

State of New York
Offices of the Inspector General



Investigation of the
Niagara Frontier Transportation Authority
Transit Police

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EXECUTIVE SUMMARY

In October 2019, the Niagara Frontier Transportation Authority (NFTA) reported to the Offices of the New York State Inspector General that money seized by NFTA Transit Police during an arrest of a defendant was missing. NFTA advised the Inspector General that it had conducted an internal investigation, but was unable to locate the missing funds or identify any wrongdoing by members of its Transit Police.

While investigating this complaint, the Inspector General learned of another instance in which NFTA Transit Police lost money seized during the arrest of a different defendant. During the subsequent federal prosecution of this defendant, Transit Police misidentified money from an unrelated case and mistakenly turned that money over to federal authorities. When NFTA was later directed by the local prosecutor in the unrelated case to return that money, the mistake was discovered. The money in the case handled by federal prosecutors remains missing and could not be located as of the date of this report.

The Inspector General's investigation of these instances of missing money found a lack of internal controls within the Transit Police, including a lack of written policies on the processing and handling of seized and recovered money, which resulted in the loss of over \$3,000 seized by NFTA Transit Police. Due to these deficiencies, the Inspector General was unable to determine the whereabouts of the missing money.

Although NFTA took some steps to remediate deficiencies found in its internal investigation of missing money, additional corrective actions should be implemented to further secure all evidence including seized and recovered money. Foremost, the Inspector General recommends that NFTA Transit Police evidence handling policies meet or exceed property handling standards set forth in the New York State Division of Criminal Justice Services (DCJS) Law Enforcement Accreditation Program's Standards and Compliance Verification Manual.¹ These standards address the drafting of written policies and procedures for evidence collection, chain-of-custody, documentation and classification, labeling and packaging, storing, transferring, and the final disposition of evidence in custody. The standards also require that agencies

¹ New York State Law Enforcement Agency Accreditation Council, Law Enforcement Accreditation Program, Standards and Compliance Verification Manual, Section 7, 8th Edition, September 2015, Revision 8.6, June 3, 2021.

conduct sample audits and inventories of items in evidence and train personnel on evidence handling procedures, among other topics.

Additionally, the Inspector General recommends several specific reforms to NFTA Transit Police's evidence handling policies and procedures addressing evidence barcode labeling systems, counting and describing of seized and recovered money, maintenance of an electronic evidence database for the Transit Police's currency safe, and training staff in newly implemented policies and procedures. Implementation of these measures will bring the NFTA Transit Police into compliance with state and national standards in policing.

BACKGROUND

NFTA, a New York State public benefit corporation,² is responsible for public transportation in Erie, Niagara, and Genesee Counties.³ NFTA employs approximately 1,500 employees to run bus and rail systems and two airports, the Buffalo Niagara and Niagara Falls International Airports. NFTA's Transit Police, a department of more than 100 police officers, includes Aviation, Metro, and Investigative Services Divisions. Its police officers are empowered to conduct arrests during which they may seize or recover evidence, including money. The NFTA Transit Police has been headed by Chief George Gast since 2010.

The New York State Law Enforcement Agency Accreditation Program, a voluntary program administered by the New York State Division of Criminal Justice Services (DCJS), provides law enforcement agencies with a means to evaluate and improve the overall effectiveness of their agency and the performance of their staff. Accreditation is formal recognition that an agency's policies and practices meet or exceed the standards established by the program in the areas of administration, training, and operations. The program is made up of 110 standards, as outlined in its Standards and Compliance Verification Manual.

COMPLAINT

On October 10, 2019, NFTA reported to the Inspector General that it was unable to locate money seized by its Transit Police from a suspect, Albert Ward, during his arrest. When Ward sought the return of his money upon the resolution of his criminal case, NFTA was unable to locate the funds. NFTA advised that an internal investigation of the matter neither located the

² New York Public Authorities Law, Article 5, Title 11-A.

³ See, <https://www.nfta.com/departments/transit-police>.

missing money, nor identified any wrongdoing. Because Ward's money could not be found, NFTA paid him \$2,036 from the agency's general funds.

The Inspector General investigated this complaint by reviewing relevant NFTA Transit Police policies, procedures, and internal reports; viewing surveillance video of the area in which evidence is processed incident to arrest, including seized or recovered money; and receiving sworn testimony from witnesses, including Transit Police personnel involved in arrests, processing and safeguarding of money, and a subsequent search for missing money.

