Report of the Independent Monitor’s Second Audit of the City of Newark and
Newark Police Division’s Property and Evidence Management Practices
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This report presents the findings of the Independent Monitor, Peter C. Harvey, regarding the Independent Monitoring Team’s Second Audit of the City of Newark’s (the “City’s”) and Newark Police Division’s (“NPD’s”) compliance with Consent Decree requirements relating to Property and Evidence Management practices.

I. Reviewers

The following members of the Independent Monitoring Team participated in this Audit:

Roger Nunez, Sergeant, Los Angeles Police Department (ret.)
Dan Gomez, Lieutenant, Los Angeles Police Department (ret.)
Linda Tartaglia, Director, Rutgers University Center on Policing
Rosalyn Parks, Ph.D., Rutgers University Center on Policing
Jonathan Norrell, Rutgers University Center on Policing

II. Introduction

Paragraph 173 of the Consent Decree instructs the Independent Monitoring Team, led by Independent Monitor Peter C. Harvey, to audit the City’s and NPD’s compliance with Consent Decree reforms. Pursuant to Paragraph 180 of the Consent Decree, the Independent Monitor issued notice to the City, NPD, and the United States Department of Justice (“DOJ”) (collectively, the “Parties”), by letter on April 11, 2023, that the Monitoring Team would begin its first audit of NPD’s compliance with certain provisions of the Consent Decree relating to property and evidence management practices, and specifically, Section X (Paragraphs 105, 110 and 111). See Appendix A (April 11, 2023 notice letter).

As a general matter, the above-referenced paragraphs of the Consent Decree require NPD to, in part:

- Ensure that NPD officers (i) complete the required Incident Report in all instances where property or evidence is seized, (ii) document a complete and accurate inventory of the property or evidence seized, and (iii) submit the required report before the end of her or his shift (Paragraph 105).

- Maintain policies and procedures for the intake, storage, and release of property according to the requirements in Consent Decree subparagraphs 110(a)-(b) (Paragraph 110).

1 The Monitoring Team will not assess Consent Decree Paragraphs 106-109 during this Audit. Those Consent Decree Paragraphs will be included in a separate compliance review of NPD’s Integrity Audits and/or Internal Affairs Audits.
III. Review Period

In this Audit, the Monitoring Team reviewed NPD’s property and evidence management practices for a two-month period, specifically from May 1, 2022, up to and including June 30, 2022 (the “Audit Period”).

On April 11, 2023, the Monitoring Team provided NPD with notice of its intent to conduct this Audit. The Monitoring Team also informed NPD that this Second Audit of its property and evidence management practices would require in-person activities by members of the Monitoring Team, and that the Monitoring Team’s Subject Matter Experts (SMEs) would observe Centers for Disease Control and Prevention (“CDC”) guidelines while conducting this audit. See Appendix A.

IV. Executive Summary

The Monitoring Team’s Second Audit of NPD’s compliance with Consent Decree requirements relating to Property and Evidence Management practices analyzed whether: (1) NPD’s policies that govern the collection and handling of property and evidence contained the Consent Decree required provisions (as specifically stated in subparagraphs 110(a)-(h)) and (2) NPD personnel demonstrated routine adherence to NPD’s own Property and Evidence Management policies in their day-to-day operations, described here as “Overall Compliance.”

On the first component of this Audit—NPD’s Property and Evidence policies and procedures—the Monitoring Team previously approved NPD’s General Order 18-23, Property & Evidence Management, Section IV.A (see Appendix B) and General Order 18-24, Property & Evidence Division, Section V (see Appendix C). The Monitoring Team determined that these NPD General Orders contained each Property and Evidence policy requirement specified in the Consent Decree, including the requirements listed in subparagraphs 110(a)-(h).

For the second component of this Audit—whether NPD had demonstrated routine adherence to its Property & Evidence policies, thereby achieving “Overall Compliance” with the mandates of the Consent Decree—the Monitoring Team considered whether NPD officers followed both (1) the correct system to shelf procedure as required by NPD policy,2 and (2) the required accountability/property intake procedures in all instances where property or evidence was seized, described in this Audit as Substantive Compliance. The Monitoring Team also considered whether NPD officers complied with the reporting and documentation requirements contained in NPD’s policy, described in this audit as Documentation Compliance.

If any officer’s actions with respect to an item was deficient, either substantively or with respect to documentation, the Monitoring Team deemed that item “Non-Compliant.” If the Monitoring team deemed an item non-compliant for both substantive and documentation

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2 “System-to-Shelf” refers to the process of booking and subsequently storing property and evidence in the Property Division.
reasons, the Monitoring Team only marked the item non-compliant *substantively*. NPD achieves Overall Compliance only when it satisfies both substantive and documentation compliance for 95% of the items in the sample reviewed by the Monitoring Team.³

The Monitoring Team found 53.2% of items reviewed were compliant *both* substantively and with respect to documentation. In other words, 76 out of 143 items reviewed by the Monitoring Team achieved *Overall Compliance*.

When further separated by substantive and documentation compliance, the audit revealed that NPD reached perfect compliance score of 100% (143 of 143 items assessed were compliant) for NPD’s System-to-Shelf procedure.

Regarding NPD’s Accountability/Property Intake procedures, 86.7% (124 of 143 items assessed) were compliant.

NPD’s documentation compliance score was 61.5% (88 of 143 items assessed were compliant).

As NPD moves on from this Second Audit, the Monitoring Team strongly recommends that NPD develop and implement strategies to educate its officers on best practices in documentation of all Property and Evidence Receipts. These measures include: (i) administering Roll Call refresher training, (ii) implementing other methods of reinforcing procedures relevant to chain-of-custody for Property and Evidence, (iii) issuing a Memorandum to remind all sworn employees how to properly complete and receive supervisor approval for documentation, and (iv) issuing a Memorandum to Supervisors reminding them of their obligation to thoroughly review submitted documents for completeness and accuracy.

This table presents an overview of NPD’s compliance in the Monitoring Team’s Second Audit of NPD’s Property & Evidence management practices.

| Overview of First Property & Evidence Audit Results |
|---------------------------------|---------------------------------|------------------|
| **Audit Subject**               | **Consent Decree Paragraph(s)** | **Compliance?**  |
| Property & Evidence Policies    | Paragraphs 110(a)-(h)           | Yes.             |
| Overall Compliance              | Paragraphs 105, 110, 111        | No (53.2%).      |
| *Whether NPD demonstrated overall compliance in its Property & Evidence Management practices (Substantive and Documentation)* | § |

³ By separately assessing NPD’s *substantive* compliance and *documentation* compliance, the Monitoring Team intends to afford NPD the ability to more easily identify areas in which it may focus its resources to address deficiencies, if any, in its property and evidence management practices.
### Overview of First Property & Evidence Audit Results

<table>
<thead>
<tr>
<th>Audit Subject</th>
<th>Consent Decree Paragraph(s)</th>
<th>Compliance?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Substantive Compliance</strong></td>
<td>Paragraph 110</td>
<td>System to Shelf procedure: Yes (100%).</td>
</tr>
<tr>
<td>Whether the responsible NPD officer adhered to NPD policy specific to NPD’s System-to-Shelf procedures and Accountability/Property Intake procedures</td>
<td></td>
<td>Accountability/Property Intake procedure: No (86.7%).</td>
</tr>
<tr>
<td><strong>Documentation Compliance</strong></td>
<td>Paragraph 105, 111</td>
<td>No (61.5%).</td>
</tr>
<tr>
<td>Whether NPD adhered to all necessary documentation and reporting requirements as required by policy, including periodic audits and correction of deficiencies</td>
<td></td>
<td></td>
</tr>
</tbody>
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### V. Analysis

#### A. NPD’s Property & Evidence Policies

The Consent Decree requires NPD to implement policies directing officers to adhere to certain Property and Evidence Management practices. Prior to this audit, the Monitoring Team reviewed and approved NPD’s Property & Evidence management policies, specifically General Order 18-23, *Property & Evidence Management (see Appendix B)* and General Order 18-24, *Property & Evidence Division (see Appendix C)*, which NPD originally put into effect on April 23, 2019.

Before approving these policies, the Monitoring Team conducted a formal review to determine whether the policies contained each Property requirement specified in the Consent Decree, including the requirements listed in subparagraphs 110(a)-(h). The Monitoring Team determined that the Consent Decree’s policy requirements in this area were reflected in NPD’s General Orders. The full list of these requirements can be found in Appendix D.

#### B. Overall Compliance: Substantive and Documentation

The Monitoring Team generated a random sample of 150 items from the Audit Period (May 1, 2022, up to and including June 30, 2022) to analyze for this Audit. The Monitoring Team drew this random sample of 150 items from a total population of 1,015 incident numbers entered into NPD’s inventory management system for the Audit Period.4

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4 By 2007, NPD implemented its current inventory management system, *i.e.*, the Computerized Evidence Management System (CEMS) and the Barcode Evidence Analysis Statistic Tracking (BEAST). Both systems are completely controlled by the Property & Evidence Division. The CEMS/BEAST System is a commercially licensed customized computer software program used to electronically track and monitor the status and location of property...
Of the 150 items in the random sample, the Monitoring Team removed eight from the final audit sample and consolidated eleven more items during onsite review. The Monitoring Team added three items to the review by the SMEs during their onsite review. As a result, the final audit sample contained 143 items (see Appendix E for the complete list of items included in the audit sample).

The final audit sample yielded a total of 302 Property and Evidence Receipts that were associated with 143 total pieces of reported evidence. The Monitoring Team traced all 143 pieces of reported evidence in NPD’s records management system to determine whether NPD had booked the items into the Property & Evidence Division and accurately documented them in CEMS/BEAST.

The Monitoring Team reviewed relevant property and evidence documentation for every item in the sample, including but not limited, to Chain-of-Custody forms, BEAST Inventory and Property Receipts, as well as other associated documents and materials. The Monitoring Team tracked the relevant property and evidence documentation and inspected the physical property to determine if it was correctly stored.5

An item was only compliant for purposes of determining Overall Compliance if the responsible officer’s actions were compliant both in terms of substance and documentation for that item. If the officer’s actions were either substantively non-compliant, or non-compliant with respect to documentation, or both, then the Monitoring Team deemed the item non-compliant for purposes of determining Overall Compliance. If the Monitoring Team deemed an item non-compliant for both substantive and documentation reasons, the Monitoring Team only assessed the item as substantively non-compliant.

To assess Substantive Compliance for each item, the Monitoring Team evaluated whether the officer involved followed (1) NPD’s System-to-Shelf procedures and (2) accountability/property intake procedures.

To determine whether NPD officers properly adhered to NPD’s System-to-Shelf procedures, the Monitoring Team considered three objectives: (1) Chain-of-Custody for Property/Evidence; (2) Completeness of Records for Property/Evidence; and (3) Existence and Accuracy of Records for Property/Evidence.

For Objective 1, Chain of Custody for Property/Evidence, the Monitoring Team reviewed NPD property reports and its computerized systems to assess whether NPD stored the evidence in a manner that protects it from loss, contamination, or destruction.

For Objective 2, Completeness of Records for Property/Evidence, the Monitoring Team reviewed NPD property reports to determine whether NPD correctly documented the chain-

5 The Monitoring Team did not insert itself into the chain-of-custody in any manner. The SMEs viewed and inspected all property/evidence via sealed property/evidence containers. Some items were clearly visible through transparent plastic, while others were obscured by sealed containers. SMEs did not open forensic analysis property due to potential hazard of exposure and to maintain the continuity of evidence within NPD.
of-custody for all items that entered the property room. To evaluate the completeness of those records, the Monitoring Team traced all 143 property/evidence items associated with the Item Numbers in the sample in NPD’s Record Management System to ensure NPD booked the items into the Property & Evidence Division and accurately documented them in CEMS/BEAST.

For Objective 3, Existence and Accuracy of Records for Property/Evidence, the Monitoring Team used the CEMS/BEAST system to confirm the existence of the property/evidence items in the sample and to verify the accuracy of chain-of-custody records. The Monitoring Team used a System-to-Shelf test to trace the items from the CEMS/BEAST system to the physical shelf in the Property & Evidence Division where NPD was storing the item. The Monitoring Team then performed a Shelf-to-System test to verify that NPD properly labeled the items on the shelf and described them correctly in CEMS/BEAST. The Monitoring Team was aided in this process by the relevant Chain of Custody Reports and Property/Evidence Receipts for each item in the sample.

