



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
February 11, 2009

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General's Office found that the New York State Department of Environmental Conservation (DEC) failed to properly secure a maintenance garage and parking lot from which a DEC vehicle was stolen. While DEC has taken steps to improve security of the garage and lot, the Inspector General recommends that DEC conduct an overall security review of the site.

ALLEGATIONS

The Inspector General initiated an investigation into security at the DEC garage and parking lot following news reports of the theft of a DEC vehicle from the garage on December 22, 2007. Police discovered the abandoned and damaged vehicle on port property the day after the alleged theft. Police later searched the vehicle and the area while investigating the disappearance of Joshua Szostak, whose cell phone reportedly was found nearby. Szostak's body was found in the Hudson River on April 22, 2008, and police ruled that he died from accidental drowning. The Inspector General's investigation focused solely on security at the DEC garage and parking lot.

SUMMARY OF INVESTIGATION

DEC operates a vehicle maintenance garage at the Port of Albany. The garage and a parking lot in which the garage is situated are leased by DEC from the port. A fence surrounds the parking lot and garage, with vehicle and pedestrian access and egress provided by two rolling gates. An electrically powered rolling front gate is secured with an automatic lock that operates with an electronic swipe card system. A back gate is manually operated and secured by a padlock. DEC officials advised the Inspector General that the front gate frequently malfunctioned, and that it was left open at such times. The gate was inoperable at the time of the vehicle theft, officials stated.

One door of the garage is controlled by an electronic swipe card system. DEC employees are issued cards that operate both the front gate and this garage door. Other doors to the garage are secured by a keyed lock for which employees are issued keys. The garage is also equipped with a burglar alarm system which, according to DEC officials, has not been used for several years because it malfunctioned and reported false alarms. Prior to the vehicle theft, no particular DEC employee was responsible for

ensuring the garage was locked at the end of the day and there existed no written protocol to ensure the garage was actually locked. In practice, the last employee to leave the building was expected to secure it.

A newly purchased DEC-owned 2008 Dodge Durango, which was being equipped for police duty, was parked with the keys in the ignition in the garage on December 22, 2007. DEC officials stated that leaving keys in the ignition is part of established safety procedures for parking a vehicle inside a maintenance garage.

On the morning of the following day, December 23, 2007, Bethlehem Police found the vehicle at the southern end of the port property, 1.6 miles from the garage. The vehicle was damaged and its keys were missing. Albany Police reported that on the same morning they discovered the DEC garage fence front gate open and the back gate damaged and open. Albany Police also found one of the keyed doors to the garage unlocked and an overhead bay door open. Albany Police determined that the front of the Durango was damaged when it crashed through the locked back gate leaving the DEC parking lot.

In the course of the investigation, DEC advised the Inspector General that it has improved security of the parking lot and garage since the vehicle theft. The front gate mechanism was repaired and on December 28, 2007, DEC issued an internal notice prescribing daily garage closing procedures, including steps to be taken in the event the gate fails to close and lock.

FINDINGS AND REDOMMENDATIONS

The Inspector General found that DEC failed to adequately secure its parking lot and garage at the Port of Albany. Since the theft, DEC has taken steps to improve security at the site. The Inspector General recommended that DEC conduct an overall security review of the parking lot and garage and implement additional measures as necessary.

In response, DEC advised the Inspector General that necessary repairs were made to all security controls and that formal, written procedures, not previously in place, were implemented to ensure that all controls are functional and activated whenever the facility is being closed.