NFTA'S TRANSIT POLICE LACKED FORMAL POLICIES FOR HANDLING MONEY SEIZED AND RECOVERED DURING ARRESTS

The Inspector General's investigation found that NFTA Transit Police lacked specific written policies on the handling and safeguarding of seized and recovered money.⁴ Although the Transit Police had a written general evidence policy and procedures, they did not address seized and recovered money. Instead, money seized and recovered by the Transit Police was processed at the NFTA Transit Police Metro Headquarters in Buffalo following a common practice.⁵ At the time of Ward's arrest, that practice included:

- The arresting officer counted seized and recovered money in the booking room, which is monitored by a closed-circuit video system that records the event
- Money was then secured in a standard evidence bag and an evidence log form was attached to the bag⁶
- At each arresting officer's discretion, a property identification sticker with an identifying barcode would be attached to the bag
- The arresting officer then recorded facts about the seized or recovered evidence in Erie County Central Police Services' case management database, the Criminal History Arrest Records Management System (CHARMS)
- The evidence bag was then transferred to the arresting officer's direct supervisor, who was responsible for turning it over to Captain Michael Garrity, then the officer in charge of evidence⁷
- Garrity, at some later time, was then responsible for transferring the evidence bag to Gast, the NFTA chief of police who, sometime later, placed it in the "currency safe," typically notifying Garrity of the transaction⁸

⁴ Subsequent to these events, NFTA enacted new relevant policies.

⁵ Evidence procedures involving NFTA Transit Police's Airport Division are addressed later in this report.

⁶ NFTA Form TP-10.

⁷ During this investigation, on October 23, 2020, Garrity retired from State service.

⁸ NFTA's currency safe is used to hold U.S. and foreign currency and any other items deemed to be of high value, such as jewelry. NFTA policy did not define "high value."

- Garrity was then responsible for updating the CHARMS case file, noting that the evidence bag had been placed in the safe

This informal practice had many shortcomings. For example, the denominations and quantities of seized money (bills or coins) was often not listed on the evidence bag, the accompanying paperwork, or within the CHARMS database. Additionally, when Garrity was not present at Metro Headquarters to receive an evidence bag, supervisors merely placed the bag on his office desk, sometimes texting him about their drop off. And Garrity's office, while secured by a lock, could be accessed using a key held by the chief of police, the chief's executive assistant, and all captains and lieutenants; a group totaling approximately twenty people.

This evidence handling practice, which was not memorialized or communicated to NFTA Transit Police officers in any training manual, directive, or other written procedure, was also poorly enforced. Many police officers testified to the Inspector General that arresting officers were able to take shortcuts with little fear of repercussion. This included the failure to properly identify seized or recovered money.

NFTA'S TRANSIT POLICE FAILED TO PROPERLY SAFEGUARD SEIZED AND RECOVERED MONEY

The Ward Arrest

The Inspector General's investigation found that on May 25, 2018, two NFTA Transit Police officers observed Albert Ward, a person known to them, driving a car. After confirming that Ward's driver license was suspended/revoked for failure to submit to a chemical test and observing an obstructed front windshield, the officers conducted a traffic stop. During the stop, the officers recovered controlled substances and a wallet containing \$2,036. The officers arrested Ward, charged him with drug possession and driving without a license, and seized the money as a part of his arrest.

In October 2018, Ward's case was resolved when he pled guilty to misdemeanor drug possession, was sentenced to a conditional discharge, and ordered to pay a \$500 fine. In light of this resolution, the prosecuting district attorney's office authorized the release of the money seized from Ward. However, when Ward went to NFTA Metro Headquarters to recover his money, NFTA Transit Police were unable to locate the funds.

Despite an internal investigation into the missing money by NFTA's Systems Integrity Committee, Ward's money was not found. The Committee reported that no wrongdoing could

be identified.⁹ In November 2018, NFTA reimbursed Ward \$2,036 from its general fund. In October 2019, NFTA reported the matter to the Inspector General.¹⁰

The Inspector General received testimony from all NFTA personnel involved in handling Ward's money including the two arresting officers, a lieutenant who received Ward's money from the arresting officers in the booking room and placed it on Garrity's desk, a detective who briefly participated in the search for the missing money, Garrity, and Gast.

