discovered to be department criminal case files complete with items of evidence attached. Sgt. Hayes confronted ET Haller on this fact as he had insisted the cabinets contained his personal files. ET Haller responded by saying that they were cases he worked on. ET Haller had no logical response at all for why he locked up departmental case files rendering them inaccessible to himself or anyone else working within the evidence room or the audit team.

Sgt. Hayes continued to look through the drawers of the cabinet as Cpl. Passalacqua and ET Haller looked on. When the third drawer was opened there were two (2) zipper bank bags in plain view along with more case files. The bags were opened and discovered to contain rolled coins in the amount of \$174.20.

Another envelope was found in the cabinet that contained miscellaneous foreign coins and a collector's case with a silver certificate bill inside. This case, 93-10-0462 dated January 4th, 1993 contained a property sheet with these items listed. The property sheet also contained other items that were not found in the cabinet. These other items could not be located and are currently unaccounted for. Among the missing items was an 18k gold man's watch valued on the property sheet at \$4,400.00. Another envelope was found in the same cabinet containing \$117.80 in cash that was seized as part of a 1993 narcotics case.

The second previously locked cabinet was examined by Cpl. Passalacqua. Cpl. Passalacqua discovered a loaded .44 caliber revolver in this cabinet. The revolver was in a bag marked with a 2003 case number. The weapon had been seized by ET Haller at the scene of a suicide. No property sheet was ever completed on the firearm rendering it non-existent in the agency's system of evidence accountability. This cabinet also contained an envelope with four live 12 gauge shotgun shells. Cpl. Passalacqua also found an envelope marked as a Bio Hazard that contained syringes; again with no property sheet to document the items existence within the agency's evidence system.

Sgt. Hayes discovered two small desk calendars in one of the previously locked cabinets. One calendar pictured a topless woman and the other a scantily clad woman. Although neither item was being displayed in any way, the items could have easily been seen by other employees as the files are being inventoried. These items had no evidentiary value and should have been discarded.

The implications of the discovery of the locked cabinets and their contents are as follows; (applicable policy violations are in parenthesis)

- ET Haller was untruthful with Sgt. Hayes and Sgt. Gogarty as to the contents of the cabinets and had no plausible explanation for misleading the supervisors. (C-2-00 IIB section 52)
- ET Haller was fully aware that a complete evidence inventory had been in progress for some 4 months and he made no attempt to make the inventory team or supervisors aware of the fact that he had evidence locked away and out of reach of the team. ET Haller has been told repeatedly over the course of the evidence inventory by Sgt. Hayes and Sgt Gogarty that firearms and money were not to be stored on the main evidence floor and were to be secured in the gun room and safe. (C-2-00 II A section 25) (C-2-00 IIB section 39)
- The money discovered revealed a gross violation of cash handling policy and of prior warnings personally conveyed to ET Haller concerning the proper documentation and storage of cash monies. (E-8-08 section 2.04)
- The discovery of a loaded firearm carelessly stored in a file cabinet revealed a gross violation of policy concerning the safe and proper storage of firearms. (C-2-00 IIA 27) (C-2-00 II B section 43) (E-9-00 section VIII)
- The discovery of syringes in an envelope stored in a file cabinet revealed a gross violation of established procedures concerning the safe and proper disposal and storage of biohazard materials. (E-9-00 section VII)
- The lack of proper documentation (i.e. property sheet) on these numerous items reveals a gross violation of established procedures concerning evidence submittal and storage. (E-8-08 section 4.03 and 4.04)
- The possession of sexually oriented materials on city property and within the police building is a violation of established policies on ethics and against the good order of the police department.
- This policy violation are even more egregious given the fact that ET Haller has been in his position and the lead evidence technician since 1988 and was responsible for training new police officers on evidence submittal procedures.

These policy violations were documented in an incident report filed by Sgt. Hayes and Sgt. Gogarty on July 19th, 2010 and forwarded to Chief Osterkamp. Chief Osterkamp ordered a pre-determination hearing with ET Haller to provide him the opportunity to produce any information he wished the chief to take into consideration prior to making a decision on disciplinary action to be taken, if any.

