




MEMORANDUM

To: Robert J Godfrey, Chief of Police
From: Thomas Elkins, Criminal Investigations Unit Sergeant 
Date: March 8, 2018
Subject: Level Two (2) Internal Affairs Investigation IA 17-015

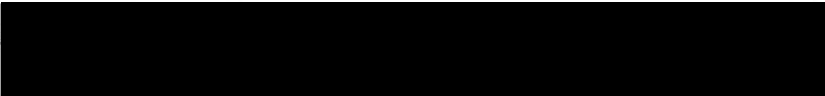
Complainant

Ormond Beach Police Department, 170 West Granada Boulevard, Ormond Beach, FL 32174

Officer Involved

Evidence Custodian Marylyn Dance
Crime Scene Technician Victoria Lancaster
Part Time Evidence Custodian Robert Ott
Officer Rafael Medina
Officer Sierra Moody

Witnesses

Daniel Piccola, 
Captain Lisa Rosenthal

Allegation Summary

On September 21, 2017, Captain Rosenthal conducted an audit of items in Evidence that were scheduled for destruction. During the audit Captain Rosenthal discovered that a piece of evidence that was scheduled for destruction could not be located (Suboxone strip/a narcotic to treat pain and addiction). Captain Rosenthal continued with the audit and discovered other discrepancies to include tampered evidence envelopes. On September 25, 2017, Evidence Custodian Dance was placed on administrative leave pending the investigation. On October 4, 2017, Florida Department of Law Enforcement was contacted to conduct a criminal investigation. A complete inventory of the Evidence and Property Unit was conducted by Captain Roos. During the course of the inventory audit it was discovered

that 185 cases had some type of discrepancy (items unaccounted for, items, improperly filed, items not on the electronic inventory but currently on the shelf, or currently on the shelf but in a wrong location). 123 total items are unaccounted for.

Investigation

On September 21, 2017, Captain Rosenthal conducted an audit of items, to include narcotics and firearms, which were scheduled for destruction. Captain Rosenthal discovered that a piece of evidence that was scheduled for destruction could not be located (Suboxone strip/a narcotic to treat pain and addiction).

On September 22, 2017, Captain Rosenthal continued with audit of the evidence and discovered an evidence envelope that was tampered with. The evidence envelope was ripped open (OBPD case #16-04-00483).

On September 25, 2017, Evidence Custodian Dance was placed on administrative leave pending the investigation.

On September 27, 2017, Captain Rosenthal located another evidence envelope that was tampered with. The evidence envelope had a small slit on the bottom of the envelope and was taped back shut with a small piece of clear tape (not evidence tape) (OBPD case #15-07-00215).

On October 4, 2017, Command Staff contacted the Florida Department of Law Enforcement (FDLE) to discuss the situation and request that FDLE come in and conduct a criminal investigation.

On October 5, 2017, I met with Captain Rosenthal reference to the incident. Captain Rosenthal advised me that I would be assigned to investigate the Internal Investigation.

On October 9, 2017, Evidence Custodian Dance, Crime Scene Investigator Lancaster, Part Time Evidence Custodian Ott, Officer, Medina, and Officer Moody were notified by memo from Chief Godfrey that an internal investigation was going to be completed.

On October 12, 2017, I forwarded a memo to command staff to request the internal investigation be "tolled" pending the results of FDLE's investigation. The request was granted.

On October 16, 2017, I sent all members involved an e-mail advising them that the investigation had been tolled. I confirmed that all members received the e-mail via a read receipt.

From the dates of October 16, 2017 to December 20, 2017, FDLE conducted a criminal investigation into the incident. During the course of FDLE's criminal investigation the internal investigation was "tolled" until the conclusion of the criminal investigation and the internal investigation could resume.

On December 20, 2017, I received information from command staff that FDLE had completed their criminal investigation with no criminal charges to be filed. FDLE turned the investigation back over to the Police Department for an administrative investigation.

On December 20, 2017, I completed a memo for command staff advising that the internal investigation was continuing. I sent all members involved an e-mail advising them that the internal investigation was resuming. I confirmed that all members received the e-mail via a read receipt.

