

**MARCUM**  
ADVISORY GROUP



*AN INDEPENDENT INTERNAL REVIEW:*

**CITY OF SPRINGFIELD, MASSACHUSETTS  
NARCOTICS EVIDENCE EXAMINATION**

**Springfield Police Department**

**Privileged and Confidential**

**Prepared by:  
Marcum LLP**

**February 16, 2016**

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## *INTRODUCTION AND SCOPE OF EXAMINATION*

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Marcum, LLP (“Marcum,” the “Firm,” “we,” “us,” or “our”) was retained by Police Commissioner John Barbieri of the Springfield Police Department to perform a narcotics evidence examination for the City of Springfield, Massachusetts (“City” or “the City”). The purpose of the review was to ascertain whether all narcotics evidence, seized by the Springfield Police Department (“SPD”) during the period of January 1, 2007 to December 31, 2014, and subsequently managed by the SPD, is accounted for properly.

## *EXECUTIVE SUMMARY*

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During the period of January 1, 2007 to December 31, 2014 the SPD narcotics evidence log book contained 5,787 individual entries documenting narcotics evidence transferred to the SPD evidence rooms after seizures, arrests, offenses and violations.

We were provided with and examined envelopes or boxes of actual narcotics evidence related to evidence log entries and developed the following conclusions:

- The narcotics as documented in the arrest reports, narcotics evidence log book and/or laboratory certifications matched the narcotics contained in 5,517 of the envelopes or boxes provided to us.
- The narcotics evidence for 203 of these entries was disposed of as directed through court order.
- The narcotics evidence for 32 of these entries had not been returned from the laboratory as of the date we performed our testing.
- The narcotics evidence for nine of these entries was being temporarily held in court as of the date we performed our testing.

- The description of narcotics as documented in the arrest reports, narcotics evidence log book and laboratory certifications did not fully match the narcotics contained in a number of the envelopes or boxes provided to us. Based upon the information provided and analyzed, we found that these anomalies and variances were primarily due to miscounts, typos, and lack of consistency in evidence processing due to non-existent policies and procedures. We did not find any information indicating theft, misuse of evidence or malicious intent as it regards the narcotics evidence in any envelopes or boxes.

## *METHODOLOGY*

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We performed an examination for the City to confirm that narcotics evidence, seized by the SPD during the period of January 1, 2007 to December 31, 2014, is accounted for properly. The narcotics evidence is managed by the SPD and is either located in evidence rooms at their headquarters at 130 Pearl Street, Springfield, Massachusetts at various laboratories for testing or at various courthouses for trials.

In an effort to maintain consistency, the Marcum team was comprised of only four professionals conducting the review. This team was comprised of:

**Frank E. Rudewicz** – Partner and Counsel, Marcum New England Forensic Practice Leader. Frank has over 30 years of experience conducting complex investigations in the public and private sectors. He has been appointed the independent investigator, compliance monitor and expert witness for a number of public safety and corporate entities in New England. As a result, Frank has provided expert testimony in various state and federal courts. Frank led the team of subject matter experts for the Massachusetts Office of Inspector General in their review of the William A. Hinton State Laboratory Institute Drug Analysis Laboratory.

**David J. Grindle** – Director. David is a Certified Public Accountant, Certified Fraud Examiner and is certified in Financial Forensics. He is a specialist in the detection and deterrence of a wide variety of white-collar crimes, ranging from discovering employees or executives who misappropriate company assets to assisting investors who are defrauded

in the course of commercial transactions. He has been employed in the field of public accounting since 1990. He frequently speaks to business and college audiences on fraud and fraud prevention.

**John R. Mario** – Forensic Consultant. Jack has over 30 years’ experience in analyzing seized drug evidence and developing internationally recognized standards for seized drug analysis. He is a court recognized expert in the analysis of controlled substances. John was the lead scientific subject matter expert for the Massachusetts Office of Inspector General in their review of the William A. Hinton State Laboratory Institute Drug Analysis Laboratory.