To assess NPD’s adherence to its Accountability/Property Intake procedures, the Monitoring Team considered whether the responsible officer(s) followed the two-person rule and followed NPD procedure in recording property/evidence taken into NPD’s possession. Specifically, the Monitoring Team considered two objectives: (1) Safeguarding of Property/Evidence and (2) Internal Controls for Safeguarding Property/Evidence.

For Objective 1, Safeguarding of Property/Evidence, the Monitoring Team assessed whether NPD had in place internal controls restricting access to property rooms to ensure the integrity of the property room and that chain-of-custody procedures were not being jeopardized.

For Objective 2, NPD’s Internal Controls for Safeguarding Property/Evidence, the Monitoring Team assessed whether NPD maintained all property and evidence stored by the Division in a designated secure area and, to ensure accountability, that access to the property and evidence location was restricted to personnel assigned to that division. The SMEs visited all operating temporary storage and property rooms to observe whether NPD restricted entry/access to authorized officers and their supervisors.\(^6\)

The Monitoring Team issued a separate substantive compliance score for each component (i.e., a compliance score for system to shelf and a compliance score for accountability/property intake procedure). These separate compliance scores allow NPD to more easily identify areas in which it may focus its resources to address deficiencies, if any, in its property and evidence management practices.

To assess Documentation Compliance for each item, the Monitoring Team evaluated whether the officer responsible had accurately and completely fulfilled all written reporting and documentation requirements for that item and followed NPD policy in doing so.

\(^6\) During NPD’s testing of currency, jewelry, and firearms, an NPD Property Officer accompanied members of the Monitoring Team to the lockers, cages, safes, and cabinets where items were stored.
1. **Overall Compliance**

NPD achieved an Overall Compliance score of 53.2%. In total, 76 of the 143 items reviewed by the Monitoring Team were compliant both substantively and in terms of documentation. Accordingly, the Monitoring Team deemed 67 items to be non-compliant (46.8%).

<table>
<thead>
<tr>
<th>Items Reviewed</th>
<th>Overall Compliance Items</th>
<th>Compliance Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>143</td>
<td>76</td>
<td>53.2%</td>
</tr>
</tbody>
</table>

Below is a summary of the 67 items that the Monitoring Team deemed substantively non-compliant, documentation non-compliant, or both substantively and documentation non-compliant.

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Number of Non-Compliant Items</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Compliant (Substantive)</td>
<td>12</td>
<td>17.9%</td>
</tr>
<tr>
<td>Non-Compliant (Documentation)</td>
<td>48</td>
<td>71.6%</td>
</tr>
<tr>
<td>Non-Compliant (Both Substantive and Documentation)</td>
<td>7</td>
<td>10.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>67</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

2. **Substantive Compliance**

To determine whether NPD achieved Substantive Compliance, the Monitoring Team analyzed whether the responsible NPD officer complied with NPD policy in terms of the required System-to-Shelf procedures, and the required Accountability/Property Intake procedure. The Monitoring Team gave each component a separate substantive compliance score. If the Monitoring Team determined that the responsible officer had not followed correct procedure, the Monitoring Team assessed the item to be substantively non-compliant. A breakdown of substantive compliance scores follows.

a) **System-to-Shelf procedure**

In total, 143 of the 143 items reviewed were substantively compliant in terms of System-to-Shelf Procedure.

<table>
<thead>
<tr>
<th>Items Reviewed</th>
<th>Substantively Compliant (System to Shelf Procedure)</th>
<th>Percentage Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>143</td>
<td>143</td>
<td>100%</td>
</tr>
</tbody>
</table>

Of 143 items reviewed, the Monitoring Team deemed no items substantively non-compliant with respect to NPD’s System-to-Shelf procedure.

b) **Accountability/Property Intake**
In total, 124 of the 143 items reviewed were substantively compliant in terms of Accountability/Property Intake procedures.

<table>
<thead>
<tr>
<th>Items Reviewed</th>
<th>Substantively Compliant (Accountability/Property Intake)</th>
<th>Percentage Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>143</td>
<td>124</td>
<td>86.7 %</td>
</tr>
</tbody>
</table>

Of 143 items reviewed, the Monitoring Team deemed 19 substantively non-compliant in terms of Accountability/Property Intake procedures.

The Monitoring Team observed that these 19 reports were missing entries in a variety of information fields. For a list of the items that were determined to be non-compliant with respect to Accountability/Property Intake procedures, see Appendix F.

3. **Documentation Compliance**

The Monitoring Team assessed whether the responsible officer in each item reviewed in the sample had fulfilled the necessary reporting/documentation requirements according to NPD policy, General Order 18-24.

NPD achieved a Documentation Compliance score of 61.5%. In 88 of the 143 items reviewed, the responsible officer completed documentation/reporting requirements according to NPD policy.

<table>
<thead>
<tr>
<th>Items Reviewed</th>
<th>Documentation Compliant</th>
<th>Compliance Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>143</td>
<td>88</td>
<td>61.5 %</td>
</tr>
</tbody>
</table>

Of the 143 items reviewed by the Monitoring Team, 55 (38.5 %) were non-compliant due to documentation/reporting related deficiencies. For a list of the items that were determined to be non-compliant with respect to Documentation, see Appendix F.

**VI. Observations and Recommendations**

The Monitoring Team made five (5) principal observations and four (4) recommendations regarding the Property and Evidence audit.

1. **Observations**

*First*, the Monitoring Team commends NPD for Substantive Compliance in System to-Shelf Procedure, for which it achieved a score of 100%. This score translates to all 143 pieces of evidence assessed being located in a secure area where they belong.

*Second*, NPD personnel achieved a substantive compliance score of 86.7% with respect to NPD’s Accountability/Property Intake procedure. This is a significant increase (double) from the previous substantive compliance score of 42.95% in the first Audit. This increase can be attributed to the adjustment made by NPD command to ensure that officers and Supervisors adhere to NPD’s policy of requiring two people to sign off when processing property. However,
the timely entry of data into the inventory management system (i.e., within 24 hours) remains a gap in NPD achieving compliance. Further, a lack of documentation indicating the reason(s) for such a delay continues to concern the Monitoring Team because of its negative impact on compliance with chain-of-custody requirements.

Third, NPD did not demonstrate significant compliance in its documentation practices, scoring only 61.5%. This is a decrease from the previous audit (65.77%). Sworn personnel continue to omit relevant information regarding recovery of property and evidence, and fail to complete sections of the documentation required to clearly demonstrate an officer’s specific actions.

Moreover, failure on behalf of Supervisors to ensure the timely completion of reports associated with property and evidence remains a concern of the Monitoring Team.

Fourth, during the physical Audit of NPD’s facilities, including its security and safeguards, the Monitoring Team observed that NPD continues to make several requests to city officials to complete building repairs. The City did not complete the requested repairs in a timely manner. The City’s delay caused NPD employees to adjust procedures within the Property and Evidence Division storage facility, including taking time away from normal duties to trim the brush surrounding the property facility.

Fifth, during its review and evaluation of NPD’s documentation, the Monitoring Team observed that some command units were experiencing higher levels of errors than other units. Specifically, the SMES identified the Third and Fifth Precincts and, collectively, NPD’s Specialized Units as experiencing a higher frequency of error as compared to other precincts and command units.

2. Recommendations

As NPD moves on from this Second Audit, the Monitoring Team continues to strongly recommend that NPD develop and implement strategies to educate its officers on best practices in documentation of all Property and Evidence Receipts. NPD should take the following actions:

1. Issue a Memorandum to all sworn employees that reminds them (and, perhaps, explains to them) how to properly complete an Evidence and Property Receipt Report and all associated documentation - This memorandum should include an instruction for Supervisors’ approval of all reports before submission into the CEMS system. Although the Monitoring Team will further evaluate this area in the upcoming Supervisor Property Audit, it is clear that supervisors, at all levels, need to scrutinize reports more intensely for completeness and content prior to digitally approving the reports. NPD should also issue a memorandum specific to supervisors reminding them of their obligation to thoroughly review submitted documents for completeness and accuracy.

2. Create a brief Roll Call Training reinforcing the procedures relevant to properly maintaining the chain-of-custody for property and evidence, and adhering to policies and procedures as well requiring officers to specifically identify who recovered property
and/or evidence by name and employee number - This effort should not be limited to uniformed officers or Supervisors in patrol, but should include detectives and specialized units with field enforcement duties.

3 Study and consider modifying NPD’s policy and practice as well as identify staffing needs to make the Property and Evidence Division the primary entity responsible for verifying property that is stored/released by NPD and stored in the CEMS/BEAST system – NPD has delegated the responsibility for entering property into NPD’s evidence management system to Desk/Section Supervisors. In practice, line-level officers also have also been trained to perform this function. This “decentralization” of the process introduces a higher level of risk into the process as staff members from NPD’s Property and Evidence Division become caretakers of the property rather than managers. The Monitoring Team observed no change in this NPD practice during this Second Audit.

4 Create an escalation protocol to escalate repairs to the appropriate City Managers/Department for a timelier resolution of repairs - The Monitoring Team acknowledges that a new facility is under construction, but this does not alleviate the need to maintain the current facility. The Monitoring Team further recommends that NPD provide the Monitoring Team with details of its transition plan, procedures and/or policy modifications that will result from the impending transition from the current property and evidence facility to the new facility.

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The Consent Decree requires that both the City and NPD post this audit report on their websites. See Consent Decree Paragraph 20 (“All NPD studies, analyses, and assessments required by this agreement will be made publicly available, including on NPD and City websites…to the fullest extent permitted under law.”); Paragraph 166 (“all NPD audits, reports, and outcomes analyses…will be made available, including on City and NPD websites, to the fullest extent permissible under law.”).

The Monitor expects the City and NPD to do so expeditiously.

DATED: November 2, 2023

Peter C. Harvey

/s/ Peter C. Harvey

Independent Monitor
Appendix A
April 11, 2023

VIA EMAIL

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Gary S. Lipshutz, Esq.
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Public Safety Director
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Re: Second Property and Evidence Audit: 45-day Notice

Dear Mr. Stewart and Director Fragé:

Pursuant to Consent Decree Paragraphs 173 and 180, this letter provides the 45-day Notice of the Monitoring Team’s intent to conduct its Second Audit to determine whether the Newark Police Division (“NPD”) has complied with Section X (Paragraphs 105, 110, and 111) of the Consent Decree, which concerns NPD’s property and evidence management
practices. Upon NPD’s receipt of this 45 day notice, a pre-audit meeting will be scheduled to discuss the methodology that will guide this audit.

Section X of the Consent Decree provides, among other things, that NPD “shall take comprehensive efforts to prevent theft of property by officers” and that NPD “will conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies.”

In this Audit, the Monitoring Team will review NPD’s records and information for a two-month period, specifically, from May 1, 2022 up to and including June 30, 2022 (the “Audit Period”). This Audit of NPD’s Property Division will be conducted by the following Monitoring Team Subject Matter Experts: Linda Tartaglia, Associate Director of the Rutgers University Center on Policing, Sgt. Roger Nunez of the Los Angeles Police Department, Lieut. Dan Gomez (Ret.) of the Los Angeles Police Department, Rosalyn Bocker Parks, Ph.D., Rutgers University Center on Policing, Kathryn Duffy, Ph.D., Rutgers University Center on Policing, and Jonathan Norrell, Rutgers University Center on Policing.

This Audit will require in-person activities by members of the Monitoring Team.

Members of the Monitoring Team conducting on-site activities will observe CDC guidelines while conducting this audit.

The Monitoring Team will evaluate compliance with the above-cited Consent Decree paragraphs. For further information regarding the Monitoring Team’s methodology for this audit, see Appendix A.