On December 21, 2017, I contacted Mr. Daniel Piccola over the phone and advised him of the investigation. Mr. Piccola advised that he would be willing to be interviewed; however he would not be available until after the holiday. The meeting was set up for December 27, 2017.

On December 27, 2017, Mr. Piccola contacted me via phone and advised that he had a change of plans and had to cancel our meeting. Mr. Piccola stated that he would be available again after the first of the year.

On January 3, 2018, I met with Captain Rosenthal and Captain Roos and advised them of the delay on getting Mr. Piccola's interview set up.

On January 4, 2018, I once again spoke with Mr. Piccola and an interview was set up for the following day.

On January 4, 2018, I contacted Mr. Les Cantrell from the National Association of Government Employees (NAGE) who is representing Evidence Custodian Dance during this investigation. I advised Mr. Cantrell that I am in the process of setting up the interviews.

On January 4, 2018, I listened to the interviews completed by FDLE for the criminal investigation.

On January 5, 2018, I met with Mr. Piccola at his residence and conducted a formal taped interview reference the incident. A digital copy of the interview is included in the investigative file. I later re-contacted Mr. Piccola via phone to ask some additional questions. This phone conversation was recorded and a digital copy is also included in the investigative file.

On January 19, 2018, I sent an e-mail request to command staff for an extension on the investigation.

On January 22, 2018, the extension was granted. I sent all members involved an e-mail advising them that I had received an extension to the investigation. I confirmed that all members received the e-mail via a read receipt.

On January 22, 2018, I re-contacted Mr. Les Cantrell and advised him of the extension as well.

On January 31, 2018, I contacted both Officer Medina and Officer Moody and set their formal interview for February 1, 2018. I supplied both Officer Medina and Officer Moody a copy of the interview(s) conducted so far as well as a copy of the paperwork. I obtained a signed receipt for the items.

On February 1, 2018, I met with Officer Medina and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On February 1, 2018, I met with Officer Moody and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On February 7, 2018, I contacted both Crime Scene Investigator Lancaster and Part Time Evidence Custodian Ott and set their formal interview for February 8, 2018. I supplied both Lancaster and Ott a copy of the interview(s) conducted so far as well as a copy of the paperwork. I obtained a signed receipt for the items.

On February 8, 2018, I met with Part Time Evidence Custodian Ott and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On February 8, 2018, I met with Crime Scene Investigator Lancaster and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On February 9, 2018, I contacted both Evidence Custodian Dance and Mr. Les Cantrell and set her formal interview for February 14, 2018. I supplied both Dance and Cantrell a copy of the interview(s) conducted so far as well as a copy of the paperwork. I obtained a signed receipt from Dance for the items.

On February 14, 2018, I met with Evidence Custodian Dance and Mr. Les Cantrell and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On February 16, 2018, I contacted both Chief Godfrey and Captain Rosenthal and set their formal interview for February 19, 2018. I supplied Captain Rosenthal a copy of the interview(s) conducted so far as well as a copy of the paperwork. I obtained a signed receipt for the items.

On February 19, 2018, I met with Captain Rosenthal and conducted a formal interview reference the incident. A digital copy of the interview is included in the investigative file.

On February 19, 2018, I spoke with Chief Godfrey reference to his pending interview. Chief Godfrey requested that the interview be postponed as he needed to speak with the city's Human Resources Director, Ms. Claire Whitley.

On February 19, 2018, I spoke with Captain Rosenthal reference to allowing Dance to attempt to rectify some of the "clerical discrepancies" Dance described in her interview. I contacted Mr. Les Cantrell to ensure that he did not have any issues with allowing Dance to attempt to rectify the issues, which he did not. Captain Rosenthal and I accompanied Dance back into evidence where she was given an opportunity to go through the discrepancies list and check the computer; however after checking for several clerical discrepancies none of the issues were able to get resolved.

On February 21, 2018, I spoke with Chief Godfrey and he advised upon speaking with Ms. Claire Whitley in Human Resources that he would not have to be interviewed. Chief Godfrey will make his decision upon reviewing the investigative report.