The two arresting officers testified that they processed Ward's arrest on May 25, 2018, at the NFTA Metro Headquarters consistent with the practices set forth above. According to one arresting officer, after counting and bagging Ward's money in the booking room, he provided it to his supervisor, a lieutenant. A review of the booking room surveillance video confirms the arresting officer's account.

The lieutenant testified that after receiving the evidence bag containing Ward's money from one of the arresting officers, he immediately opened Garrity's locked office, placed the bag on Garrity's desk, and locked the office door behind him when he left. The lieutenant further testified that he received no subsequent notice from Garrity or others that the money could not be located.

Garrity testified that he did not recall ever seeing the evidence bag containing Ward's money on his desk. Gast testified that he did not recall receiving Ward's money from Garrity.

In light of this testimony, and despite reviewing the associated video surveillance and records, the Inspector General's investigation was unable to determine what became of Ward's money after it was transferred from the arresting officers to the lieutenant. Of note, neither Garrity's nor Gast's office is monitored by surveillance cameras and no records maintained by the Transit Police document the chain of custody of the evidence bag.

NFTA Transit Police's lack of policies and procedures at the time regarding the processing, documentation, transfer, and storage of money seized and recovered during police investigations and arrests prevented investigators from determining the whereabouts of the

⁹ The Inspector General did not review this internal report as it contained information derived from compelled testimony. See, *Garrity v. New Jersey*, 385 U.S. 493 (1967).

¹⁰ Although New York State Executive Law Article 4-A, which establishes the Office of the Inspector General, requires covered agencies to promptly report to the Inspector General any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse, NFTA instead conducted an internal investigation into the missing money and, almost a year after its occurrence, reported the matter to the Inspector General.

missing money. Moreover, the Inspector General found that leaving evidence bags of money on the desk of a supervisor in an office that approximately 20 people had the key to was imprudent. Overall, NFTA Transit Police's evidentiary practices failed to provide adequate internal controls to ensure that money was safeguarded, and a proper chain of custody maintained.

NFTA TRANSIT POLICE MISIDENTIFIED EVIDENTIARY MONEY IN A FEDERAL PROSECUTION

During the Inspector General's investigation of Ward's missing money, the Inspector General learned about another instance of missing money and discovered the entanglement of money seized in two separate Transit Police investigations.

The Arrests of Shine and Lewis and Missing Seized Money

The Inspector General's investigation found that on October 31, 2016, two NFTA Transit Police officers observed an SUV traveling in the City of Buffalo with an obstructed rear-view mirror. Upon conducting a traffic stop, the officers found Jesse Lewis driving the SUV with Valentino Shine Sr., as his passenger. The officers smelled marijuana in the SUV, and a check of law enforcement databases showed that Lewis was not a licensed driver. During a search of Shine, officers found marijuana and baggies of crack cocaine. Subsequently, a search of the SUV revealed more baggies of crack cocaine, narcotics packaging, and a razor blade.

The officers arrested Shine and Lewis and transported them to NFTA's Metro Division for booking and processing. During this process, the officers found and seized \$1,105 from Shine and \$1,345 from Lewis. The officers counted the money in the booking room while the event was recorded on closed-circuit video. A review of this surveillance audio revealed that both arrestees confirmed the total amounts of money seized from each.

Garrity testified that although he had no recollection of the 2016 transaction, he was working the day of Shine's and Lewis's arrests and would have been responsible for taking the seized money from the arresting officers and holding it until Gast was present at Metro Headquarters.¹¹ In his supplemental report dated November 1, 2016, Garrity noted that "Money was secured in safe by Chief Gast." Garrity did not recall if the money secured by Gast was from one or both arrestees.

¹¹ Internal surveillance video from the day of Shine's and Lewis's arrests confirm Garrity worked that day and interacted with Shine and Lewis.

Unbeknownst to the NFTA officers at the time of Shine's and Lewis's arrests, multiple federal agencies were investigating Shine. According to court records, Shine was suspected of running a sex trafficking operation in Buffalo, exploiting women who were vulnerable and addicted to drugs by coercing them to engage in commercial sex acts. Three women who worked for Shine died of drug overdoses resulting from their addictions.