**Consent Decree Paragraph 105**

Consent Decree Paragraph 105 requires that “[i]n all instances where property or evidence is seized, the responsible [NPD] officer will immediately complete an incident report documenting a complete and accurate inventory of the property or evidence seized and will submit the property or evidence seized to the property room before the end of tour of duty.” (emphasis added).

To assess compliance with Consent Decree Paragraph 105, the Monitoring Team will review a sample of instances during the audit period wherein NPD seized property or evidence to determine if the responsible officer has completed and submitted documentation

1 The Monitoring Team will not assess Consent Decree Paragraphs 106-109 during this audit. Those Consent Decree Paragraphs will be included in a separate compliance review of NPD’s Integrity Audits and/or Internal Affairs Audits.
consistent with NPD’s applicable General Orders. Specifically, the Monitoring Team will assess NPD’s adherence to General Order 18-23, *Property & Evidence Management*, Section IV.A, considering the following objectives:

1. Evaluation of Chain of Custody\(^2\) for Property/Evidence

   (a) Evaluation of Completeness of Records for Property/Evidence. This includes any reports, logs, system printouts, or any other materials showing the Chain of Custody for Property/Evidence

   (b) Evaluation of the Existence and Accuracy of Records for Property/Evidence.

   NPD will achieve compliance if officers are found to have performed their duties according to NPD policy at least 95% of the time among the sample reviewed by the Monitoring Team.

**Required Data**

Within 14 days of receipt of this letter, NPD shall produce from its systems of records all reports associated with the property items received, found, recovered or otherwise taken in by NPD during the Audit Period, as well as information sufficient to show proper handling, reporting, chain of custody as well as compliance with the Consent Decree.

On the day(s) that the Monitoring Team conducts the Audit, NPD will provide the Monitoring Team with all property management documentation associated with the selected event numbers. The Monitoring Team also will assess whether NPD is adhering to its Property and Evidence Management and Property and Evidence Division policies (General Orders 18-23, 18-24), and New Jersey State Police, Office of Forensic Science’s Evidence Field Manual.

**Consent Decree Paragraph 110**

Consent Decree Paragraph 110 requires NPD to maintain policies and procedures for the intake, storage, and release of property. Those policies must incorporate the requirements in subparagraphs 110(a)-(h).

To assess compliance with Consent Decree Paragraph 110, the Monitoring Team will determine if NPD’s Property policies, namely General Order 18-23, *Property & Evidence Management* and General Order 18-24, *Property & Evidence Division*, contain each Property

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\(^2\) General Order 18-23, Section III, Definition of Terms, B. Chain of Custody: The chronological, geographical, and personnel tracking of any property or evidence item impounded or seized by the Division, from its seizure to final disposition.
requirement specified in the Consent Decree, including the requirements listed in subparagraphs 110(a)-(h).

NPD will achieve compliance if all the requirements listed in Paragraph 110 are incorporated into General Order 18-23, *Property & Evidence Management* or General Order 18-24, *Property & Evidence Division*.

**Consent Decree Paragraph 111**

Consent Decree Paragraph 111 requires NPD to “conduct and document periodic audits and inspections of the property room and immediately correct any deficiencies.”

To assess compliance with Paragraph 111, the Monitoring Team will review documentation to determine if NPD Property Room leadership is conducting and sufficiently documenting periodic audits and inspections of the property room consistent with the requirements of General Order 18-24, *Property & Evidence Division*, and immediately correcting any deficiencies that it finds. Specifically, the Monitoring Team will review NPD’s adherence to Section V of General Order 18-24 and NPD’s *Property & Evidence Manual*. The Monitoring Team will consider the following objectives:

1. **Evaluation of Audits and Inspections of The Property Rooms**
   
   (a) Evaluation of Whether Command Officer is conducting and submitting a Property & Evidence Monthly Report (Administrative Submission Report – DP1: 10001 06/2016)

   (b) Evaluation of Whether the Property & Evidence Monthly Report is accurate and correcting deficiencies. Compliance achieved upon physical inspection of facilities by Monitoring Team

NPD will achieve compliance if the Monitoring Team determines that NPD is conducting and sufficiently documenting its periodic audits and inspections of the property room consistent with the relevant objectives.

**Required Data**

Within 14 days of receipt of this letter, NPD shall produce from both its Computer Aided Dispatch (“CAD”) and Bar-Coded Evidence Analysis Statistical Tracking (“BEAST”) systems a current list of all property items received, found, or otherwise taken in by NPD during the Audit Period, as well as information sufficient to show the total number of those items. Two weeks after receiving this information, the Monitoring Team will provide NPD with the event numbers related to the sample of property items that it seeks to review. On the day(s) in which the Monitoring Team conducts the Audit, NPD will provide the Monitoring Team with all
property management documentation associated with the selected event numbers. The Monitoring Team also will assess whether NPD is adhering to its Property and Evidence Management and Property and Evidence Division policies (General Orders 18-23 and 18-24).

Also, within 45 days of receipt of this letter, NPD shall provide the following information, documents, and access to the Monitoring Team:

1. A current list of all personnel assigned to or with access to the Property and Evidence Division facilities during the Audit Period.

2. All training records for NPD’s BEAST system.

3. Access to all security camera footage in the Property Division and Municipal Arrest Processing Section (“MAPS”) for this Audit Period.

4. If requested by the Monitoring Team, all property items held by NPD during the Audit Period. If the Monitoring Team requests any property items, NPD shall make the item(s) available to the Monitoring Team for viewing at the Property and Evidence Division office. The Monitoring Team’s review of any items will be conducted under NPD supervision and all items reviewed will be appropriately documented by NPD in a chain of custody log. If an item is unavailable at the time of the request, NPD shall provide documentation identifying the current location and/or date of destruction of the item.

5. Access to any NPD Precinct (escorted) to review the storage and maintenance areas of any property and evidence.

6. Access to NPD’s BEAST system and all areas of Property and Evidence Division.

Further, the Monitoring Team requests that NPD retain all Body-Worn Camera, In-Car Camera and security video footage from the Property Division and Municipal Arrest Processing Section recorded during the Audit Period until the Monitoring Team has published the report of its findings from this Audit. Put another way, no BWC, ICC or security footage from the Audit Period should be deleted or erased until the Monitoring Team has informed NPD that the audit has been concluded.

Sincerely,

Peter C. Harvey
April 11, 2023
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Appendix A*

* This Appendix was originally attached to the Independent Monitoring Team's April 11, 2023 letter
NEWARK POLICE DEPARTMENT
PROPERTY AND EVIDENCE AUDIT

METHODOLOGY

The Independent Monitoring Team’s (IMT) First Property and Evidence Audit is scheduled to commence on April 18th, 2023. The IMT will use the following methodology to guide this audit. The units of review for the audit are Central Complaint (CC) Numbers for physical property and Event Numbers for all associated reports.

PURPOSE

The Monitoring Team will conduct this audit under the guidance of generally accepted government auditing standards, specifically pertaining to conducting the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the objectives.

BACKGROUND

Organizational Placement and Staffing

The Property Division is staffed with nine (9) individuals (sworn and civilians included). The mission of the Property & Evidence Division is to serve all the diverse entities of the City of Newark by receiving, documenting, safeguarding, preparing for release, releasing and destroying items booked into the custody of the Department in accordance with Department policies.

Facilities

The Newark Police Department Property Room serves as the main location for the Property & Evidence Division and is located at 104 Arlington St., Newark, NJ 07102. The Property & Evidence Division is responsible for receiving, booking, storing, maintaining continuity, releasing items from custody, and reviewing the work from the previous watch.

Additional temporary property storage facilities are located at:

- 2nd Precinct: 1 Lincoln Ave., Newark, NJ
- 3rd Precinct: 649 Market St., Newark, NJ
- 4th Precinct: 247 16th Ave., Newark, NJ
- 5th Precinct / MAPS: 480 Clinton Ave., Newark, NJ
- 6th Precinct: 191 Irvington Ave., Newark, NJ
- 7th Precinct: 159 N. 10th St., Newark, NJ
- Major Crimes: 31 Green St., Newark, NJ
- Crime Scene Unit: 22 Franklin St., Newark, NJ
- Special Victims Unit: 300 Clinton Ave., Newark, NJ
- Robbery: 31 Green St., Newark, NJ

Computer System
The current inventory management system, i.e.: the Computerized Evidence Management System (CEMS) and the Barcode Evidence Analysis Statistics Tracking (BEAST), was implemented in 2007 and is completely controlled by the Property & Evidence Division. The BEAST system was installed in the Precincts and corresponding training began on a rollout basis in April, 2019. Training on the system is ongoing, with over 977 Division Personnel trained to date.

There were 2,795 items entered in BEAST for the audit period of May 1st, 2022 through June 30th, 2022.

PRIOR AUDIT

A prior Property and Evidence Audit was conducted for the period covering May 1, 2021 up to and including June 30, 2021.

SCOPE AND METHODOLOGY

This audit will focus on all property, excluding forensic DNA and narcotics. The audit scope is limited to the key controls necessary to carry out the Property & Evidence Division functions from recovery, storage, to disposition. To this end, a random sample will be selected.

In order to conduct a comprehensive audit, for each item identified in the sample, the IMT will require that NPD provide the following documents and materials associated with the events within the sample 14-days prior to the IMT arriving to conduct the audit. The requested items include but not limited to¹:

1. Chain of Custody Documentation
   a. Arrest Reports
   b. Incident reports
   c. Incident Detail Report (CAD Printout)
2. BEAST inventory
   a. NPD Item Type Listing
   b. Chain of Custody Reports
3. Property receipts
   a. Property & Evidence Receipt Reports
4. Records Management System
   a. RMS Data Logs for Property Reports (for verification of missing electronic signatures)

Various tests will be conducted for each objective and further described within the Audit Procedures. Furthermore, the Audit Team will review Department policies and

¹ Note: No items should be submitted for review that are in “draft” form. If such documents are required to be considered, NPD shall address these items in writing at the time the report(s) are submitted to the Monitor’s Office.
procedures, Property & Evidence Division Operation Procedures, the New Jersey State Police, Office of Forensic Science’s Evidence Field Manual, standards established by the International Association of Property and Evidence, and the Newark Police Department Federal Consent Decree. The Audit Team will interview Property & Evidence personnel, Property Disposition Coordinators, and system specialists from the Information Technology section, to gain an understanding of the operation of the Property & Evidence Division.

**Objective No. 1 – Evaluation of Chain of Custody for Property/Evidence**

For the purposes of this audit, Chain of Custody refers to the chronological documentation of the seizure, custody, control, transfer, and disposition of property and evidence. Once NPD takes control of any property and evidence, it must be stored and secured in a manner which protects it from loss, contamination, or destruction.

Various property reports and computerized systems are used to document the chain of custody. Property reports record data pertaining to the recovery, handling, tracking, storage and disposition of property/evidence. Computerized systems organize data, and provide accurate and complete records and reports.

**Objective No. 1(a) – Evaluation of the Completeness of Records for Property/Evidence**

**Criteria:**

The International Association of Property and Evidence Section A, Property Room Glossary, states:

“Chain of custody is a record of the seizure or receipt, transport, storage, access, transfer, analysis and ultimate disposition of property, documents and items pertinent to criminal investigations. The chain of evidence must be properly maintained to provide the legal custodial linkages of permissible evidentiary handling in order to avoid missing, mishandled or tainted evidence that will jeopardize a criminal investigation.”

The International Association of Property and Evidence Section 4, Standard 4.1 Documentation – Property Report, states:

“A property report is the basis for documenting the chain of custody of all items that enter the property room.”

**Audit Procedures:**

As the Property Division’s chain of custody begins with taking custody of property that has already been seized by an officer or officers, the Monitoring Team will review whether NPD properly documented how property officers receive incoming property and how they record those items. To further test the controls for chain of custody, the Audit Team will conduct the following test.

To assess the completeness of records for property, the Audit Team will obtain data from NPD consisting of items in the BEAST, listed by incident and case numbers, from May 1, 2022 to June 30, 2022 (the “Audit Period”). A random sample will be drawn from this list.
The items from the Property Evidence Receipts and Chain of Custody Reports shall include the scope of all property, excluding forensic DNA and narcotics.