On March 6, 2018, I received a text message from Dance advising that she may have additional information reference the investigation.

On March 7, 2018, I spoke with Dance in person and she advised that she had contacted her union representative, Mr. Les Cantrell, and they had decided to not be re-interviewed and "let it go as is".

On March 8, 2018, I spoke with Mr. Les Cantrell and he confirmed that no additional interview would be needed.

Witness Interview

On January 5, 2018, I conducted a formal taped interview with Mr. Daniel Piccola at his residence reference to this incident. Piccola advised that he was assigned to the Evidence and Property Unit from approximately May to August 2017. Piccola was assigned to the unit due to the fact that he was on light duty. Piccola stated that he was tasked with several assignments within the unit to include: completing State Attorney Requests, making copies, and helping with evidence destruction.

Piccola advised that the training that he received was from Dance and that the training was hands on and all verbal. Piccola stated that there was no checklist or reference material that he was aware of. Piccola stated that Dance would give him his daily assignments. Piccola stated at times he would have access to the drug vault but he did not have a key to the vault. However, at times members of evidence, including him would be in the drug vault unsupervised.

Piccola stated that part of his assignment while working in evidence was assisting in evidence destruction. Piccola stated that he did not have access to the computer system to scan items in and out; therefore he would wait until Dance would tell him what items needed to be destroyed. Piccola stated that it would be common to shred papers or scratch CDs and throw them into the trash bucket. During my follow up conversation with Piccola he advised that it was also common practice to smash glass pipes and paraphernalia to ensure it could not be used again and throw them in the trash. Piccola stated that he smashed the drug paraphernalia under the direction of Dance.

Piccola also advised that a majority of his work was unsupervised and there were no checks and balances in place to ensure that his work was being completed properly. Piccola stated that he never saw any evidence envelopes that appeared to be tampered with. Piccola stated that he had no knowledge of the missing Suboxone strip. Piccola also advised that he never saw anyone take anything from the evidence vault for personal use. Piccola stated that he also never saw the antique firearm in the glass case. Piccola denied taking any items out of evidence.

Mr. Piccola had nothing further to add and the interview was concluded. A digital copy of the interview is included in the investigative file.

Officer Witness Interview

On February 19, 2018, I conducted a formal taped interview with Captain Rosenthal. Rosenthal advised that she was assigned to the evidence unit from July-August 2013, while

the agency was going through a transition of evidence personnel. Rosenthal stated that she took care of the entry and storage of the submitted evidence. Rosenthal stated that she received entry level training from the outgoing personnel. Rosenthal stated that her training from the outgoing personnel was not documented. However, Rosenthal stated when she trained Lancaster and Dance she developed a training checklist. Both Dance and Lancaster initialed the checklist to verify they understood. The checklist was also dated by both Lancaster and Dance. Rosenthal was able to produce the training checklist for both Lancaster and Dance along with a memo to Sergeant Gogarty about the training. The items were included in the investigative file.

Rosenthal stated at no time did she ever have a conversation with Dance about changing the evidence destruction procedure. Rosenthal stated she did not authorize Dance to smash any evidence.

Rosenthal had nothing further to add and the interview was concluded. A digital copy of the interview is included in the investigative file.

Employee Interview

On February 1, 2018, I conducted a formal taped interview with Officer Medina reference the Internal Investigation. Medina advised that he was assigned to the Evidence and Property Unit from around November 2016 through February 2017. Medina was assigned to the unit due to the fact that he was on light duty. Medina stated that he was tasked with several assignments within the unit to include: helping with scanning documents, helping inventorying items, and assisting with destruction of evidence.

Medina advised that all of the training he received while in evidence was verbal in nature and came from Dance. Medina advised that there was no training checklist or any points of reference. Medina stated that Dance would give him his assignments to complete. Medina stated that he did not have a key to the drug vault; therefore if he needed to get into the vault Dance would have to let him in. Medina stated that he was never alone in the drug vault and the vault door was always closed.