**Kati Allison, PCI** – Manager. Kati is board certified in Investigations and has earned her certification as a Professional Certified Investigator (“PCI”). She is experienced in case management, evidence collection, and preparation of reports and testimony to substantiate findings. She has experience working with clients domestically and internationally. Kati was a member of the team for the Massachusetts Office of Inspector General in their review of the William A. Hinton State Laboratory Institute Drug Analysis Laboratory.

Before we began our examination, we met with officers from the SPD to obtain an understanding of the procedures used to track and inventory narcotics evidence seized by police officers during arrests as well as the chain of custody. We noted the following:

- After police officers make an arrest, they write a detailed report to describe the arrest. If narcotics are seized, they, in most cases, include a detailed description of the quantities and types of narcotics seized. Arrest reports are assigned a number and located on the SPD’s computer network.
- Police officers transfer seized narcotics to the police headquarters where evidence is logged into the evidence room. Officers in charge of the evidence room maintain a log book to identify the narcotics brought into the station. Each entry in the log book contains an assigned number, referred to as the “log drug number”, as well as a description of the quantities and types of narcotics left in their possession and other arrest related information.

- A container of some type, usually a large envelope or small box, is used to house the narcotics evidence as well as laboratory receipts, laboratory certification reports and other paperwork relating to each arrest. The container is marked with the log drug number and stored in a filing cabinet until the contents are sent to a laboratory for testing.
- In some instances, depending on the laboratory used, a receipt is issued to the SPD by the laboratory to identify the quantities and types of narcotics brought for testing.
- Once the laboratory completes testing of the narcotics they are returned to the SPD in heat sealed plastic bags along with a report describing the results of the tests performed. The laboratory analysts will either mark the bags across the seal with an embossed stamp or write their initials across the seal.

When narcotics come back from the laboratory, they are placed back into a filing cabinet until they are requested to be transferred to a courthouse to be presented as evidence or the court orders them to be destroyed.

Based on our understanding of the processes and procedures used by the SPD to track and inventory narcotics evidence, we developed the following examination procedures:

- We were provided with access to the actual narcotics evidence held in the SPD evidence rooms that were seized by the SPD during the period of January 1, 2007 to December 31, 2014. We were also provided with the log books used in the evidence room to document narcotics evidence brought into the police station for that same period of time and to the digitally stored police reports created at the time of arrest.
- We visually examined the actual narcotics evidence on a case by case basis.
- We verified that the log drug numbers documented in the narcotics evidence log book matched the log drug numbers printed on the evidence envelopes and boxes.
- We verified that the actual quantities and types of narcotics evidence contained in the envelopes and boxes matched the description documented in the narcotics evidence log book.

Our verifications were limited to what we could see and reasonably count without violating laboratory seals. Weights were visually estimated.

- We verified that the descriptions of the quantities and types of narcotics evidence documented on the laboratory receipts matched the actual narcotics evidence contained in the envelopes and boxes.
- We verified that narcotics evidence was stored in heat sealed packaging.
- We verified whether the packaging was marked with an embossed stamp across the heat seal by the laboratory. We verified where laboratory certifications were included in the evidence envelopes and boxes.
- We verified that the descriptions of the quantities and types of narcotics evidence documented on the laboratory certification reports matched the actual narcotics evidence contained in the envelopes and boxes.
- We examined arrest reports from the SPD computer network on an individual case basis with assistance of SPD police cadets to:
  - Obtain arrest report numbers; and
  - Verify that the descriptions of the quantities and types of narcotics evidence as documented in the arrest reports matched the actual evidence contained in the envelopes and boxes.
- We documented all above listed findings.

### *SUMMARY OF FINDINGS*

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The main purpose of our examination was to confirm that all narcotics evidence seized by the Springfield Police Department, during the period of January 1, 2007 to December 31, 2014, was accounted for properly.