Objective No. 1(b) – Evaluation of the Existence and Accuracy of Records for Property/Evidence

Criteria:

Property and Evidence Division – General Order 18-23-24, Section VI Property & Evidence Handling Process, Subsection B Data Entry, states:

“The CEMS/BEAST System is a commercially licensed customized software computer program used to electronically track and monitor the status, type of location of property and evidence within the Police Department. It provides complete chain-of-custody, release, and history records.”

Audit Procedures:

To test the existence of the property/evidence and the accuracy of records for chain of custody, the Audit Team will perform two tests. The first test will be a system-to-shelf test, and the second, a shelf-to-system test. For the system-to-shelf test, the Audit Team will look at the randomly selected incidents and trace them from CEMS/BEAST to the shelf in the Property & Evidence Division. This will be accomplished with the aid of the Chain of Custody Report and Property/Evidence Receipts.

For the shelf-to-system test, the Audit Team will verify that the randomly selected items on the shelf are properly stored, labeled, and described correctly in CEMS/BEAST (match the information against provided NPD reports).

Objective No. 2 – Evaluation of Safeguarding of Property/Evidence

Internal controls should be in place restricting access to property rooms. These controls include, but are not limited to: key control, changing of locks or access codes with changes of personnel, access logs, after-hours procedures, use of surveillance cameras and alarms. Enforceable policies are needed to compel employees to adhere to security requirements that, if violated, can jeopardize the integrity of the property room and interfere with the chain of custody.

Objective No. 2(a) – Evaluation of Whether Internal Controls are in Place for the Safeguarding of Property/Evidence

Criteria:

The International Association of Property and Evidence Section 8, Standard 8.2 Security – Access, states:

“Entry into restricted storage areas should be closely controlled to prevent accusations of alteration, unauthorized removal, theft, or tampering with property or evidence stored by the
Department. Access restriction protects the proper chain of custody. Those permitted access should include the property officer(s), and the supervisor.”

Department of Public Safety 20-208, Property & Evidence Divisional Manual - Sections III – V, states:

“To ensure accountability, all property and evidence stored by the Division shall be maintained in a designated secure area. Access to the property and evidence building shall be restricted to personnel assigned to the Property & Evidence Division.”

Audit Procedures:

The Audit Team shall visit all operating temporary storage and property rooms and make observations to ensure that entry/access is restricted to authorized officers and their supervisors. Officers arriving to book property are required to transfer items through the front window. They are not allowed in the storage area. Anyone entering the property room on official business, e.g., auditors, must sign in and out of the logbook. They are always accompanied by a property officer.

In the case of currency, jewelry, and firearms, auditors will be accompanied by a property officer to the lockers, cages, safes, and cabinets.
Appendix B
DEPARTMENT OF PUBLIC SAFETY
MEMORANDUM

TO: POLICE DIVISION
FROM: ANTHONY F. AMBROSE
      PUBLIC SAFETY DIRECTOR
SUBJECT: IMPLEMENTATION OF GENERAL ORDER 18-23
        RE: PROPERTY & EVIDENCE MANAGEMENT
DATE: April 12, 2019
NUMBER: 19-76
FILE REF: PUB 4 x PTL 1-6
          x PTL 1-5

General Order 18-23, Property & Evidence Management, is hereby effective immediately. This
Order establishes a uniform property and evidence management system, which standardizes
procedural guidelines and responsibilities to ensure safety, accountability, and uncompromised
evidentiary integrity.

General Order 18-23 specifically delineates the procedures for the handling of prisoner personal
property, arrest evidence, found property and crime scene evidence and the responsibilities of
Division personnel.

All Division personnel shall become familiar with and comply with the tenets of this General
Order and shall acknowledge receipt and compliance via PowerDMS, no later than May 10,
2019.

BY ORDER OF:

ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR

AFA/BO:rome
Attachments: G.O. 18-23 Property & Evidence Management
This Order consists of the following numbered sections:

I. PURPOSE

II. POLICY

III. DEFINITION OF TERMS

IV. EVIDENCE & FOUND PROPERTY

V. PRISONER PERSONAL PROPERTY

VI. CRIME SCENE EVIDENCE

VII. PROPERTY & EVIDENCE DIVISION RESPONSIBILITIES

VIII. EFFECT OF THIS ORDER
I. PURPOSE

The purpose of this policy is to establish a uniform property and evidence management system, which standardizes procedural guidelines and responsibilities to ensure safety, accountability, and uncompromised evidentiary integrity.

II. POLICY

It shall be the responsibility of every member of the Newark Police Division to promptly secure, document, and safeguard all evidence and property coming into their possession, ensuring that the chain of custody is always meticulously maintained and documented, in accordance with this General Order and all additional referenced material.

III. DEFINITION OF TERMS

A. Barcode Evidence Analysis Statistics Tracking (BEAST) - the current commercial product that the Police Division uses for Computerized Evidence Management System (CEMS).

B. Chain of Custody – The chronological, geographical, and personnel tracking of any property or evidence item impounded or seized by the Division, from its seizure to final disposition.

C. Computerized Evidence Management System (CEMS) – A computer-based program used to aid in-taking, tracking, storing and disposing property and evidence. Any command equipped with such a system need not use the Property Journal unless the computer system goes down.

   NOTE: A temporary evidence/property ledger shall be maintained at the Property & Evidence Division to document evidence and property intake when the CEMS is out of service.

D. Crime Scene Unit – The unit within the Police Division charged with collecting and preserving evidence at a crime scene. (G.O. 99-5)

E. Evidence – Any material object that tends to logically prove or disprove a fact at issue in a judicial case or controversy; any material object that is admissible as testimony in a court of law; any material object that might have the slightest bearing on the guilt or innocence of a criminal defendant.

F. Impound – The process of seizing or taking legal custody of an item because of an infringement of a law or regulation.

G. Municipal Arrest Processing Section (MAPS) – the central arrest processing section, located at 480 Clinton Avenue. (G.O. 16-03)

H. Prisoner’s Personal Property Receipt (DP1:1755) – The Division form used to document inventoried personal property of arrestees.

I. Property – Tangible items seized by the Newark Police Division, which includes but is not limited to:
1. Items of value that have been recovered by Division personnel or turned into the Police Division;
2. Items of value whose ownership is unknown or in dispute; or
3. Personal belongings of prisoners or victims.

J. Property Bag - A sealable, tamper-resistant, clear plastic bag of varying sizes with a pre-assigned control number, serving as the primary receptacle in which all evidence or property will be stored.

K. Property Evidence Receipt (DP1:152) – Police Division form used to document property and/or evidence coming into police custody.

L. Property Journal – A property book maintained by all Commands that are not equipped with CEMS, used for recording all evidence and property not placed in CEMS. The property book shall contain the time, date, central complaint number, property bag control number or property description, location stored, supervisor’s identification number and initials, date of release, and the identification number and initials of the Property & Evidence Detective removing the evidence from the Command.

M. Property & Evidence Division – The Division responsible for the maintenance of evidentiary integrity, from acquisition to final disposition. (G.O. 18-24)

N. Temporary Property/Evidence Storage Container – An authorized secured receptacle, locker or room, in a command or unit, dedicated to the temporary storage of recovered property/evidence. The temporary storage container should be in the view of a functioning video surveillance recording system. For this definition, “secured,” means lockable with limited access.

O. Two-Officer Rule – A two-officer submission and verification process for handling, documenting, and monitoring of property and evidence. A second officer, who can also be a supervisor, observes and verifies the items that are being submitted by the primary officer.

IV. EVIDENCE & FOUND PROPERTY

A. OFFICER/DETECTIVE RESPONSIBILITIES:

1. The responsible officer/detective shall secure the item in the field from theft, tampering, contamination or damage, and transport the item directly to their command.

2. The officer shall maintain control and safeguard all evidence/property until properly inventoried, documented, and stored within an authorized temporary storage location by the end of the officer’s shift.

3. All property and evidence shall be handled and packaged in accordance with the New Jersey State Police, Office of Forensic Science’s Evidence Field Manual – Appendix 1 of this Order.

4. The responsible officer/detective shall provide an explanation of the circumstances of the property/evidence coming into police custody via an Incident Report (DP1:802).
NEWARK POLICE DIVISION
GENERAL ORDER

5. The officer/detective shall inventory the evidence/property using the two-officer rule and document the evidence/property on a Property Evidence Report (DP1:152). ALL APPLICABLE boxes on the report shall be completed in detail.

6. The Property Bag shall not be sealed until the Supervisor inspects and verifies the property/evidence is accurately documented on the report(s) at which time the bag shall be sealed and the report(s) approved in RMS.

7. In instances where FOUND PROPERTY is being submitted, all attempts shall be made to identify and return the property to the rightful owner. If these attempts are unsuccessful, recovery efforts should be documented in the Incident and Property reports.

B. SUPERVISOR RESPONSIBILITIES:

1. The Desk/Section Supervisor shall ensure that all pertinent information is contained on the Property Evidence Receipt (DP1:152) and on the Incident Report (DP1:802).

2. After inventory and verification, the bag shall be sealed and signed by the supervisor in the area denoting “Sealed By”, adjacent to the officer’s signature, followed by the supervisor’s identification number.

3. The Desk/Section Supervisor shall record the following information in the Property Journal, unless the command has a CEMS/BEAST terminal as noted below:
   a. The date and time;
   b. Central complaint number;
   c. Property bag control number;
   d. Description of property;
   e. Storage location; and
   f. Supervisor’s name and identification number.

4. If the command/unit is equipped with a functioning CEMS/BEAST, entry into the Property Journal will not be necessary, unless the system is not operational.

5. The property/evidence shall then be secured in the temporary property/evidence storage container of the command/unit prior to the end of the officer’s shift.

C. MAPS PROPERTY OFFICER RESPONSIBILITIES:

1. The MAPS Property Officer shall obtain the key from the Municipal Holding Supervisor to the authorized evidence/property container, located in the Evidence Room (#121), and remove and transport the items to the MAPS Holding Property Room.

2. The property/evidence shall be entered into the CEMS/BEAST, and then secured in the Municipal Holding Property Room until the Property & Evidence Division Property Officer retrieves it.
3. The authorized evidence/property container located in the Evidence Room (#121) shall be checked at least twice a tour for property and evidence.

D. COMMANDING OFFICER RESPONSIBILITIES:

1. Ensure that their respective Commands are equipped with an authorized secure storage container that is within view of a recording video surveillance system.

2. Immediately notify the Office of Professional Standards of any unresolved property or evidence discrepancies that are found.

3. Ensure that a Property Journal is maintained, if their command is not equipped with CEMS/BEAST.

4. Ensure that the precinct detective squad supervisor conducts regular reviews of property reports submitted for all cases that require further investigation (e.g., stolen property, found property) and follow-ups, such as NCIC/SCIC checks, cross references with incident reports and that notifications are made to owners when property is identified.

5. Ensure that Supervisors are complying with this policy.

V. PRISONER PERSONAL PROPERTY

A. AT PRECINCTS AND/OR SPECIALIZED UNITS:

1. Arresting Officer Responsibilities:

   a. When a prisoner’s personal property is inventoried, the two-officer rule shall be adhered to and the Prisoner Personal Property Receipt (DP1:1755) **shall be completed in its entirety.** Only the items listed on the DP1:1755 shall be submitted in the property bag that will follow the prisoner.

   b. The arresting officer shall ensure that the following occurs:

      i. Accurate accounting of all listed items;
      ii. List corresponding CC# and CA# numbers on the receipt;
      iii. Have the prisoner sign Prisoner Personal Property Form. **The prisoner shall NEVER sign a blank or incomplete form;**
      iv. Notify on-duty supervisor if the prisoner refuses to sign the form (refusal shall be documented on the Prisoner Personal Property Form);
      v. Issue a copy of the Prisoner Personal Property Form to the prisoner; and
      vi. Place the property inside the property bag and seal by affixing the self-adhesive tape portion to the bag.

   c. Personal property of a prisoner that **does not fit** in the standard property bag or contains prohibited items shall be handled as such:
NEWARK POLICE DIVISION
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i. A separate, appropriately sized, property bag shall be used for the property and a Property Evidence Receipt (DP1:152) shall be completed;

ii. Accurately inventory and document the property to be submitted at the command;

iii. Inform the arrestee how to retrieve their property upon release from custody.

d. A prisoner’s personal identification, cellular phone, money, etc. and all other items that are allowed to follow the prisoner must be listed on the DP1:1755 and sealed in the bag that follows the prisoner. DO NOT include those items in the prisoner’s property bag.

e. The Arrest Report (DP1:800) for the prisoner shall include:

   i. The corresponding control number from the Property Bag in the “PROPERTY BAG” box, just above box #45;
   
   ii. The appropriate reports checked off in box #47 for reports that were executed related to the arrestee, (i.e., DP1:802, DP1:152);

   iii. State if the prisoner had property and the manner in which it was submitted (in the lower right corner of box #45).

   iv. How much currency was submitted in the prisoner’s personal property (in box #68).

f. It shall be the Desk Officer’s responsibility to search each prisoner prior to placing him or her in a temporary holding cell, and prior to transport to MAPS.