When federal prosecutors became aware of Shine's arrest by the NFTA Transit Police, they decided to join NFTA's case against Shine with other cases they were prosecuting against Shine in federal court. In furtherance of this, federal agents working with the prosecutor on this matter contacted NFTA Transit Police in October 2018 to recover all evidence seized from Shine and Lewis during their arrests. A meeting was scheduled with federal authorities to transfer the evidence at NFTA Transit Police's Metro Headquarters.

Later in October, federal agents met with the detective who managed NFTA's evidence room at the time. The detective testified to the Inspector General that after transferring all other evidence in the Shine and Lewis case to the federal agents, Gast advised the detective that although he had located the money seized from Lewis in the currency safe, he could not find the money seized from Shine. The federal agents were advised of the missing money by NFTA and that a further search would be conducted.

After the federal agents left NFTA's Metro Headquarters, the detective and Gast reviewed items contained within the currency safe. According to the detective, the currency safe contained loose money and evidence bags that were both marked and unmarked. Gast retrieved one such unmarked evidence bag and asked the detective if it contained the money seized from Shine. The detective replied that the bag, which was not labeled with a name or property identification sticker, did not contain Shine's money—the total amount written on the bag did not match that seized from Shine; there were coins in the bag although none had been seized from Shine; and when counted, the total was \$81.25 more than had been seized from Shine.

Nonetheless, a few days later, Gast gave the detective this evidence bag—which now had a property identification sticker with a barcode affixed to it—and instructed him to contact the federal agents to retrieve Shine's money. The detective testified that although the property identification sticker listed the detective as having entered the money into evidence, he had not printed the sticker, placed it on the bag, or made an entry in evidence records reflecting the same.

According to the detective, Gast then suggested that the detective explain to the federal agents that the extra \$81.25 in the evidence bag was due to Shine's "pocket change."

Later that day, the federal agents retrieved the money from the detective. The detective testified that he informed the federal agents that the total was "not right," and it was possible the overage was due to pocket change.¹² The federal agents noted on an exchange of custody form that they had received \$1,105 in "money from jacket" and \$81.25 "pocket money." Ultimately, at trial, this evidentiary issue became moot when, for unrelated reasons, the prosecution was precluded from presenting as evidence anything seized from Shine during the traffic stop.¹³

Gast testified to the Inspector General under oath that he had little recollection of any part of the matter. He did not recall any irregularities with the money seized from Shine, searching in the currency safe or elsewhere for missing money, conversations with the detective about the money, or even how the money was packaged or where the money was located prior to the transfer to the federal agents. Gast also denied being aware of the discrepancy at the time of the transfer and denied that he instructed the detective to describe the discrepancy as pocket change. As to the source of the property identification sticker misidentifying the evidence bag, Gast again testified that he did not recall.

The Arrest of Wiggins and Missing Seized Money

On March 12, 2018, nearly eight months before NFTA transferred the money purportedly seized from Shine to federal agents, NFTA Transit Police officers from its Airport Division arrested Dwayne D. Wiggins. Following a traffic stop for a stolen vehicle, three Transit Police officers discovered Wiggins had a loaded handgun in the car for which he did not have a valid permit. Wiggins was arrested and when searched, the officers found and seized \$1,186.

¹² According to the federal agents, they had no recollection of the detective mentioning that the total was "not right."

¹³ Shine's counsel challenged the legal basis for the traffic stop arguing that the evidence recovered during Shine's arrest was obtained in violation of Fourth Amendment protections against unlawful searches and seizures. Following a suppression hearing, all evidence, including the money seized from Shine, was precluded from being presented as evidence during Shine's trial. Shine was later convicted of multiple charges in federal court including sex trafficking, sex-trafficking conspiracy, narcotics conspiracy, using and maintaining a drug-involved premises, and possession with intent to distribute crack cocaine. He was sentenced to thirty years imprisonment. The money seized from Shine, including the overage, was taken as forfeiture and became part of a fund for the victims of Shine's crimes.