Our examination revealed the following:

- The narcotics evidence log book contained 5,787 individual entries documenting narcotics evidence transferred to the SPD evidence rooms after arrests, offenses and violations during the period of January 1, 2007 to December 31, 2014 and is broken down as follows:

| <u>Period Covered</u> | <u>Number of Entries</u> |
|-----------------------|--------------------------|
| 01/01/07 to 12/31/07  | 1,026                    |
| 01/01/08 to 12/31/08  | 985                      |
| 01/01/09 to 12/31/09  | 674                      |
| 01/01/10 to 12/31/10  | 587                      |
| 01/01/11 to 12/31/11  | 688                      |
| 01/01/12 to 12/31/12  | 600                      |
| 01/01/13 to 12/31/13  | 607                      |
| 01/01/14 to 12/31/14  | <u>620</u>               |
| Total                 | <u>5,787</u>             |

- We were provided with and examined envelopes or boxes of actual narcotics evidence related to the above-mentioned narcotics evidence log entries and documented the following:
  - The narcotics as documented in the arrest reports, narcotics evidence log book and laboratory certifications matched the narcotics contained in 5,517 of those envelopes or boxes.
  - The narcotics evidence for 203 of these entries were previously disposed. We were provided with and examined court ordered evidence disposal forms.
  - The narcotics evidence for 32 of these entries had not been returned from the laboratory for the period of our review. The date the evidence is returned is documented in the evidence log book. We examined the evidence log books to verify that the return dates were after the dates of our review.
  - The narcotics evidence for nine of these entries was being temporarily held at court for the period of our review. We examined documentation from the court verifying that this evidence was indeed held at court for this period.

## *OTHER FINDINGS*

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During our examination we also noted the following:

- In some instances, the description of narcotics evidence as documented on the laboratory receipt did not match the actual narcotics that we observed in the envelopes or boxes. This was due to different variations of common descriptions at the time (i.e. 1 pound bag vs. specific weight etc.)
- The majority of envelopes or boxes did not include a laboratory receipt of narcotics evidence, therefore, we could not verify that the quantities and types of narcotics received by the laboratory matched the actual narcotics contained in the envelopes and boxes.
- In some instances, narcotics evidence was not contained in a heat sealed plastic package after being returned from the laboratory.
- In some instances, the heat sealed plastic package that the narcotics evidence was stored in was not stamped with an embossed stamp across the seal by the laboratory. The majority of bags we examined were marked with an individual's initials across the heat seal rather than an embossed stamp. This is a procedure that is determined by the respective laboratory, not the SPD.
- In some instances, the description of narcotics evidence as documented on the arrest report did not match the actual narcotics evidence contained in the envelopes or boxes.
- Many of the envelopes and boxes examined contained court ordered evidence disposal forms; however, the evidence had not been destroyed.
- Drugs seized from ordinance violations were not handled consistently. In some instances, they were contained in the envelopes and boxes we examined and in some instances they were not. In some instances, they were contained in heat sealed packaging and in some instances they were not.

- In some instances, the descriptions of drugs seized, as documented in the arrest reports, were vague or nondescript, preventing us from clearly matching them to the evidence.

## RECOMMENDATIONS

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1. SPD should utilize a computerized system or software (by designing or acquiring such a system) to document evidence received by the property room rather than use the manual system that is in place at the moment.

*Management's Response: We agree with the auditor's recommendation. The SPD is researching a software program for property and evidence control. In the meantime an electronic spreadsheet will be set up by our IT department to record all transactions.*

2. Utilize weights in descriptions on arrest reports rather than only "bags" for clarity. The description "one bag" could describe a small bag containing a few grams of narcotics or a large bag containing twelve pounds of narcotics. For small tablet seizures, document an exact count; for large seizures, an approximate count.

*Management's Response: We agree with the auditor's recommendation. The SPD is in discussions with the District Attorney's Office to determine best practices for the prosecution and reporting of all narcotics seized. The SPD is purchasing a digital scale and will conduct training on the proper documentation of any narcotics coming in to our possession.*

3. The supervisor(s) and the property officer should be the only persons with access to the evidence room, which shall be secured at all times.