More Cash Handling Difficulties

EC Champion had been told numerous times by Sgt. Hayes that all money in the safe must be accounted for on the quarterly audits. On Tuesday, July 20th, 2010 Sgt. Hayes attempted to conduct the quarterly audit but was unable to do so because EC

Champion was having difficulty in providing figures on how much money had been dispersed and taken in since the previous audit. During the previous audit, Sgt Hayes explained in detail to EC Champion with her supervisor, Sgt. James Gogarty present, that all money in the safe must be audited. EC Champion indicated at that time that she could not understand why we have to audit money that is going to be turned over to the city or to be given back to someone. Sgt. Hayes and Sgt. Gogarty made it very clear that all money being held in the evidence section safe regardless of why it was being held would be accounted for on the quarterly audits.

When the audit could not be completed on July 20th, 2010, Sgt. Gogarty attempted to assist EC Champion in balancing her figures to prepare for the audit. At that time EC Champion was coming up short but advised Sgt. Gogarty that it was some type of records mistake or that Sgt. Hayes added the money up incorrectly. EC Champion assured Sgt. Gogarty that she would figure out where the mistake was and she worked on the audit log book and records all day.

On Tuesday, July 20th, 2010 Sgt. Gogarty contacted EC Champion concerning the audit of the evidence safe. EC Champion informed Sgt. Gogarty that she was trying to figure out what was wrong but, she was short approximately \$1,900.00. On Wednesday, July 21st, 2010 Sgt. Gogarty spoke again with EC Champion in the morning and she told him that she still had not determined why her safe was short. By Wednesday afternoon she had not come to a successful determination of exactly what should be in the safe and informed Sgt. Gogarty that she hated dealing with money and stated "I can't even balance my own check book at home". Sgt. Gogarty informed Sgt. Hayes that it would probably be best if all three (EC Champion, Sgt. Hayes and Sgt. Gogarty) were to sit down together and do a complete inventory of the money in the safe and go over all of the records to come to a successful conclusion of what cash should be on hand. Sgt. Hayes agreed and we set up a time on Thursday morning to complete the inventory.

On Thursday, July 22nd, 2010 Sgt. Hayes and Sgt. Gogarty got with EC Champion and asked her to remove all of the money from the safe. Evidence Custodian Champion removed two boxes labeled #1 and #2 from the safe and we began to go through numerous packages of money (80 packages in all) all three of us counted the money and resealed the packages. All three of us initialed the seal on the packages and recorded all of the case numbers and the amount of money in each package.

The process of inventorying the two boxes took approximately four (4) hours. EC Champion was then advised to put all of the money back into the safe. As she was placing the money back in the safe, Sgt. Gogarty stated "Ok, we now have counted all of the money that we have in the safe, right?" EC Champion hesitated for a few seconds and then stated "This is all of the audited money". EC Champion was then instructed to remove any additional money that was in the safe. EC Champion then removed approximately nine (9) more packages of money. EC Champion stated "this money is going to be turned over to the city". The additional 9 packages of money totaling \$3,683.94 were inventoried and accounted for on the inventory. This money

had case numbers assigned dating back as far as 1993 that could have and should have been turned over to the city finance department years prior. The apparent \$1,900.00 shortage that EC Champion had initially reported was determined to have been an accounting error on her part.

After the inventory of the cash in the safe it was determined that EC Champion should no longer have control of the evidence safe. It appeared that she was neither comfortable nor capable of keeping an accurate account of cash held by this agency. Sgt. Hayes and Sgt. Gogarty decided that the entire safe should be inventoried and the combination to the safe should be changed. Sgt. Hayes, EC Champion, and Sgt. Gogarty completed an accurate inventory of all items in the safe to include jewelry, cash, non negotiable money (bank robbery money burnt from dye packs) and counterfeit money (\$7,851.00). EC Champion signed a form indicating that the safe was inventoried and she had turned over control of the safe to Sgt. Gogarty.