Wiggins was then processed at NFTA's Airport Headquarters, and the officers placed the seized money in an evidence bag.¹⁴

At the time of the arrest, per Transit Police informal practice, money seized during arrests by officers in the Airport Division was to be placed in a drop safe located at the airport.¹⁵ One of the arresting officers testified that he believes he placed an evidence bag containing the money seized from Wiggins in the drop safe. A review of the arresting officer's file on Wiggins revealed a property identification sticker that, per practice, could have been affixed to the outside of the evidence bag containing the money seized from Wiggins. The arresting officer surmised that given the fact that the property evidence sticker remained in his case file, he may have neglected to label the evidence bag.

Also per practice, Gast was responsible for the periodic retrieval of all money from this drop safe and its transport to the Metro Division Headquarters and placement in the currency safe. According to Transit Police detectives, Gast was the only individual who could have retrieved the money seized from Wiggins and transported it to the currency safe at Metro Division Headquarters. Gast, who acknowledged that this retrieval of money was his sole responsibility, had no specific recollection of doing so in the Wiggins matter.

On September 8, 2020, the prosecuting district attorney's office informed NFTA that Wiggins' case had concluded and his request for the return of his seized funds had been approved. According to Gast, when he searched the currency safe for the money seized from Wiggins, it was also missing.

Soon thereafter, a Transit Police detective surmised that as the amount of missing money seized from Wiggins—\$1,186—was very close to that provided by Gast to the federal agents in the Shine prosecution—\$1,186.25, NFTA may have improperly transferred the money seized from Wiggins to the federal agents. In response, and without notifying NFTA's executive director, Gast wrote the federal agents advising them that the "currency seized from Wiggins was

¹⁴ Wiggins, who was charged with weapon and stolen property possession, pled guilty on March 4, 2019, to one count of Criminal Possession of a Weapon in the 2nd degree and was sentenced to a prison term of seven years with five years' post-release supervision. Wiggins is currently incarcerated at Wende Correctional Facility in Alden, New York.

¹⁵ Drop safes have a slot or drawer that allows for deposits to be made without opening the safe.

inadvertently comingled with Shine’s property/evidence” and seeking the full return of the money.¹⁶

The investigation found that Gast did not follow any common practice or procedure for identifying and securing money in the currency safe, beyond locking the safe door. He acknowledged that he would place unlabeled evidence bags containing money into the currency safe with the intention of later determining the case with which they were associated. When asked by the Inspector General how this determination would be made, Gast replied, “We weren’t really, at that time, returning money. We had a lot of money in the safe, a mixture of cases and evidence and found property The safe was a mess.”

NFTA Negligently Misrepresented the Wiggins Currency as Being the Currency Seized from Shine

The Inspector General’s investigation found that the currency NFTA provided to federal prosecutors—which was represented as money seized by Transit Police officers during the arrest of Shine—was, in fact, money seized from Wiggins by Airport Division police officers during his arrest. The investigation further found this misrepresentation should have been obvious. This negligent handling of evidence in a criminal case highlights NFTA’s lack of policy and substandard procedures for evidence collection, chain-of-custody, documentation and classification, labeling and packaging, storing, transferring, and the final disposition of evidence in custody.

Indeed, from a review of all reports generated during the arrest of Shine and Lewis, there is no mention of the seizure of any money from Shine other than the \$1,105 in bills taken from his person. Property records, which were consistent with the reports, also showed a total of \$1,105 seized from Shine and held in evidence. There was no reference in any records of “pocket change,” as was suggested by Gast as an explanation for the \$81.25 discrepancy in amounts. In addition, booking room surveillance video taken following the arrest of Shine shows the arresting officer counting Shine’s money, which was primarily \$100 bills and included no coins. However, the money turned over to federal prosecutors contained mostly small bills in addition to coins. Lastly, the video shows the arresting officer marking the evidence bag with case details including the total amount of money seized. In contrast, the money provided to

¹⁶ NFTA’s executive director did not become aware of the issue with the transfer of money to federal authorities until after Inspector General investigators met with Garrity on October 19, 2020. Upon learning of this, NFTA appropriately reported it to the Inspector General.

federal prosecutors was in an unmarked bag, but for the abovementioned property identification sticker, which was added at some point between October 29 and 31, 2018.

Based on these comparisons, the Inspector General found that the money turned over to federal prosecutors was not the money seized from Shine. This finding was evident even before considering the money seized from Wiggins. Although Gast had access to the same reports and surveillance video viewed by the Inspector General, he never reviewed them prior to the Inspector General's investigation and ignored obvious discrepancies.