*Management's Response: A full-time evidence room supervisor has been assigned oversight of all property and evidence. All security access codes to the evidence rooms and safe have been updated. The supervisor and evidence officers are the only department personnel who have security code access to the evidence rooms. The evidence rooms are video recorded and have a card swipe access system that restricts entry only to the evidence officers.*

4. No persons should be admitted to the evidence storage area unless accompanied by the property officer or supervisor.

***Management's Response:*** *We agree with the auditor's recommendation. Access to the evidence rooms is strictly limited to the evidence supervisor and evidence officers.*

5. No person should remove evidence from the evidence room, except the property officer or supervisor.

***Management's Response:*** *We agree with the auditor's recommendation. No evidence is removed from the evidence room except by the evidence supervisor or evidence officers.*

6. The Commissioner should direct unannounced annual inspections of the property storage areas to ensure that they are maintained in accordance with standardized and documented evidence storage area protocols as required, and to ensure the integrity of the property and evidence control.

***Management's Response:*** *We agree with the auditor's recommendation. A yearly unannounced inspection will be conducted by the Internal Investigations Unit in accordance with SPD policy.*

7. If at any time a new property officer is designated by the Commissioner, an inventory should be conducted of all evidence to ensure that records are being properly maintained, that all evidence is accounted for, and that proper storage methods are being used to prevent destruction, loss, or deterioration of evidence. Any discrepancies should be, documented, and addressed.

***Management's Response:*** *We agree with the auditor's recommendation. The SPD will perform a full physical inventory of all narcotic evidence and records any time a new evidence officer is assigned. Any discrepancies will be documented and investigated.*

8. An annual inventory should be conducted by a supervisor not connected with the normal evidence procedures, and to be named by the Commissioner. The purpose of this inventory will be to insure the integrity of the system and not necessarily involve an accounting of each piece of evidence.

***Management's Response:*** We agree with the auditor's recommendation. The SPD will conduct an annual inventory to insure the integrity of the evidence system by a supervisor that is not assigned to the evidence room.

9. All narcotics should be counted and weighed prior to their transmission to laboratories for testing. Substances which are sealed by the manufacturer in sealed containers should be left unopened and count and weight should be that as noted on the label, or in the absence thereof, the entire item shall be weighed as is. Containers should be inspected carefully to assure that they have not been tampered with and that seals are intact.

***Management's Response:*** We agree with the auditor's recommendation. All narcotics will be weighed and counted prior to being submitted to the laboratory. All substances that are sealed in the original manufacturer container will be left unopened and the weight will be noted on the evidence tag. All containers will be inspected to ensure the seals are intact.

10. All narcotics should be weighed and counted when logged into the evidence room. The count and weight should be compared to that noted by the seizing/receiving officer and said count and weight should be noted on the evidence log. These counts should be held in a narcotics evidence control room where all narcotics are weighed on a digital scale, videotaped and logged.

***Management's Response:*** We agree with the auditor's recommendation. The evidence officers will verify all narcotics weight, count with the evidence tag and arrest/incident report when logged into the evidence room. A narcotics control room is being implemented. This room will be monitored by video cameras, have a digital scale and drop safe.

11. Any time a narcotic substance is removed from or returned to the evidence room, it should be weighed and counted and this should be compared to the count and weight at the time of seizure and last recorded count and weight. Weight tolerances will have to be developed (e.g., plus or minus 5%) as evidence, especially plant material, will lose weight over time.

***Management's Response:*** We agree with the auditor's recommendation. All narcotics will be weighed in the narcotic control room on video camera anytime they are removed or returned to the evidence room. The SPD will consult with the District Attorney's Office

to develop best practices for weight tolerances and will incorporate this into the SPD policy.

12. If at any time the count and weight differ from that last noted, it should immediately be brought to the attention of a supervisor. Someone should then be assigned to investigate the matter.

***Management's Response:*** We agree with the auditor's recommendation. Any discrepancy in the count or weight will be documented and reconciled by the evidence supervisor. If the discrepancy cannot be resolved, an investigation will be initiated.