There has been a total of \$63,162.12 purged from the evidence section safe during the audit and inventory process.

- \$24,802.57 turned over to the city
- \$10,796.00 turned over to PNC Bank (bank robbery)
- \$1,050.00 destroyed (money orders)
- \$140.00 turned over to Secret Service (suspected counterfeit)
- \$533.00 returned to owner (found property)
- \$1,055.00 returned to owner (seized funds)
- \$2,166.00 returned to owner (released evidence)
- \$3,060.00 turned over to Wachovia Bank (bank robbery)
- \$19,559.55 turned over to Jacksonville SO (grand theft from their jurisdiction)

The amount of cash held in the evidence section safe as of as of 03-29-11 was \$4,200.70.

Personnel Changes

On August 6th, 2010, ET Haller was awaiting the determination of disciplinary action against him for the multiple policy violations he was cited for on July 19th, 2010 when he abruptly submitted a letter of resignation/early retirement to Chief Osterkamp. The resignation became effective immediately. Chief Osterkamp accepted the resignation and ET Haller left the agency. EC Champion continued to serve as the Evidence Custodian and assisted the inventory team as the process wound down to a conclusion. Long time volunteer, Sam Easterbrook, had indicated during the early stages of the inventory in March 2010 that he no longer wished to work in the evidence section and he ceased providing volunteer service to the department.

Misconduct Discovered

On the day after ET Haller's departure in August 2010, EC Champion went into the evidence processing room and discovered a large box full of what appeared to be

evidence in various envelopes. This room had been the work area of ET Haller for processing evidence for fingerprints and had been kept locked by him when not in use. This box was examined and found to contain numerous envelopes containing money that should have been kept in the safe. Some of the envelopes were sealed and some were not. Some of the envelopes contained large amounts of loose change. The cash amounted to over thirty seven hundred dollars (\$3,700.00). There was a note attached to the box from ET Haller that indicated that he found the items in a desk drawer of a former evidence section volunteer. The note read;

“Found this in Sam’s desk when he left, knew he had some money, did not know it was this. Did not know how to tell you.”

The inventory team and EC Champion had no idea where this box of material may have been stored prior to its discovery. The volunteer had left some six months prior. In addition, it is very unlikely that this money was being kept in the desk of the former volunteer as the inventory team had been using the desk and no-one ever saw any of the items found in the box. It is unknown why ET Haller would have kept this box of money anywhere other than the safe or where he may have been keeping it during the audit and inventory process.

A few days after the discovery of the box of money, a city maintenance worker needed access to the ceiling area of the evidence room to check on an air conditioner problem. The worker was escorted into the evidence section by EC Champion. He then removed ceiling panels in both the gun/drug room and the evidence processing room to gain access to the air conditioning apparatus. The worker discovered a large manila envelope that had apparently been intentionally placed up into the ceiling area above the ceiling panel in the evidence processing room. This envelope was determined to contain twenty three (23) separate white envelopes that contained cash money in the amount of six hundred seventy eight dollars and ninety five cents, (\$678.95).

As previously mentioned, there was a standing order that all money being held by the evidence section was to be placed into the safe. ET Haller had been ordered both in writing and in person to make sure all money was stored properly in the safe. The subject of the proper storage of money was addressed with ET Haller by his supervisor and this writer numerous times since the inventory began as improperly stored money was discovered by the inventory team. ET Haller was in fact facing disciplinary action for the discovery of improperly stored cash and evidence at the time of his abrupt retirement. ET Haller could have produced this money at any time during the audit and inventory process and made sure it was placed into the safe. It is unfathomable that ET Haller would continue to knowingly secret away cash within the evidence section and leads to serious concerns over his intentions regarding this money.

Outside Assistance Requested

Up to the discovery of the envelope in the ceiling of the evidence room, the various anomalies that were found in records keeping, evidence handling, and failure to carry

out assigned duties were attributed to incompetence and/or negligence. The discovery of the envelope in the ceiling however resulted in an immediate sense of alarm for those of us tasked with managing the evidence inventory. The extremely suspicious circumstances cast doubt as to whether or not there was criminal intent on the part of the person(s) responsible for placing the envelope in the ceiling.