This poor decision making might not have occurred if NFTA required the timely and thorough labeling of all evidence bags. With the arrest of Wiggins, the arresting officers neglected to label the evidence bag containing money seized from him. Moreover, their supervisors failed to ensure the evidence bag was labeled prior to it being placed in the drop safe. Gast, upon retrieving the unmarked bag from the drop safe, neglected to immediately correct the problem by ensuring the evidence bag was completely and accurately labeled. Instead, Gast merely transferred the unlabeled evidence bag from the Airport Division drop safe to the currency safe at the Metro Division Headquarters.

NFTA'S REMEDIAL MEASURES

On January 23, 2019, in light of the findings of NFTA's internal investigation, NFTA revised its "Found and Recovered Property/Evidence" policy to include a new section entitled "Cash and Currency." This new section outlines the handling of seized and recovered money and addresses several deficiencies found in this investigation.¹⁷

In pertinent part, the new policy requires evidence bags containing seized and recovered money to be secured in a drop safe at either the Metro Division Headquarters or the Airport Division Headquarters during hours when the chief of police is not present. The policy also requires both the case officer and their supervising officer to be present and observe when an evidence bag is placed in a drop safe. Further, the chief of police, the only individual granted access to drop safes, is required to both timely retrieve and transfer evidence bags to the currency safe in the presence of a command staff member. This policy eliminates the issue of leaving money unsecured in Garrity's office.

¹⁷ NFTA further revised its policies on December 1, 2019.

The new policy also requires NFTA Transit Police to use a money-specific evidence bag on which the arresting officer must write information about the case including the complaint number, date and time of arrest, subject's name and date of birth, and a detailed listing of the money placed inside the bag.

Additionally, in January 2020, NFTA's director of internal audit conducted a review of the contents of the currency safe and reorganized it.¹⁸ All items were removed from the safe and, without unsealing evidence bags, the bags were assessed in an effort to determine if their contents were accurately reflected on the packaging. This review revealed \$2,605 in loose money that could not be associated with any owner or criminal case. Money and other items that needed to be returned to owners was documented. According to witness testimony, prior to the incidents investigated in this case, the currency safe had never been inventoried or audited in any meaningful way in more than a decade.

NFTA also implemented a process to return lost, seized, or recovered property, including money, where appropriate, and a procedure for people to claim their funds or lost items. Money that could not be associated with any cases or owners was eventually forfeited into NFTA's general fund.

Gast, pursuant to the 2019 policy revision, also began to keep a log of all items placed in or removed from the currency safe. The log, a written journal maintained within the safe, identifies the case the item is associated with and a bin number where it can be found. Of note, no electronic evidence log is maintained. As Gast is the only person with access to the safe, only he can review the contents of the currency safe as listed in this log.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that at the time of Shine and Wiggins arrests, NFTA lacked specific written policies and procedures for processing and handling seized and recovered money. In addition, the informal practices used by NFTA in lieu of such policies and procedures failed to provide meaningful internal controls to ensure the safety and integrity of seized and recovered money. This dearth of policy and procedure led to the loss of at least \$3,141 in money seized from Ward and Shine, which remains missing without explanation.

¹⁸ The scope of this review did not include a full audit of all cases where currency was seized or recovered.

Specifically, the investigation found that NFTA Transit Police failed to establish policy and procedures for appropriately tracking the chain of custody of seized and recovered evidence including money. And although NFTA's evidence bags and associated paperwork allowed for a chain of custody to be documented, the investigation found it was often omitted. Transit Police officers were also not required to thoroughly document all relevant information on evidence bags and could choose between paper or electronic forms to document seized or recovered money, and/or use a barcode labeling system. These inconsistent practices, which were often overlooked or unevenly applied, further compounded the irregularities identified with the mishandling of seized and recovered money.

The investigation also found that the practice of leaving seized and recovered money in an unoccupied office that could be accessed by approximately twenty individuals was imprudent. Furthermore, the practices of the Transit Police involved numerous steps during which a single employee was responsible for large amounts of money and was not observed by other witnesses or monitored by surveillance cameras. The disorganized state of the currency safe also contributed to the Transit Police's mishandling of funds. According to witnesses, the safe contained a disordered jumble of evidence bags, many of which were unlabeled, along with mixed U.S. and foreign currency, jewelry, and wallets.¹⁹ These practices created a significant risk of theft, potentially tainted an evidentiary chain of custody, and all but precluded a determination as to the fate of missing money.