2. Desk/Section Supervisor Responsibilities:

    a. Review the Arrest Report (DP1:800) submitted by the arresting Officer to ensure:

       i. Prisoner’s personal property is inventoried, serving as the second person in the two-officer rule;

       ii. The Prisoner’s Personal Property Receipt shall be completed in its entirety. Only the items listed on the DP1:1755 shall be submitted in the property bag;

       iii. Accurate accounting of all listed items;

       iv. The signing of the Prisoner Personal Property Form by the prisoner. The prisoner shall NEVER sign a blank or incomplete form;

       v. Notification of the On Duty Supervisor if the prisoner refuses to sign the form – a refusal shall be documented on the Prisoner Personal Property Form;

       vi. The property is placed inside the property bag and sealed by affixing the self-adhesive tape portion to the bag.

    b. Inspect the Property Bag to ensure that it has been properly sealed and untampered with, information entered and the accompanying Prisoner’s Personal Property Receipt (DP1:1755) has been completed and signed.

    c. When it has been determined that all reports are complete, the property shall be secured in the designated temporary storage container used to store prisoner personal property prior to the end of the officer’s shift.

    d. The Desk/Section Supervisor shall record in the Property Journal (or CEMS if available) the following information:
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i. The receipt/deposit of all evidence.
ii. The transfer of property to MAPS with the prisoner.

B. AT MUNICIPAL ARREST PROCESSING SECTION (G.O. 16-03):

1. Arresting Officer Responsibilities:

   a. When a prisoner is transported to MAPS for processing, the prisoner’s personal property shall be inventoried using the two-officer rule, and the Prisoner Personal Property Receipt (DP1:1755) shall be completed in its entirety. Only the items listed on the DP1:1755 shall be submitted in the Property Bag. The arresting officer shall ensure the following:

      i. Accurate accounting of all listed items;
      ii. Corresponding CC# and CA# numbers are listed on the receipt;
      iii. Have the prisoner sign Prisoner Personal Property Form. The prisoner shall NEVER sign a blank or incomplete form;
      iv. Notify on-duty supervisor if the prisoner refuses to sign the form (refusal shall be documented on the Prisoner Personal Property Form);
      v. Issue a copy of the Prisoner Personal Property Form to the prisoner; and
      vi. Place the property inside the property bag and seal by affixing the self-adhesive tape portion to the bag.

   b. Personal property of a prisoner that does not fit in the standard property bag or contains prohibited items shall be handled as such:

      i. A separate, appropriately sized, Property Bag shall be used for the property and a Property Evidence Receipt (DP1:152) shall be completed;
      ii. Accurately inventory and document the property to be submitted at the command;
      iii. Inform the arrestee how to retrieve their property upon release from custody.

   c. A prisoner’s personal identification, cellular phone, money, etc. and all other items that are allowed to follow the prisoner must be listed on the DP1:1755 and sealed in the bag going with the prisoner. DO NOT include those items in the prisoner’s oversized property bag.

   d. The Arrest Report (DP1:800) for the prisoner shall include:

      i. The corresponding control number from the property bag in the “PROPERTY BAG” box, just above box #45;
      ii. The appropriate reports checked off in box #47 for reports that were executed related to the arrestee, (i.e. DP1:802, DP1:152);
      iii. State if the prisoner had property and the manner in which it was submitted (in the lower right corner of box #45);
      iv. How much currency was submitted in the prisoner’s personal property (in box #68).

   e. It shall be the MAPS Housing Officer’s responsibility to ensure each prisoner is searched before he or she is placed in a holding cell.
2. **MAPS Supervisor Responsibilities:**

   a. Upon the arrival of a prisoner at the Municipal Arrest Processing Section, **having already been processed at another Command/Section**, the Floor Supervisor shall:
      
      i. Verify that the control number on the Arrest Report corresponds with the Property Bag and Prisoner’s Personal Property Receipt (DP1:1755);
      
      ii. Inspect the property bag to verify that it is sealed;
      
      iii. When entering into the desk blotter the arrival of a prisoner, note the Property Bag control number in the desk blotter.

   b. In the event a discrepancy is found in the control number, items on the Arrest Report (DP1: 800), or items on the Prisoner’s Personal Property Receipt (DP1:1755), the Floor Supervisor shall:
      
      i. Attempt to rectify the discrepancy with the arresting officers or by contacting the Command/Unit from which the prisoner originated;
      
      ii. Initiate an Investigation of Personnel (IOP), if the discrepancy is not resolved;
      
      iii. Document actions taken in the desk blotter.

3. **MAPS Property Officer Responsibilities:**

   a. The Property Officer will receive the Property Bag and Prisoner’s Personal Property Receipt (DP1:1755) after the supervisor has reviewed it and shall:
      
      i. Verify the Property Bag is sealed and untampered with. If it is not, the Property Officer shall notify the on-duty supervisor immediately;
      
      ii. Verify that the Prisoner Personal Property Receipt (DP1:1755) is complete and has the Property Bag control number in the upper right hand corner;
      
      iii. Log the following information in the BEAST:
           - Date property received
           - Prisoner name
           - Central Arrest Number
           - Precinct where prisoner was arrested
           - Property Bag control number
      
      iv. Secure the property bag in the room designated specifically to house/store prisoner property at MAPS;
      
      v. Ensure that when the prisoner is transferred from MAPS, the prisoner’s Property Bag is attached to corresponding reports.

C. **RELEASE OF PRISONER PERSONAL PROPERTY:**

1. **Release of Personal Property to Prisoner:**

   a. In the presence of the prisoner, open the Property Bag by cutting open the bottom and removing all the property.
b. Have the prisoner verify the contents of the property bag and sign the bottom portion of the Prisoner Personal Property Receipt (DP1: 1755), or electronically acknowledging receipt of their property by signing on the electronic signature pad if available.

c. After the prisoner signs the Prisoner Personal Property Receipt, acknowledging receipt of property, the officer releasing the property shall sign the bottom line of the Prisoner Personal Property Receipt, verifying the return of property.

2. **Release of Personal Property to Someone Other than Prisoner:**

   a. Authorization shall be obtained from the On Duty Supervisor. This authorization shall be documented by the officer by writing the supervisor’s name and ID on the comment section of the DP1:1755.

   b. Consent shall be obtained from the prisoner prior to the release of the property.

   c. Contents of the property bag shall be verified utilizing the two-officer rule.

   d. The Prisoner Personal Property Receipt (DP1:1755) shall be signed by the person receiving the property, listing their name, relationship to the prisoner, address and telephone number of the person receiving the property.

   e. Due to the security nature of the Property Bag, once the seal has been broken, its integrity has been compromised. Therefore, when property is released, it shall be released in its entirety. **Partial release of property is not authorized.**

   f. Appropriate notations are to be made in the CEMS/BEAST and a copy of the signed Prisoner Personal Property Receipt shall be electronically uploaded and attached to the case file in the BEAST.

3. **In the event that a property bag must be opened:**

   a. Approval must be obtained from the On Duty Supervisor.

   b. Personnel opening the Property Bag must submit an ADMINISTRATIVE REPORT (DP1:1001), explaining the reason for opening the bag. This report must be submitted PRIOR to end of tour.

   c. Entry shall be made in the Desk Blotter indicating the time, circumstances and personnel involved in the opening of the bag.

   d. A new property bag shall be utilized when re-securing the prisoner property. Additionally, a Continuation Report (DP1:795) shall be completed indicating the cross referencing of the Property Bag numbers so as to be able to track in the BEAST and/or RMS.

   e. The old Property Bag control number shall be noted on the new Property Bag below “Date of Arrest”.

   f. The opened Property Bag shall be attached to the Administrative Submission (DP1:1001) and forwarded to the Division Commander where they shall be reviewed and retained.
4. **Unclaimed Property**

   a. In the event a prisoner does not claim his/her personal property within five (5) days after release from MAPS, the property shall be transferred to the Property & Evidence Division for storage, release at a later date, or disposal. The property shall be transferred using the following procedure:
      
      i. Property & Evidence Division personnel shall log out in the CEMS/BEAST (or Property Journal if not operational) any personal property that is being transferred to the Property & Evidence Division.
      
      ii. The Property & Evidence Division will retain the property for six months.

VI. **CRIME SCENE EVIDENCE (G.O. 99-05)**

   A. When a gun is seized, Central Communications shall be notified to have a crime scene clerk respond to take possession of the gun for delivery to the Ballistics Unit.

   B. Upon arriving on a crime scene, the officer(s) shall:

      1. Render immediate aid in accordance with officer’s training and notify E.M.S. if injured persons are at the scene.

      2. Notify Central Communications of the situation and request for the appropriate:

         a. Investigative Detectives to respond to the scene, and;

         b. Request Crime Scene Response Unit for the collection and preservation of evidence, as directed by the investigating detective or the on-scene supervisor.

      3. Provide immediate protection measures that include:

         a. Prevent the unnecessary entry into or disturbance of the crime scene especially in areas where footwear/tire impressions are present;

         b. Only in the event that there is a high likelihood/risk that evidence may be lost/destroyed; then the member may retrieve/move evidence for the purposes of safeguarding it. In these cases the member SHALL document the reason why there was a need to move/safeguard the evidence;

         c. Items in the crime scene shall not be moved and the bodies of deceased persons shall not be disturbed.

      4. Relinquish the crime scene to the Detective in charge or ranking supervisor once either arrives at the scene.

   C. Procedures for cases where the officer must collect and submit evidence; whether due to exigent circumstances, or upon direction by a supervisor or investigating detective:
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1. Responsibilities of Officers/Detectives:
   a. The officer shall maintain control and safeguard all evidence/property until properly
      inventoried, documented, secured in the appropriate storage container, and stored within a
      temporary storage location.
   b. The responsible officer/detective shall provide an explanation of the circumstances of the
      property/evidence coming into police custody via an Incident Report (DP1:802).
   c. The officer/detective shall inventory the evidence/property using the two-person rule and
      document the evidence/property on a Property Evidence Receipt (DP1:152). Officers should
      fill in ALL APPLICABLE boxes in detail.

2. Responsibility of Supervisor Receiving Property:
   a. All property submitted shall be accompanied by a Property Evidence Receipt and other
      reports pertaining to that case.
   b. Desk Supervisors will ensure that all pertinent information is contained on the Property
      Evidence Receipt.
   c. The property shall be inspected to ensure that it is properly packaged and labeled. All items
      will be verified with the entries on the corresponding Property Evidence Receipt.
   d. After inventory and verification, the property shall be secured in the designated temporary
      storage container.

VII. PROPERTY & EVIDENCE DIVISION RESPONSIBILITIES (G.O. 18-24)

A. Commanding Officer:
   1. The Property & Evidence Division Commander is responsible for overseeing the Newark Police
      Division’s Property & Evidence Management System in cooperation with the various commands
      that come in contact with and intake property/evidence, ensuring integrity through proper
      internal controls throughout the entire process.