Chief Osterkamp sought assistance from the Florida Department of Law Enforcement to review the inventory process and the subsequent findings of the team. An FDLE agent was assigned to assist the agency and was provided material and information. The agent conducted interviews with evidence section members and volunteers. FDLE's involvement in the matter is on-going as of this writing and an investigative report on their findings is forthcoming.

Restructuring

The agency advertised for a new evidence technician and conducted a selection process. A new evidence technician was hired and scheduled to begin work on Monday November 14th, 2010. With the arrival of the new evidence unit member, a decision was made to temporarily reassign EC Champion to another position within the agency pending the outcome of the inventory and the FDLE investigation. EC Champion was reassigned to a community service officer position effective Friday November 11th, 2010. On February 17th, 2011, EC Champion requested that the temporary assignment be made permanent. This request was granted by the chief of police.

The agency selected a new evidence custodian from the remaining candidates for the evidence technician position. The new evidence custodian began working for the agency on Monday March 28th, 2011. The evidence section was now back to full strength with two new employees. Both of the new hires had formal training and experience in crime scene and evidence handling procedures.

Corrective Actions Taken

- Back-log of old evidence (guns, drugs, misc) was purged per established policy and state statutes.
- Evidence being stored in outside storage room was brought into the main evidence room.
- Evidence room was cleaned of old stored material, (cabinets, antiquated equipment, etc.) not necessary for the operation of the unit.
- All areas of the evidence room were searched for misfiled or improperly stored evidence.
- All file cabinets and other storage areas were searched for misfiled and or improperly stored case files and property sheets.
- All evidence, case files, and property sheets were correctly filed and or stored.
- Property sheets were researched to determine the status of the case/evidence.

- Supervisor overseeing the unit seized control of the safe to prevent further mistakes with cash handling and audit difficulties.
- Volunteer duties were modified to prohibit them from handling money.
- Volunteer's access to the inner evidence room has been scaled back to facilitate better security of the unit.
- Former evidence technician Michael Haller was cited for various policy violations in regards to his actions and or inactions as these facts came to light.
- Evidence Custodian Shannon Champion was re-assigned to another position within the agency pending completion of the inventory and scrutiny of the unit's operation. This re-assignment was later made permanent.
- A new evidence technician and custodian were hired.
- Evidence is now being tracked in the new Records Management System software being utilized county wide.
- The agency has purchased two bar code reader devices for use in inventory control in the evidence room in conjunction with the new Records Management System.
- The department's standard operating procedure for the evidence unit is being reviewed and updated.
- A video surveillance system with recording capabilities is being installed on the exterior doors and interior spaces of the evidence section.
- An audible alarm system is being installed on all evidence section doors.
- A full and complete annual inventory of all property and evidence including drugs, cash, and firearms is to be conducted per established standard operating procedures.
- A review of the inventory and personnel actions is being conducted by the Florida Department of Law Enforcement.

Photograph Legend

Photographs were taken at various stages of the inventory process to document the conditions present, significant discoveries, milestones, and post inventory conditions. The photographs are assembled under different tabs and are numbered individually. There is a description of each photograph included.

- **Pre-Inventory Conditions**

This section includes photographs of the main floor of the evidence room as the inventory team began their work. The cluttered and packed shelves are apparent. The interior drug and gun storage room and an outside overflow room were also included in this group of photographs.

- **Improper Evidence Storage**

This group of photographs was taken of items such as improperly stored cash, guns, and documents.

- **Money Locker**

These photographs show the “money locker” and its discovery hidden under stored material in the main room of the evidence section.

- **Purge and Destruction Orders**

These photographs help to put into perspective the amount of stockpiled material that was packaged and destroyed per court orders as the inventory process progressed.