Medina stated that he never assisted with the destruction of evidence as part of his duties. Medina stated that Dance was in charge of the evidence destruction. Medina stated that Dance would be the person that would destroy any of the evidence. Medina stated that items such as CDs would be scratched and items such as glass pipes would be smashed and thrown away in the trash. Medina stated that he only had access to scan items out of the computer once the case was closed.

Medina stated that a majority of his work was supervised. Medina stated when he was in the evidence vault working he would always be accompanied by Dance or Lancaster. Medina advised that Dance would double check his work to ensure that it was correct. Medina stated that he never saw any evidence envelopes that appeared to be tampered with. Medina stated that he had no knowledge of the missing Suboxone strip. Medina also advised that he never saw anyone take anything from the evidence vault for personal use. Medina stated that he also never saw the antique firearm in the glass case. Medina denied taking any items out of evidence.

Medina had nothing further to add and the interview was concluded. A digital copy of the interview is included in the investigative file.

On February 1, 2018, I conducted a formal taped interview with Officer Moody reference the Internal Investigation. Moody advised that she was assigned to the Evidence and Property Unit from December 2016 to January 27, 2017. Moody was assigned to the unit due to the fact that she was on light duty. Moody stated some of her assignments while assigned to evidence was assisting with the intake of evidence, State Attorney's Requests, and helping with evidence destruction.

Moody stated that the training she received was verbal and was done by Dance. Moody stated that the training was not documented and there was no checklist or any reference material. Moody stated that she had access to the drug vault as long as someone let her in the secured room.

Moody stated that she assisted in the destruction of evidence. However, the items that she destroyed were CDs. Moody stated that CDs would be scratched and put in the trash. Moody stated that Dance was in charge of destroying the drug evidence and paraphernalia. According to Moody she was unsure of the process of how to destroy the drug evidence other than it gets burned. In reference to the drug paraphernalia Moody stated that Dance would throw the items on the floor to break the glass or smash the glass pipes and bongs with a hammer.

Moody stated a majority of her work was supervised because she was working at Lancaster's desk. Moody advised that Dance was in the same room as her while she worked so Dance could check her work if needed. Moody stated that Dance would supervise her work; however she was unaware if there were any checks and balances in place to verify the work. Moody stated that she never saw any evidence envelopes that appeared to be tampered with. Moody stated that she had no knowledge of the missing Suboxone strip. Moody also advised that she never saw anyone take anything from the evidence vault for personal use. Moody stated that she never saw the antique firearm in the glass case. Moody denied taking any items out of evidence.

Moody had nothing further to add and the interview was concluded. A digital copy of the interview is included in the investigative file.

On February 8, 2018, I conducted a formal taped interview with Part Time Evidence Custodian Ott reference the Internal Investigation. Ott was hired on February 13, 2017, on a part time basis, to assist in evidence. Ott stated that his duties include intaking evidence, maintaining evidence, and purging evidence. Ott stated that when he started all of his training was done by Dance. Ott advised that training was verbal with no manual and no checklist.

Ott stated that as part of his position he has access to the drug vault. Ott stated that at times the drug vault would remain open but since the start of this investigation the drug vault door is always closed.

Ott advised that one portion of his position involves destroying evidence. Ott stated that Dance explained to him how the agency destroys the evidence. Ott stated that Dance told him to shred the paperwork and scratch the CDs. Ott advised that the drug evidence was

burned but was told by Dance the drug paraphernalia is smashed with a hammer and thrown away. Ott stated that he did not agree with the process due to his Police experience but was doing what he was told by the person that was training him.

Ott stated that a majority of his work was unsupervised and Dance would ensure that his tasks were completed. Ott stated that he had the ability to scan items out of the computer and he is involved in the space management of evidence, but is unaware when it started. However Ott was not aware of any checks and balances in place to ensure the work was being done properly.

Ott advised that he never saw anyone take anything out of evidence for personal use. Ott stated that he also never saw the antique firearm in the glass case. Ott stated that he was unaware of any of the tampered evidence envelopes or the missing Suboxone until it was discovered during the audit. Ott denied taking any items out of evidence.