Policies and procedures regularly followed by similarly sized police departments to handle seized and recovered money were not implemented by NFTA Transit Police. These include having written policies detailing procedures for evidence collecting, labeling, documenting chain-of-custody, storing, and maintaining records, as well as providing training to personnel on the same.

As discussed above, NFTA has taken some remedial steps to remedy deficiencies found in the Ward and Shine matters. The Inspector General found that while these corrective actions addressed some of the problems uncovered in this investigation, additional safeguards are necessary to ensure such mishandling of evidence never occurs again.

¹⁹ Gast acknowledged this condition, testifying that the currency safe was an "absolute mess" when he assumed responsibility for it in 2010. He noted that he took responsibility for its condition and although he "started to correct it years ago and it just didn't happen."

The Inspector General therefore recommends to NFTA that its evidence handling procedures meet or exceed property handling standards set forth in the DCJS Law Enforcement Accreditation Program's Standards and Compliance Verification Manual.²⁰ These standards address the drafting of written policies and procedures for evidence collection, chain-of-custody, documentation and classification, labeling and packaging, storing, transferring, and the final disposition of evidence in custody. The standards also require that agencies conduct sample audits and inventories of items in evidence and train personnel on evidence handling procedures, among other topics. The standards should serve as a guide for NFTA in promulgating a comprehensive evidence handling policy.

Most importantly, these standards require that a chain-of-custody record be maintained for evidence from the time of receipt to final disposition. This record should include the dates, names, and signatures of persons taking possession of an item, a detailed description, and a unique identifier of the evidence. Transit Police officers failed to document such transfers, with, for example, money in the Ward case passing from arrestee to arresting officer to supervising lieutenant and presumably to the office of the captain in charge of evidence without anyone logging the transfers in either the digital case file or on the evidence bag itself. Transit Police officers also failed to sufficiently describe evidence. For example, in the Shine matter, a supplemental report noted only that "money had been placed in the safe," and lacked any specificity as to the amount, denominations, and whether the money was Shine's and/or his codefendant's.

The standards also require that a "right of refusal" be included in evidence policies. This would allow the recipient of evidence to reject it and demand that issues, including inadequate documentation and improper packaging, be addressed before accepting the evidence. No such policy was in place at NFTA to prevent the transfer of the money seized from Wiggins, which was improperly packaged and labeled.

Following the Ward incident, NFTA's policies were revised to require annual audits of the currency safe to ensure it contains all seized and recovered money and other items. In January 2020, NFTA's director of internal audit conducted a review of the contents of the currency safe by noting the items in the safe and the amounts written on evidence bags. The

²⁰ Section 7, 8th Edition, September 2015, Revision 8.6, June 3, 2021.

Inspector General recommends that NFTA undertake a full accounting of all cases in which money was seized or recovered to determine if other money is missing.

NFTA advised that the policies of its Police Department are currently being reviewed and revised by a third-party consultant with the eventual goal of achieving accreditation through the DCJS accreditation program.

In addition to adopting the DCJS evidence standards, the Inspector General also recommends the following:

- NFTA should utilize its barcode labeling system for all evidence logging as is required by its general evidence policy. Instead, the investigation found NFTA's police officers use a variety of methods for logging seized and recovered money. NFTA purchased numerous printers and scanners to print individualized barcodes for each item of evidence but according to witnesses, the barcode labeling system is underutilized. Merely scanning the barcode each time an item is entered into or removed from evidence storage automatically creates an electronic record for that item, which can be maintained in the CHARMS system with the case's digital file.
- The denominations of all bills and coins seized and recovered should be recorded in the property report as well as on the evidence bag.
- A description of all items placed into the currency safe should be logged in an electronic evidence database. This electronic log would provide the evidence custodian and internal auditor unrestricted access to an accounting of the safe's contents. Currently, a written log is maintained within the currency safe, to which only Gast has access.
- NFTA should implement and train its police officers on all new promulgated policies and procedures, which should be strictly adhered to and enforced going forward.