B. Property & Evidence Division Officer/Clerk Responsibilities:
   1. Respond to all Division Commands/Units that have an authorized temporary property/evidence
      storage container/locker on a regular basis for property and evidence collection.
   2. Make sure all property/evidence is packaged properly and not tampered with.
   3. Make sure there is a Property Evidence Receipt (DP1:152) for each piece of property/evidence
      and inspect for accuracy and completeness.
   4. When property/evidence is collected at the site, scan each item out in the command’s CEMS.
   5. If the command/unit does not have a CEMS then enter the date, their identification number and
      initials, next to the corresponding item in the Command/Unit Property Journal (the supervisor
      will then sign and date below the last entry in the Command/Unit Property Journal).
6. In the event of a discrepancy and/or missing items, the Property and Evidence Officer/Clerk shall immediately advise the on-duty supervisor.
   
   a. The On Duty Supervisor shall make every attempt to resolve the discrepancy prior to the departure of the Evidence and Property officer/clerk.
   
   b. If the discrepancy cannot be resolved, the On Duty Supervisor shall immediately initiate an Investigation of Personnel (IOP) with notifications to their Commanding Officer and the Office of Professional Standards.
   
   c. All discrepancies shall be documented by the Desk Supervisor in the Command’s property journal. The property in question shall remain at the Command until properly accounted for.
   
   d. The Property & Officer/Clerk shall notify the Property & Evidence Division Commander immediately by documenting same on an Administrative Report (DP1 1001).
   
   e. Transport all collected property/evidence to the Property & Evidence Command “Intake Area”, documenting its arrival, securing it prior to the end of officer/clerk’s shift.

7. All property/evidence movement conducted by Property & Evidence Division Personnel will be entered into the Newark Police Division’s Computerized Evidence Management System (CEMS). The only exception will be if the CEMS stops functioning, and would require manual entry of information into the Section’s Property Journal, which will be entered into the CEMS once functioning resumes.

VIII. EFFECT OF THIS ORDER

All Division Orders, Memoranda, and sections of Rules and Regulations concerning the custody of evidence and property that are inconsistent with this policy are hereby rescinded and repealed.

By Order of:

[Signature]

ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR

AFA/BO:rmc
Appendix C
DEPARTMENT OF PUBLIC SAFETY
MEMORANDUM

TO: POLICE DIVISION
FROM: ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR
SUBJECT: IMPLEMENTATION OF GENERAL ORDER 18-24
RE: PROPERTY & EVIDENCE DIVISION

DATE: APRIL 3, 2019
NUMBER: 19 - 175
FILE REF: PUB 4 x PTL 1-6

General Order 18-24, Property & Evidence Division has been implemented as a policy and procedure for all matters involving the Property & Evidence Division. This General Order shall supersede General Order 2000-02, Property & Evidence Management which is hereby rescinded.

General Order 18-24 generally applies to the members of the Property & Evidence Division and concerns all procedures for the retrieval, intake, tracking, maintenance, auditing and disposition of all property and evidence within the Newark Police Division.

The Commander of the Property & Evidence Division shall ensure personnel assigned to the Property & Evidence Division become familiar and comply with the tenets of this general order.

All Police Division personnel shall confirm receipt, compliance and understanding way of electronic signature in the Power Document System (PowerDMS) by Tuesday, April 30, 2019.

BY ORDER OF:

ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR

AFA/BO/jjc

c: Darnell Henry, Chief of Police Division

Attachment: General Order 18-24 Property & Evidence Division
This Order consists of the following numbered sections:

I. POLICY

II. PURPOSE

III. RESPONSIBILITY FOR COMPLIANCE

IV. DEFINITION OF TERMS

V. COMMAND PERSONNEL FUNCTIONS AND RESPONSIBILITIES

VI. PROPERTY AND EVIDENCE HANDLING PROCESS

VII. PROPERTY AND EVIDENCE DISPOSITION PROCESS

VIII. INVENTORY CONTROL AND RECORDS MANAGEMENT

IX. INTEGRITY CONTROL

X. EFFECT OF THIS ORDER
I. POLICY

The Property and Evidence Division shall be responsible for maintaining the integrity of both property and evidence through continuous accountability, from acquisition to final disposition. All personnel assigned to the Property and Evidence Division shall be familiar with, and adhere to all New Jersey State Laws, Attorney General (AG) Directives, Essex County Prosecutor Office (ECPO) policies and Police Division General Orders.

II. PURPOSE

The purpose of this policy is to ensure the integrity and maintenance of the Newark Police Division’s Property & Evidence Management System from intake to disposal of privately owned property and evidence to be used in pending cases. In addition, this policy:

1. Establishes guidelines and responsibilities for Property and Evidence Division personnel;

2. Establishes a system to track property from its acquisition to disposition;

3. Ensures that video cameras are properly installed and maintained in the Property & Evidence Division as well as other locations where temporary storage lockers are used throughout the Police Division;

4. Provides for the proper and timely disposition of evidence and property in accordance with ECPO and the AG Directives;

5. Maintains overall control of the Computerized Evidence Management Systems (CEMS) management system;

6. Provides guidelines and procedures for general and random audits and inspections, ensuring integrity and proper internal controls throughout the Police Division; and

7. Prevents the loss or unauthorized release of any property in the custody of the Newark Police Division.

III. RESPONSIBILITY FOR COMPLIANCE

All Police Division members assigned to the Property & Evidence Division shall be responsible for complying with this policy. Command and Supervisory Officers will review, understand and comply with this policy and also shall ensure that all subordinate personnel read and acknowledge understanding all facets of this General Order.
IV. DEFINITION OF TERMS

A. Auction – A public sale, conducted by the City of Newark and the Newark Police Division, in which eligible property is sold to the highest bidder.

B. Audit – An examination of records, files, against real items to verify accuracy, and compliance with New Jersey law and / or Police Division policy.

C. Barcode Evidence Analysis Statistics Tracking (BEAST) – The current commercial product that the Police Division utilizes for its Computerized Evidence Management System (“CEMS”).

D. Chain of Custody – The chronological, geographical and tracking of any Property/Evidence item impounded or seized by the Police Division, to final disposition.

E. Computerized Evidence Management System (CEMS) - A commercially licensed computer based program that electronically tracks and monitors the status, type and location of property & evidence within the Police Division.

F. Contraband – Controlled dangerous substances, firearms which are unlawfully possessed, carried, acquired or used, illegally possessed gambling devices, untaxed cigarettes, and untaxed special fuel. No property rights shall exist.

G. Destruction – The act of rendering useless property, which can serve no lawful purpose, or presents a danger to the health, safety, or welfare of the public.

H. Evidence – Any material object that tends to logically prove or disprove a fact at issue in a judicial case or controversy; any material object that is admissible as testimony in a court of law; any material object that might have the slightest bearing on the guilt or innocence of a criminal defendant.

I. Inspection – A periodic physical evaluation of designated aspects of the Property & Evidence Division facility as well as other locations throughout the Police Division, which contain temporary property/evidence storage containers.

J. Inventory – A detailed itemized list, report, or record of property in possession of the Newark Police Division; the process of making such a list, report or record.

K. Prisoner’s Personal Property Receipt, (DP1:1755) – Division form completed by arresting officers when accepting prisoner personal property. The form contains a notice to prisoners advising them that any personal property must be retrieved within six (6) months of arrest date or the property will be disposed of according to NJ State Law.
In addition, the Receipt shall state that where a prisoner is held in law enforcement custody for longer than six (6) months from arrest date, the prisoner may contact the Property & Evidence Division via telephone or U.S. Mail to hold the property until his/her release from custody, or make alternate arrangements for property retrieval. Upon the date of release from custody, the Property & Evidence Division shall hold the personal property for a ninety (90) day period. If the property is not retrieved within ninety (90) days of release from custody, the property shall be disposed. The Receipt must also state the address that the prisoner wants NPD to use to send the prisoner future notices about the prisoner’s property.

L. Property – Tangible items seized by the Newark Police Division including but is not limited to: (1) items of value that have been found by or turned into the Police Division, (2) items of value whose ownership is unknown or in dispute, or (3) private property constituting the personal belongings of prisoners or victims.

M. Property Bag– A sealable, tamper-resistant clear plastic bag of varying sizes and assigned a specific control number, serving as the primary receptacle in which all evidence or property collected will be stored.

N. Property Clerk – A member of the Property & Evidence Division who is responsible for collecting, recording, and safe storing of property and evidence acquired or confiscated by the Police Division.

O. Property Journal- A journal book that is maintained by all Police Division Commands/Units, that are not equipped with a CEMS, for the recording of all evidence and property. The journal shall contain the (i) time, (ii) date, (iii) central complaint number, (iv) property bag control number and property description, (v) location stored, (vi) Supervisor’s identification number and initials, (vii) date of release, and (viii) the identification number and initials of the and Property and Evidence Officer/Clerk removing the evidence from the Command.

P. Property Release – The auction, transfer, relinquishment, disposal, surrender, return, destruction, or other disposition of property. A release can be either temporary or permanent:

1. Temporary – When an item of property is released for a specific reason (e.g., court, forensics lab, ballistics lab), but is expected to be returned.

2. Permanent – When an item of property is not going to be returned to the Evidence and Property Section at any time (e.g. released to owner, auctioned, destroyed, charitable donations)

Q. Repurpose – The legitimate transfer of eligible property that has been slated for destruction or disposal and placing it into the City’s inventory for official use.
R. **Staging Area** – A secured area inside the Property and Evidence Division that functions as a receiving terminal for all incoming property/evidence, and where property/evidence is inventoried and accounted for.

S. **Supplies** – Items purchased by the City of Newark or the Newark Police Division, for the mutual use and convenience of the Police Division and its members.

T. **Temporary Property/Evidence Storage Container** – An authorized secured receptacle, locker or room in a command or unit, dedicated to the temporary storage of recovered property and evidence. The temporary storage container **shall at all times** be in the view of a functioning video surveillance system. For this definition, “secured” means lockable with limited and restricted access.

U. **Two-Officer Rule** – Two officer submission and verification process for handling, documenting and monitoring property and evidence. A second officer or Supervisor shall observe and verify items being submitted by the primary officer.

V. **COMMAND PERSONNEL FUNCTION AND RESPONSIBILITIES**

A. **The Commanding Officer of the Property and Evidence Division shall be responsible for:**

1. Overseeing the Newark Police Division’s Property and Evidence Management System in cooperation with the various commands that come in contact with and intake property/evidence to include prisoner property;

2. Conducting at least one (1) on-site inspection of the entire facility for security and safety **each quarter**. The results of the inspection shall be documented on an Administrative Report (DP1:1001) and forwarded to the Bureau Commander;

3. Conducting selected or random compliance audits of completed transactions. This shall be done on a **monthly basis**;

4. Ensuring that monthly, quarterly, and annual reports are completed and submitted to the Bureau Commander. These reports shall contain the following information:
   a. Staffing levels;
   b. Sick and injured leave;
   c. Overtime summary;
   d. Property accepted;
   e. Property released;
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f. Gambling and vending machines recovered, released, or destroyed
g. Requisitions;
h. Firearms recovered, released, or destroyed;
i. Narcotics recovered and destroyed;
j. Money received or deposited in the County and Municipal accounts;
k. Any auctions conducted and money collected;
l. Court overtime hours; and
m. All other property destroyed.

5. Ensuring that all purchase requisitions for all Police Division supplies and reports are forwarded to the Business Office in a timely fashion. The appropriate follow-up mechanisms must be in place to ensure that the requisitions are filled; and

6. Ensuring that all the tenets of General Order 80-1, Responsibilities of Command and Supervisory Officers are complied with.