13. Evidence taken as seized property or under a search warrant should be held until an order is received from the court designating the method of disposition of the evidence. These orders should be periodically sought by the SPD to prevent overcrowding of their storage facilities.

***Management's Response:*** We agree with the auditor's recommendation. Current SPD policy requires a signed disposal order from the District Attorney's Office detailing what is to be done with all evidence. An electronic notification system has been set up with the District Attorney to track all orders.

14. In all cases when disposing of evidence, proper documentation of the method of disposition, witnesses, and receipts signed by persons taking evidence, should be required and all such documentation should become part of the relevant case file.

***Management's Response:*** We agree with the auditor's recommendation. The SPD is addressing the disposition procedure by initiating a department policy. All evidence disposals are only done by disposal orders issued by the District Attorney's Office. All orders are maintained electronically.

15. In cases where evidence is destroyed, the related laboratory certification should be retained in a central repository, scanned and saved electronically under the name of the defendant and/or SPD case number.

***Management's Response:*** *We agree with the auditor's recommendation. All laboratory certifications are being retained and secured in a file cabinet in the evidence room. The SPD will work with our IT department to set up a mechanism to scan these certifications into an electronic folder.*

16. The property officer and supervisor should be responsible for the maintenance of the evidence room files and should also enter and delete all evidence from the department computer property file. A monthly printout should be available for the property officer, giving an account of all evidence currently maintained by the department.

***Management's Response:*** *We agree with the auditor's recommendation. The SPD is in the process of researching a software program for all property and evidence control.*

17. Balances used for weighing of evidence should be checked monthly by SPD personnel and at least once per year by an outside metrologist. These periodic quality assurance reviews should be documented.

***Management's Response:*** *We agree with the auditor's recommendation. The evidence room supervisor will check the digital scale on a monthly basis for accuracy and the SPD will contract with a metrologist to conduct an annual review. All reviews will be documented in the property and evidence software program.*

18. Once the SPD receives a court order to destroy narcotics evidence, the party performing the destruction should issue a receipt to the SPD to confirm that the narcotics evidence was indeed transferred to that party. The receipt should, at a minimum, be dated as of the day of the transfer and contain the quantities and types of narcotics being destroyed. The SPD should maintain files containing these receipts coupled with their related destruction orders indefinitely. Consideration should be given as to having SPD personnel present at the destruction.

***Management's Response:*** *We agree with the auditor's recommendation. The SPD will comply with MGL 94C Section 47e and all destruction of narcotics will be done at the state laboratory. All documents will be stored and scanned into the property and evidence software program. All files will be maintained in the evidence room in a locked file cabinet.*

19. When marijuana is seized and charged as a city ordinance violation, that evidence should be inventoried in the envelopes or boxes containing any other narcotics seized during that related arrest. SPD should weigh and store this marijuana in paper bags. Storage in paper bags, under dry conditions, generally allows for more time before decomposition begins. Since this marijuana is not sent out to the laboratory for testing (where heat sealing takes place for all other narcotics), SPD themselves would be responsible for taking the weights and sealing the bags. The bags should be initialed and dated across the seal by the responsible officer and the weight should be documented into the evidence log.

***Management's Response:*** *We agree with the auditor's recommendation. All marijuana seized as an ordinance violation will be treated like all other narcotics. The SPD will consult with the District Attorney's Office to determine best practices for the storage and disposal of marijuana seized for non-criminal ordinance violations.*

20. When narcotics are used during an investigative buy procedure, they should be entered into the evidence log with all the other narcotics evidence seized during that related arrest. SPD should weigh and/or count these narcotics and store them in heat sealed bags under cool, dry conditions. Since these narcotics are not out to the laboratory for testing (where heat sealing takes place for all other narcotics), SPD would be responsible for taking the weights and/or counts and heat sealing the bags. The bags should be initialed and dated across the seal by the responsible officer and the weights and/or counts should be documented into the evidence log.

***Management's Response:*** *We agree with the auditor's recommendation. All narcotics seized during an investigative buy will be documented and stored as all other narcotic evidence is.*