Ott had nothing further to add and the interview was concluded. A digital copy of the interview is included in the investigative file.

On February 8, 2018, I conducted a formal taped interview with Crime Scene Technician Lancaster. Lancaster stated that she and Dance started with the agency on August 23, 2013. Lancaster stated that Captain Rosenthal was working in evidence when she and Dance started and Captain Rosenthal trained both of them. Lancaster advised that her job is the Crime Scene Investigator and Dance's job is the Evidence Custodian. Lancaster advised that she did not believe that her training was documented; however there may have been some type of training checklist. Lancaster stated that she reviewed all of the evidence policies when she started; however she feels that some of the policies are "not feasible". Lancaster believes that some of the evidence policies need to be "revamped". Lancaster stated at times she needs to take items outside of evidence to the hallway copy machine for instance. Lancaster also stated that she used to work at her desk where now it is required that the evidence processing be done back in the lab. Lancaster stated that she would like for the evidence policies to be revisited.

Lancaster stated that she, Dance, and Ott have access to the drug vault. Lancaster stated that the vault door is "now closed", however prior to the start of this investigation the vault door would stand open. Lancaster advised that she did assist in the destruction of evidence. Lancaster stated that papers would be shredded and CDs would be scratched and thrown in the trash. The drug evidence would be placed in the burn box. Lancaster advised that the drug paraphernalia used to be placed in the burn box for proper destruction through court order; however around 2015 Dance decided to change the procedure. Lancaster stated that Dance began smashing the glass pipes and bongs and throwing them away in the trash. Lancaster stated that she did not believe that she spoke to any supervisor about the new plan and took it upon herself to start it.

Lancaster advised that most times the work in evidence is unsupervised and there most likely were no witnesses when evidence was being destroyed. Lancaster stated that she did have the ability to scan items in and out of the computer; however there were no checks and balances in place to confirm that the work was being completed. Lancaster stated that the space management started around 2014. Lancaster stated that Dance did start a training checklist for Ott when he started; however she never completed it.

Lancaster stated that she never saw anyone remove any items from evidence for personal use or take any drug evidence. Lancaster stated that she also never saw the antique firearm in the glass case. Lancaster stated that she never saw any evidence bags tampered with until they were discovered during the audit. Lancaster also stated that she was unaware of the missing Suboxone until it was discovered during the audit.

Lancaster advised that she knew that the process was not the best way to handle things; however she felt it was not her place to say anything. Lancaster denied taking any items out of evidence.

Lancaster had nothing further to add and the interview was concluded. A digital copy of the interview is included in the investigative file.

On February 14, 2018, I conducted a formal taped interview with Evidence Custodian Dance. Dance was accompanied to the interview by Mr. Les Cantrell from the National Association of Government Employees. Dance stated that she started at the agency August 27, 2013, with Victoria Lancaster. Dance stated that she was hired as the Evidence Custodian and her duties included retrieving, cataloging, and disposing of evidence. Dance stated that she works in the evidence department with Victoria Lancaster and Robert Ott.

Dance stated that she received her training from Captain Rosenthal (Corporal Rosenthal at the time) when she started. Dance stated that the training was not documented and she was not aware of any training checklist. Dance stated that she reviewed all of the evidence polices when she started and recalls having a conversation with Chief Godfrey (Lieutenant Godfrey at the time) when she started about previous issues in the evidence department in past years. During this meeting then Lieutenant Godfrey explained to Dance the previous issues that had occurred in the evidence unit to ensure that no other issues occurred.

Dance stated that she has access to the drug vault and at times the vault door would stand open. Dance advised that she asked a previous Detective Sergeant (unknown which one) if they could leave the vault open for easy access and the Sergeant approved.

Dance stated that she scans items in and out of the computer and the space management of evidence is a continuous process. Dance was unsure exactly when the space management started but believed it was about a year after she started.