- **Suspicious Evidence Storage**

This series of photographs were taken in the room where the box of evidence was placed by ET Haller before his departure and where the envelope was discovered in the ceiling.

- **Post Inventory Conditions**

Finally, a series of photographs were taken after the purge and inventory was completed showing the clear space and orderly storage of evidence in the gun and drug room and the main floor of the evidence section. The now empty outside storage room is also shown.

Pre-Inventory Conditions

- 1.** This is a shot of the main floor of the evidence room in February of 2010.
- 2.** The main floor looking towards the south/rear entrance to the evidence room.
- 3.** The drug and gun room.
- 4.** This photograph shows the age and condition of some of the stockpiled firearms prior to the purging efforts.
- 5.** Stockpiled firearms stuffed in boxes.
- 6.** Miscellaneous items clogging the back door area of the evidence room.
- 7.** The shot is looking east showing the cramped and cluttered evidence floor.
- 8.** The hallway outside the drug and gun room with overflowing items on carts and countertops.
- 9.** The outside storage room improperly stored with evidence that should have been stored inside the main floor of the evidence room.
- 10.** Boxes in the outside storage room showing the age of some of the cases.
- 11.** More boxes of old evidence being improperly stored.
- 12.** Outside storage room packed to the point of there being no room to walk inside.
- 13.** Tools left rusting in open boxes.

Improper Evidence Storage

14. Cash money found packed away in case files instead of the safe.
15. More cash being stored outside of the safe.
16. Collectors edition silver certificates being stored in case files outside of the safe
17. Cash money being stored unsecured in ET Haller's desk drawer.
18. Guns and drugs being stored together outside of the drug and gun room.
19. Rusting and corroded guns and ammunition being stored together in the outside storage area against established policy.
20. Close-up of the rusted guns.
21. A 1983 case involving a small amount drugs entered into evidence to be destroyed.
22. Stacks of case files stored in boxes.
23. Old drug case evidence being stockpiled.
24. Case files with evidence attached being improperly stored in desk drawers.
25. More closed case files that should have been purged years prior.
26. Loose cash with no case numbers or property sheets attached.
27. Unsafe corroded and deteriorated ammunition being improperly stored.
28. Extremely unsafe storage of shotgun shells.

Money Locker

- 29.** The “money locker” being opened after its discovery.
- 30.** The money locker after several layers of stored material was cleared away to reveal its location against the south wall of the evidence room.
- 31.** Another look at the money locker after its discovery.

Purge and Destruction Orders

- 32.** The first six (6) large bags of evidence that had been set aside by EC Champion for destruction.
- 33.** More evidenced packaged for destruction.
- 34.** Cpl. Passalacqua and Cpl. Gaden with evidenced waiting to be loaded into the truck for transport to the incinerator.
- 35.** ET Haller and Cpl. Passalacqua loading evidence to be destroyed.
- 36.** The evidence trailer being loaded for the trip to the incinerator.
- 37.** Another load of evidence destined for the incinerator.
- 38.** Packaging area for the evidence to be destroyed.

Suspicious Evidence Storage

- 39.** A photograph of the note ET Haller left along with a box of evidence, guns, and cash he left in the processing room of the evidence section.
- 40.** The 23 envelopes containing cash that were found in the ceiling of the processing room after they were packaged as evidence.
- 41.** The 23 envelopes found in the ceiling of the processing room prior to packaging.
- 42.** A shot of the processing room and ladder used to retrieve the 23 envelopes from the ceiling above.
- 43.** More case files left behind after ET Haller departed the agency.
- 44.** The box of evidence that ET Haller left in the processing room.
- 45.** More evidence left in the processing room by ET Haller.

Post Inventory Conditions

- 46.** The outside storage room after being completely emptied of all stored evidence.
- 47.** A shot of the interior of the main evidence floor showing the orderly storage of evidence.
- 48.** A good shot of the floor space created by the purging and removal of stockpiled evidence.
- 49.** The clean and orderly gun and drug room.
- 50.** Empty gun shelves created by removal of stockpiled firearms.