B. Supervisors shall be responsible for:

1. Maintaining evidentiary integrity through continuous accountability, from acquisition to final disposition, and shall enforce all New Jersey State Laws, Attorney General Guidelines and Directives, Essex County Prosecutor Guidelines, and Division General Orders upon all assigned personnel;

2. Overseeing the entire intake and release process and ensuring that all transactions are properly recorded;

3. Conducting selected or random compliance audits of completed transactions on at least a monthly basis in accordance with Property and Evidence Division policy;

4. Conducting quarterly on-site inspections of all Property & Evidence Division temporary and permanent storage containers for security, i.e., working cameras, limited access, doors that automatically close, etc. The results of the inspection shall be documented on an Administrative Report (DP1:1001) to the Commander. On-site inspections shall also include Command/Unit property ledger books for unit compliance; and

5. Complying with the tenets of General Order 80-1, Responsibilities of Command and Supervisory Officers.

C. Division Officer/Clerk shall be responsible for:

1. Collecting property/evidence from ALL designated commands/units;
2. Releasing property as necessary;
3. Providing assistance with auctions, destructions, deposits, and charitable donations;
4. Providing courteous service at all worksites to Police Division members and citizens;
5. Logging, segregating, and accounting for incoming/outgoing property;
6. Storing all property and evidence in its respective areas;
7. Processing orders and requests for property, whether temporary or permanent, from within the Police Division, and from other authorities;
8. Knowing alarm procedures for activation and deactivation;
9. Maintaining all property files and log information, including purging closed cases and indicating same with the appropriate entries into the CEMS;
10. Locating lost or misplaced items of property in a timely manner;
11. When directed by a Supervisor researching invoices to determine those that may be purged consistent with ECPO directives and the NJ AGG;
12. Responding to the Crime Scene Unit on a daily basis and in a timely manner for firearms and ballistic evidence pickup and delivery to the Ballistics Unit;
13. Receiving and storing all returning lab evidence;
14. Receiving and issuing all applicable police equipment as per General Order No. 67-6 Issuance and Return of Equipment; (revised) DM 14-0020;
15. Receiving and stocking of incoming supplies; and
16. Maintaining the decorum and upkeep of the facility to ensure cleanliness, safety, security and order.

VI. PROPERTY & EVIDENCE HANDLING PROCESS

A. Command Supervisors shall oversee the recording process and ensure that all property & evidence obtained from outside Commands/Units is properly itemized and recorded.
B. Data Entry:

All property/evidence movement conducted by Property & Evidence Division Personnel will be entered into the Newark Police Division’s CEMS. The only exception will be if the CEMS stops functioning. If that occurs, then movement of property and evidence shall be entered into a backup property journal and, thereafter, shall be entered into the CEMS immediately upon the resumption of CEMS’s functioning.

C. Collection:

1. Property & Evidence Division Officer/Clerk shall be responsible for:
   a. Responding on a regular basis to all Police Division Commands/Units that have temporary property/evidence storage for property and evidence collection;
   b. Making sure all property/evidence is packaged properly;
   c. Making sure there is a Property Report (DPI 152) for each piece of property and/or evidence, and inspecting the Property Report for accuracy and completeness;
   d. Scanning each item out in the command’s CEMS when property/evidence is to be collected;
   e. If the Command/Unit does not have a CEMS, entering the date, their identification number and initials, next to the corresponding item in the Command/Unit Property Journal (the supervisor will then sign and date below the last entry in the Command/Unit Property Journal);
   f. If there is a discrepancy and/or missing items, immediately notifying the On-Duty or Desk Supervisor.
      i. The On-Duty or Desk Supervisor shall make every attempt to resolve the property/evidence discrepancy prior to the departure of the Evidence and Property officer;
      ii. If the discrepancy cannot be resolved, the notified On-Duty Supervisor shall immediately initiate an Investigation of Personnel with notifications to their Commanding Officer and the Office of Professional Standards;
iii. All discrepancies shall be documented by the Supervisor in the Command’s Property Journal. The property in question shall remain at the Command until properly corrected, or accounted for;

iv. The Property & Evidence Officer/Clerk shall notify the Property & Evidence Division Commander immediately and document the discrepancy and/or missing items on an Administrative Report (DP1:1001);

v. The Property & Evidence Officer/Clerk shall then transport all collected property/evidence to the Property & Evidence Command “Intake Area.”

D. Intake:

ALL items taken into the Property & Evidence Division will be entered into the CEMS with an assigned Central Control number and secured before the end of the workday, without exception.

1. For items that have not already been entered into the CEMS at their originating command, the following information will be recorded as it enters the Property & Evidence Division;

a. Date item was originally collected;

b. Central Complaint Number;

c. Property Bag Control Number;

d. Description of Property, to include;

i. Make;

ii. Model;

iii. Serial Number; and

iv. Markings.

e. Name and identification number of Officer that originally collected the item;

f. Location where the property was originally collected;
g. Location where the item will be stored within the Property & Evidence Division; and

h. Type of property;
   i. Arrest Evidence;
   ii. Found Property;
   iii. Personal Property; and
   iv. Safe Keeping.

2. For items that have already been entered into the CEMS at their originating command:
   a. Scan the item in with the “Received at Property Room” code;
   b. Enter the storage location within the Property Room; and
   c. Store all property/evidence in its designated location.

3. Money and jewelry shall immediately be given to a Supervisor for storage in the Command vault after entry into the CEMS. If a Supervisor is not available at the time of intake, the money or jewelry will be deposited into the Temporary Storage Locker. The appropriate code, “Vault” or “Temporary Locker” will be then scanned. The Temporary Storage Locker shall be maintained and secured on the main staging floor of the Command.

4. A Temporary Evidence/Property Ledger documenting the above information shall be used when the CEMS is out of service. Once the CEMS returns to service, all entries will be placed into the CEMS. The Ledger shall be annotated as such indicating the input into CEMS.

5. When entering information in the CEMS, all Division personnel shall:
   i. Enter all pertinent information into the CEMS including the date, Central Complaint Number, Envelope Control Number, item description and location stored;
   ii. Print and affix a barcode label to the item;
iii. Scan the item in with the “Received at Property Room” code; and

iv. Store all property/evidence in its designated location.

6. For **Prisoner Personal Property** use the following procedures:

   i. The Prisoner Property Bag will be inspected to ensure that it has not been tampered with;

   ii. The prisoner’s name and Central Arrest Number (C.A. No.) on the bag will then be matched with the name and Central Arrest Number indicated on the Property Report, (DP1:152). A corresponding Prisoner Property Receipt, DP1:1755 (Cell Block Copy) must be verified and correspond with each bag; and

   iii. The property will be stored in its designated location.

E. **Release of Property:**

1. **Temporary Release** - When an item of property is released for a specific reason, but is expected to be returned.

   **Property shall only be released to:**
   a. A law enforcement officer;
   b. A Court Officer;
   c. The owner or the owner’s agent;
   d. Laboratory personnel (forensics, narcotics, ballistics).

   a. **Forensics Lab** – Narcotics cases will only be transported to the forensics lab for analysis after a written request has been received from an authorized person in the forensics lab or the Assistant Prosecutor in charge of the case. All transports and returns to the lab will be conducted by two members of the Property & Evidence Division.

   i. The CEMS shall be utilized for all narcotics sent to the forensics lab, including the date, Central Complaint Number, date sent and date returned to the Property & Evidence Division.

   b. **Court Proceeding** – Requests to produce evidence for a criminal trial, from Newark Police Officers and other Law Enforcement Agencies will be granted **ONLY** upon the presentation of a Subpoena or Court Order, and valid identification card.
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i. Property & Evidence Division Officers/Clerks shall copy the Subpoena and identification card, which shall remain a permanent part of the property file;

ii. All temporary releases shall be entered into the CEMS documenting the chain of custody;

iii. Officers signing out the evidence shall be responsible for the safeguarding of such evidence until it has been received by the Court or returned to the Property & Evidence Division;

iv. If the Property & Evidence Division has closed before an officer can return the evidence, the officer shall immediately respond to their command and turn the evidence over to the On Duty or Desk Supervisor;

v. The receiving Supervisor will log the name, rank, identification number, time envelope control number and Central Complaint Number of the item into the Property Journal and then deposit the item into the temporary storage mailbox or locker.

2. Permanent Release – When an item no longer needs to be stored by the Newark Police Division, one of the following actions will be assigned:

   i. Returned to Owner/Finder;

   ii. Destruction;

   iii. Disposal;

   iv. Auction;

   v. Donated charitably;

   vi. Repurposed; or

   vii. Deposited to City or County Treasury

a. Proper personal identification, preferably photo identification, must be presented prior to any property release. Proper identification shall consist of any of the following:

   i. A valid driver’s license;
ii. A state issued identification card;

iii. A U.S. Government issued identification card;

iv. A valid passport;

v. Two of the following; welfare identification card, employment identification card, or social security card; or

vi. If the person requesting the release of property does not possess proper identification, Property & Evidence Division staff shall make every effort to verify the person’s identification.

b. A photocopy of the person’s identification shall be made and attached to the CEMS file.

c. All releases will be conducted utilizing the CEMS and approved by a Property & Evidence Division Supervisor.

d. Prisoner personal property and victim’s property shall be released, in accordance with the outlined conditions set forth in this policy.

e. Found property shall be released in accordance with the previously outlined conditions set forth in this policy.

f. Property may be shipped to the owner or the owner’s agent under circumstances where the owner or their agent cannot physically appear in person in the Property & Evidence Division. Prior to release, the owner or the owner’s agent must comply with the following conditions:

i. A Declaration of Ownership form must be completed and notarized by the property owner and must state that the owner has authorized the agent to receive the property.

ii. Proper authorization from the prosecuting agency is obtained;

iii. Temporary Shipping Account (Fed Ex/UPS, U.S. Postal Service, etc.) must be established by owner/agent allowing the Newark Police Division to ship items. A money order or bank check, payable to the Newark Police Division for the following charges, must be received prior to shipping any items via Federal Express, UPS or U.S. Postal Service: (i) shipping charge and (ii) $500 minimum insurance per item.
g. Weapons that are not prima facie evidence may be released only under the following circumstances:

i. The owner must complete a Declaration of Ownership form and have the form notarized;

ii. if the owner’s agent is to receive the property, then the owner’s Declaration must state that the owner has authorized the agent to receive the property on behalf of the owner;

iii. Authorization must be granted by the Essex County Prosecutor’s Office in writing;

iv. The owner must present a Voluntary Form of Registration of Firearms and a Permit to Purchase or valid NJ Firearms Purchaser Identification Card. This identification will be scanned into CEMS;

h. The following disposition shall be entered into CEMS indicating the type of release effectuated:

i. Returned to Owner/Finder;

ii. Destruction;

iii. Disposal;

iv. Auction;

v. Charitable Donation;

vi. Repurposed; and

vii. Deposit to City or County Treasury.

3. Currency-Disposition Process

a. A Property and Evidence Supervisor will review the Evidence Property Receipt, identifying currency to be deposited into the County Treasury Account.

b. The Property & Evidence Division Supervisor shall complete an Essex County Currency Disposition Form, listing the amount, Central Complaint Number, date of incident, defendant’s name(s), and charge(s) lodged against the defendant.
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c. All currency will be counted ensuring accuracy, and placed in a County Currency Briefcase and stored in the vault with the corresponding Currency Disposition Forms, awaiting delivery to the bank.

d. Property Bags will be opened when arriving at the financial institution with all currency counted and verified by bank personnel, with the amount indicated on the deposit slip. Any discrepancies shall be reported to the Property & Evidence Division Commander immediately and documented on an Administrative Report (DPI 1001).

e. Currency will be deposited in the County Treasury as soon as the appropriate financial institution is open and available. The following procedures will be followed:

   i. The Prosecutor’s Office will be notified weekly by a Property & Evidence Division Supervisor that the money has been deposited;

   ii. A Prosecutor’s Deposit cover sheet with copies of bank deposit forms will be reported on a weekly basis; and

   iii. The original cover sheet, original currency disposition form, and copy of the deposit receipt will be attached together and maintained on file at the Property & Evidence Division.

VII. PROPERTY DISPOSITION PROCESS

A. Found Property:

1. Owner Unknown and recovered, by a member of the Police Division acting in the line of duty, shall be retained for six months (40A:14-157N(a)). If, after the expiration of six months, the property remains unclaimed, the property shall be purged.

2. Owner Unknown and recovered by a private party, the following procedures will be followed:

   a. A Property Claim Notification Letter shall be mailed to the original finder via certified mail, and contact shall be attempted via telephone. The assigned Property & Evidence Division clerk shall be responsible for this function.

   b. If the original finder cannot be located after 31 days of its receipt, the item shall be purged.