Dance stated that one of her duties in evidence is the destruction of evidence. Dance stated that papers/CDs/drugs/paraphernalia are some of the items that would be destroyed. Dance stated that the drug evidence would be burned in accordance to court order. Dance stated that when the drug paraphernalia was being destroyed there would be a witness. Dance stated that both she and Lancaster would be in the room or Ott and Piccola.

Dance stated that the drug paraphernalia used to be burned in accordance to court order just like the drugs. However, Dance stated in approximately 2015 (after the 1st burn destruction) she had a conversation with her Lieutenant at the time (now Chief Godfrey). Dance claims that she and Chief Godfrey had a conversation about the process of destroying the drug paraphernalia. Dance stated that Lieutenant Godfrey was "questioning about all of the paraphernalia". Dance advised she stated to Lieutenant Godfrey that "the only other thing we could do is destroy it". Dance advised that that time Lieutenant Godfrey stated "well that sounds like a good idea". Dance stated from that point forward she

changed the process of destroying drug paraphernalia. Dance stated from that point forward if the drug paraphernalia had drugs with it they paraphernalia would be placed in the burn box. However, if it was just paraphernalia by itself it would be destroyed by breaking or smashing the paraphernalia.

Dance stated that a majority of the work in evidence is unsupervised; however when officers came in to work in evidence she would check their work when they first started. However, Dance was unaware of any checks and balances that were in place to ensure that the work was being completed properly.

Dance stated that she never saw anyone take anything out of evidence for personal use and she does not recall ever seeing an antique firearm in a glass display case. Dance stated that she never saw any evidence envelopes that were tampered with. Dance stated that she was unaware of the tampered envelopes until they were brought to her attention. Dance stated she can't explain how/why the evidence envelopes would be torn open or slit open and re-taped.

Dance advised that she was also unaware of the missing Suboxone strip. Dance stated that she had no knowledge of the missing strip until it was discovered missing during the audit. The only explanation that Dance was able to give was that possibly the strip was destroyed accidentally.

In reference to the discrepancy memo completed by Captain Roos, Dance stated that she is sure that a majority of the issues are most likely clerical issues (Dance was given an opportunity to clear up these clerical errors at a later date, but was unable to). As a part of the investigation Captain Rosenthal and I allowed Dance an opportunity to go into the evidence computer system while supervised and attempt to rectify the clerical issues. EC Dance attempted to review approximately 12 cases and she was unable to rectify any of the issues.

Dance stated that she thought the processes being conducted in evidence were correct and she was only doing what she was told. Dance stated that she never took anything or gave anything to anyone from the evidence vault.

Dance had nothing further to add. Mr. Les Cantrell only had a question about the Police Department's policy on the 25 piece audits. Mr. Cantrell asked Dance if the surprise audits were being conducted which she answered, yes. Mr. Cantrell had nothing further to add and the interview was concluded.

A digital copy of the interview is included in the investigative file.

Finding of Fact

During the course of the inventory audit it was discovered that 185 cases had some type of discrepancy (items unaccounted for, items improperly filed, items not on the electronic inventory but currently on the shelf, or currently on the shelf but in a wrong location). All of these cases either occurred during Dance's tenure with the Police Department or under her care and control as the Evidence Custodian.

123 total items are unaccounted for.

No current active criminal investigations are affected by the unaccounted items.

64 cases are closed or the items have no evidentiary value.

EC Dance is the Evidence Custodian that oversees the care and control of the evidence items.

Part Time EC Ott was hired to assist Dance with her day to day duties.

Ott was trained by Dance on the policies and procedures within the Property and Evidence Unit.

Victoria Lancaster is the Crime Scene Technician; although she at times will assist with evidence her main job description is crime scene investigations.

The agency had policies and procedures in place reference to the Evidence Unit, to include the proper way to destroy items. These policies and procedures were in place when Dance, Lancaster, and Ott were hired (policies attached to the investigative file).

Dance, Lancaster, and Ott all acknowledged during their respective interviews that they had the opportunity to review the Evidence Unit policies and procedures upon their employment with the Department.

