



## NEWS RELEASE

### From New York State Inspector General Letizia Tagliafierro

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Contact: [Lee Park](mailto:Lee.Park@og.ny.gov) - 518.474.1010

## STATE PRISON INVESTIGATOR PLEADS GUILTY TO FALSIFYING EVIDENCE RECORDS THAT LED TO DOZENS OF ABANDONED CASES

*OSI Senior Investigator Todd Johnson improperly stored evidence at home and falsified chain of custody documents to cover up wrongdoing*

*Inspector General's investigation uncovered lack of sufficient controls at DOCCS*

New York State Inspector General Letizia Tagliafierro today announced the guilty plea of Todd C. Johnson, a former prison system senior investigator who improperly kept evidence at his home and then falsified evidence handling records to cover it up, causing multiple criminal cases and investigations at prisons throughout the North Country to be thrown out or abandoned.

Johnson, 55, of South Glens Falls, pled guilty today in Albany City Criminal Court to Offering a False Instrument for Filing in the Second Degree before Hon. Gary F. Stiglmeier. He was sentenced to a one-year conditional discharge.

“Cutting corners and improperly storing evidence can lead to distrust of the correctional system,” said Inspector General Tagliafierro. “Thankfully, DOCCS has put in place measures to prevent such abuses from reoccurring.”

Criminal matters occurring within State prisons are generally investigated by the Department of Corrections and Community Supervision’s (DOCCS) Office of Special Investigations (OSI), with evidence from such cases collected, sealed in evidence bags, and then held for laboratory testing and court proceedings. Sealed evidence bags collected by OSI are routinely first stored in safes at OSI regional offices. Johnson was responsible for transporting case evidence from the OSI regional office in Clinton County to headquarters in Albany for storage awaiting court action. Custody of evidence bags are required to be closely tracked and logged until they are ultimately disposed of after court proceedings.

In January 2019, Johnson submitted a fraudulent timesheet for overtime and falsely reported on his daily activity log that he received evidence (Suboxone) from a subordinate on the morning of Monday, January 28, 2019, before the start of his normal shift. He then falsely claimed that he directly transported that evidence to Washington Correctional Facility.

However, the investigation revealed that Johnson picked up the evidence from OSI's Clinton field office several days earlier and stored the evidence at his Saratoga County home over the course of a weekend. Johnson then transferred the evidence to another subordinate on the morning of January 28 at Washington Correctional Facility and then directed that subordinate to falsify the evidence tracking records.

The first subordinate, upon learning of Johnson's actions, suspected misconduct and immediately reported it to DOCCS.

The investigation determined that Johnson, on two trips in 2018, claimed he transferred a total of 98 evidence bags – containing witness statements, marijuana, synthetic cannabinoids, Suboxone strips, drug paraphernalia, and small weapons – directly from OSI's Clinton field office to Albany. However, evidence suggests that Johnson kept the bags in his possession overnight and falsified the chain of custody to cover it up.

In total, 53 criminal narcotics investigations of inmates and correctional facility visitors were implicated by Johnson's actions – many of which were never initiated due to the mishandling of evidence.

There were no indications that evidence bags were tampered with while in transport. Following the discovery of Johnson's wrongdoing, OSI performed an audit of all evidence held in regional offices statewide and found no indication of additional breaks in the written chains of custody.

The Inspector General's investigation was detailed in a [report](#) that showed DOCCS and OSI lacked sufficient controls that could have prevented or detected Johnson's improper actions.

The Inspector General recommended DOCCS revise and implement new policies and procedures for evidence handling to comport with the New York State Division of Criminal Justice Service's evidence handling guidelines. Additional recommended reforms included:

- Providing additional evidence handling training for OSI investigators
- Ensuring proper enforcement of DOCCS' policy of contemporaneous recording of evidence transactions in logs at field offices as well as on evidence bags
- Purchasing and implementing a digital evidence scanning and tracking system statewide.

DOCCS agreed to implement all of the Inspector General's recommendations.

Inspector General Tagliaferro thanked DOCCS for its cooperation with the investigation, the New York State Police for its assistance with the arrest, and Albany County District Attorney P. David Soares and his office for prosecuting this matter.

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