3. Prisoner personal property that remains in the custody of the Newark Police Division in excess of six (6) months from the original date of arrest shall become the property of
the Police Division. Said property will be purged. Signed Prisoner Personal Property Receipts, (DP1:1755) shall be maintained at the Property & Evidence Division, and attached to any associated Destruction reports.

a. Prisoner Property Bags will be released upon the presentation of a Prisoner Property Receipt (Prisoner’s Copy), which will be matched with the corresponding copy that is retained on file.

b. Prisoners who are unable to respond directly to the Property & Evidence Division due to conditions of long term detentions or otherwise will be afforded the opportunity to have alternate arrangements for property pick up.

i. The Police Division shall provide written notice, (Prisoner Property Receipt; DP1:1755) to the prisoner at the time of arrest that his/her property will be deemed abandoned and shall be destroyed if not claimed within six (6) months from the date of arrest. Prisoners held in law enforcement custody for longer than six (6) months shall be afforded the opportunity to contact the Property & Evidence Division via telephone or U.S. Mail to place a hold on their property or make alternate arrangements for property retrieval. Prisoners may have adult family members assist in this process as well. Proper verifications will be necessary.

In the event where a prisoner has notified the Property and Evidence Division of a confinement that will extend past six (6) months, the Property and Evidence Division shall maintain the property for ninety (90) days from the date of the prisoner’s release. If the property is not retrieved within ninety (90) days of custody release, the property will be disposed.

ii. Prisoners must provide a notarized letter or other satisfactory notice to the Property & Evidence Division granting authorization for property pick up to another person. Said person shall be identified in the letter.

iii. Said property pick up person shall provide satisfactory identification for property retrieval.

iv. Property & Evidence Division personnel shall only release the prisoner’s property upon proper verification of all documentation.

v. Conduct the CEMS procedures for property release.

4. After an item of property/evidence has been assigned its proper disposition it shall then be secured in the designated room;

i. Destruction Room

ii. Auction Room
B. Evidence Retention Schedule:

The following is a brief outline of the New Jersey Attorney General Guidelines for the Retention of Evidence. Personnel should consult with the Guidelines in their entirety before taking action to purge evidence.

1. Homicide Evidence
   a. When all defendants are charged, but deceased;
   b. Conviction with no appeals, 5 years after conviction or sentence, whichever is later;
   c. No suspect, but DNA or fingerprints, retain indefinitely.

2. Sex Crimes Evidence
   a. When all defendants are charged, but deceased;
   b. Conviction with no appeals, 5 years after conviction or sentence, whichever is later;
   c. Cases where defendants enter and completed PTI and upon expiration of the longest sentence for the co-defendants;
   d. No suspect, but DNA or fingerprints, retain indefinitely.

3. Narcotics Evidence
   a. When all defendants are charged, but deceased;
   b. Cases where defendants enter and completed PTI and upon expiration of the longest sentence for the co-defendants;
   c. Investigation closed without prosecution, 1 year and 1 day;
   d. Found property without prosecution, 1 year and 1 day.

4. Firearms Evidence
   a. When all defendants are charged, but deceased;
   b. Conviction with no appeals, 5 years after conviction or sentence, whichever is later;
   c. Cases where defendants enter and completed PTI and upon expiration of the longest sentence for the co-defendants;
   i. May return to rightful owner who may lawfully possess the firearm
   d. Prior to any destruction authorization being granted, no firearms evidence shall be considered for destruction until all necessary tracing tests and IBIS submissions have been completed.

5. Other Evidence
   a. When all defendants are charged, but deceased;
   b. Conviction with no appeals, 5 years after conviction or sentence, whichever is later;
   i. May return to rightful owner

6. Special Circumstances
   a. Cases where defendant found incompetent, must retain until competent, or defendant is deceased, or case dropped;
NEWARK POLICE DIVISION
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b. Not guilty by reason of insanity, time frame to be determined by Prosecutor;
c. Pursuant to N.J.S.A. 2C:65-1, stolen property may be returned to the owner after a complete photographic record of the property is made.

7. Narcotics Destruction Process
a. All narcotics to be destroyed shall be documented on an Evidence Destruction form, listing the Central Complaint Number, description and quantity of the items to be destroyed.
b. The Commanding Officer of the Property & Evidence Division shall ensure that copies of the form are forwarded to the Essex County Prosecutor’s Office along with a written request for its’ destruction, and the original copies are maintained on file at the Property & Evidence Division.
c. The Office of Professional Standards will be present to witness the destruction of all narcotics.
   i. No fewer than two witnesses shall observe the actual destruction of narcotics at the authorized site. The witnesses shall be required to sign the Uniform Destruction of Evidence Form in the appropriate place;
   
   ii. The narcotics being destroyed shall be observed to the point where human accessibility is no longer possible;

   iii. A Post-Destruction Report (DP1:1001) shall be executed by the Commander of the Property & Evidence Division, which shall contain:

   - The location of destruction;
   - The summary of the destruction; and
   - The list of attendees by name and agency; and

   iv. The Post-Destruction Report shall become the cover sheet for those items of property that have been destroyed, and shall be retained in the Destruction File.

d. The Commanding Officer of the Property & Evidence Division shall ensure that narcotics and firearms do not appear on the same destruction request form, and ensure that ONLY narcotics (no paraphernalia) appear on the Narcotics Destruction forms and ONLY Firearms (No ammunition or ballistic evidence) appear on the Firearm Destruction forms.
e. The destruction shall be at a facility licensed by the State of New Jersey to burn trash (incinerator) at an acceptable temperature to ensure complete destruction. The authorized site should also be approved by the Essex County Prosecutor’s Office.
8. **Weapons Destruction Process**
   a. Once the Commander of Property & Evidence Division receives case dispositions that would allow for the destruction of firearms, he/she shall have prepared a “Uniform Destruction of Evidence Form,” indicating the Central Complaint number, manufacturer, caliber and serial number of the weapon.
   b. The Commanding Officer of the Property & Evidence Division shall ensure that copies of the form are forwarded to the Essex County Prosecutor’s Office along with a written request for its destruction and the original copies are maintained on file at the Property & Evidence Division.
   c. The Office of Professional Standards will be present to witness the destruction of **all** weapons.
      i. No fewer than two witnesses shall observe the actual destruction of weapons at the authorized site. The witnesses shall be required to sign the Uniform Destruction of Evidence form in the appropriate place.
      ii. The weapons being destroyed shall be observed to the point where human accessibility is no longer possible.
      iii. A Post Destruction Report (DP1:1001) shall be executed by the Commander of the Property & Evidence Division, which shall contain:
           - The location of destruction;
           - The summary of the destruction; and
           - The list of attendees by name and agency.
      iv. The Post Destruction Report shall become the cover sheet for those items of property that have been destroyed, and shall be retained in the Destruction File.
   d. The destruction shall be at a facility licensed by the State of New Jersey to melt metal (smelter) at an acceptable temperature to insure complete destruction of the weapons. The authorized site, should also be approved by the Essex County Prosecutor’s Office.

9. **Records Destruction Process**
   In accordance with *N.J.S.A. 47:3-15*, the Commanding Officer of the Property & Evidence Division shall maintain and destroy public records according to the Records Retention and Disposition Schedule, refer to *General Order 64-20*. 
VIII. INVENTORY CONTROL AND RECORDS MANAGEMENT

A. The Commanding Officer of the Property & Evidence Division shall ensure that separate, secured and limited access space is maintained for the following:

1. Intake staging area;
2. Firearms;
3. Narcotics;
4. Bulk narcotics;
5. Ammunition;
6. Homicide evidence;
7. Sexual Assault evidence;
8. Flat Files;
9. Police Division Supplies;
10. Annual Arrest Evidence; and
11. Personal/Found Property.

IX. INTEGRITY CONTROL

A. Vault Security:

1. The vault will be secured by a digital combination lock. The lock access code shall be restricted to the Commander and Supervisors of the Property & Evidence Division.

2. The room containing the vault and its entry doors shall be monitored by camera and alarm system. Additionally, the room shall have self-closing and locking doors monitored by electronic access.

3. Property & Evidence Division Supervisors shall ensure the vault remains locked and secured at all times. When in use, Supervisors shall ensure that there is no unauthorized access to the vault or its contents.
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4. Any issues with the surveillance or alarm systems shall be reported immediately to the Commanding Officer who will then notify Director of the Department of Public Safety, the Chief of Police and the Office of Information Technology who will be responsible for immediately correcting the issue.

B. Audits:

It is essential to maintain the highest integrity when it comes to inventory, audits and inspections of the property and evidence function. There should be a complete audit of all stored property as well as random in-person compliance audits of completed transactions on a routine annual basis. There should also be a complete audit whenever the following occurs;

1. A change of the Property & Evidence Division Commanding Officer;
2. A change of any of the Property & Evidence Division Supervisors;
3. An indication or suspicion of a breach of security within the Command;
4. A transfer of a staff member because of a rule violation related to their duty.

C. Audit Types:

1. General Audit - A complete check of ALL items stored within the Property & Evidence Division against an Inventory List.

2. Compliance Audit - Monthly checks of procedures, processes, and transactions to assure compliance with policy.

D. Audit Procedures:

1. General Audit:

   a. The audit should be conducted by members of the Police Division who are not assigned to the Property & Evidence Division under the supervision of the Office of Professional Standards and/or the Essex County Prosecutor’s Office.

   b. An audit begins with a complete inventory of all items that should be stored within the command, an “Inventory List.”

   c. That “Inventory List” is then compared to the actual contents stored within the command.
d. A Positive Inventory will result in all items on the Inventory List being located and accounted for onsite in the Command. Upon this outcome no further action is needed beyond filing the audit with Bureau Command.

e. A Negative Inventory will result when items on the Inventory List cannot be located.
   i. When an item cannot be located all necessary steps shall be taken to locate the item within the command, taking into account that the item could have been misfiled or stored in another location.
   ii. Once alternate steps have been exhausted and the item or items are still not accounted for, immediate notification to Bureau Command and the Office of Professional Standards shall be made, and the audit shall be suspended.

f. At no time should an audit be conducted by simply listing items that are found within the command, without being checked against the “Inventory List.”

2. Compliance Audits:

a. The Property & Evidence Division Commander shall ensure that monthly compliance audits are conducted by Command Supervisors of various types of property/evidence stored within the command (guns/narcotics/homicide sex assault evidence).

b. The Office of Professional Standards shall conduct at least two unannounced random compliance audits of all Temporary Storage Locations and Permanent Property & Evidence Storage locations. These unannounced random audits shall occur on an annual basis.

c. Compliance audits should be performed on completed transactions by comparing case files to verify that required notifications and release and/or destruction authorizations have been properly followed.

d. All documentation shall be examined to verify that:
   i. All transactions are accurately noted;
   ii. Required notifications and release authorizations have been properly documented;
   iii. A legitimate basis for release is clearly demonstrated;
iv. Each inventoryed item has a corresponding Property & Evidence receipt or CEMS;

v. All items shall contain documentation as to its final disposition;
   - Returned to Owner/Finder
   - Destroyed
   - Disposed
   - Auctioned
   - Donated to a Charitable entity
   - Repurposed
   - Deposited to City or County Treasury

E. Inspections:

1. An inspection is a periodic review of designated aspects of the Property & Evidence Division function by its Commanding and Supervisory Officers as well as outside commands such as the Office of Professional Standards. Inspections should be both announced and unannounced.

2. The Property & Evidence Commander shall ensure that monthly random inspections are conducted by Command Supervisors of all Temporary Property & Evidence Locations throughout the Police Division.

3. Inspections should include the following;
   a. Security;
   b. Access control;
   c. Property files or entries;
   d. Cleanliness and organization of the space;
   e. Safety issues;
   f. Training of assigned personnel.

4. The results of all inspections shall be reported on a DP1:1001 and included in the Division's monthly report.
X. **EFFECT OF THIS ORDER**

All Division Orders, Memoranda, and sections of Rules and Regulations concerning the custody of evidence and property that are inconsistent with this policy are hereby rescinded and repealed.

BY ORDER OF:

[Signature]

ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR

AFA/BO:je

c: Darnell Henry, Chief of Police
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Appendix F
### List of Non-Compliant Events (Documentation)

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**List of Non-Compliant Events (Substantive)**

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