According to OBPD job code 2008.521.03720 (Evidence/Crime Scene Custodian) the position is responsible for the control, safekeeping and final disposition of all property/evidence coming into the Police Department and performed independently, requiring minimal supervision.

Officer Piccola

The investigation revealed that Officer Piccola received his daily assignments from Dance. Piccola was not assigned to the evidence full time; therefore he was only doing what he was instructed to do by Dance. Piccola did in fact smash drug paraphernalia under the direction of Dance. Piccola was in evidence temporarily and following directions. Piccola had previously left the agency prior to the start of the investigation was agreed to be interviewed.

Officer Moody

The investigation revealed that Officer Moody received her daily assignments from Dance. Moody was not assigned to the evidence full time; therefore she was only doing what he was instructed to do by Dance. Moody did not smash any drug paraphernalia but witnessed Dance doing so. Moody was in evidence temporarily and was following directions.

Officer Medina

The investigation revealed that Officer Medina received his daily assignments from Dance. Medina was not assigned to the evidence full time; therefore he was only doing what he was instructed to do by Dance. Medina did not smash any drug paraphernalia but witnessed Dance doing so. Medina was in evidence temporarily and was following directions.

Evidence Custodian Ott

Ott as trained by Dance when he started with the agency. Ott smashed drug paraphernalia at the direction of Dance. Ott stated that he did not agree with process but did not feel it was his position to say anything and he was doing what he was told. Ott stated that some of the evidence policies were not being followed (drug vault door standing open). Ott felt it was not his position to say anything.

Ott was aware that policies were being violated but did not report such violations to his supervisor or staff.

Crime Scene Technician Lancaster

Lancaster started at the agency with Dance. Lancaster was trained by then Corporal Rosenthal on the proper evidence techniques. Lancaster smashed drug paraphernalia at the direction of Dance. Lancaster did not agree with the process but felt it was Dance's job/decision. Lancaster did not feel it was her position to say anything even though she did not agree. Lancaster stated that some of the evidence policies were not being followed because the policies are just "not feasible".

Lancaster was aware that policies were being violated but did not report such violations to his supervisor or staff.

Evidence Custodian Dance

EC Dance's position within the Police Department is the Evidence Custodian, which is ultimately in charge of all items within the Evidence Property Unit.

EC Dance was properly trained by Captain Rosenthal via the training checklist when she started with the agency. The training checklist was signed and dated by Dance.

EC Dance was tasked with watching over officers that were assigned to the Evidence and Property Unit while they were assisting on light duty.

EC Dance verbally told the light duty officers what their assignments would be on a daily basis.

EC Dance's position included overseeing the destruction of evidence.

EC Dance instructed the Officers to destroy evidence improperly.

EC Dance trained Part Time Evidence Custodian Ott improperly by advising Ott to improperly destroy evidence.

EC Dance took it upon herself to change to the way that items were being destroyed in evidence.

EC Dance either personally or assigned someone to smash drug paraphernalia with a hammer or breaking items and throw it away rather than getting the evidence disposed of properly (burn destruction court order).

EC Dance was not able to explain why several evidence envelopes containing contraband (drugs/narcotics/pills) appeared to be tampered with.

EC Dance was not able to explain why there were missing items to include narcotics from the evidence vault.

EC Dance was unable to rectify any of the numerous claimed clerical mistakes in the computer system. EC Dance was given the opportunity to by Captain Rosenthal and I rectify the clerical issues. EC Dance attempted to review approximately 12 cases and she was unable to rectify any of the issues.

No one interviewed could account for the missing Suboxone.

All of the parties interviewed were questioned about the missing antique firearm. Everyone interviewed stated that they had never seen the firearm. However, according to the digital inventory the firearm was last space managed on 04/21/2017 by Dance.

Conclusion/Recommendation

1. As to the allegation that Evidence Custodian Dance failed to follow general orders, directives (C-1-18, Code of Conduct Section 2.20). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Evidence Custodian Dance violated the general orders and directives by violating other additional directives.

2. As to the allegation that Evidence Custodian Dance violated the Processing and Evidence directive (C-1-18, Code of Conduct Section 3.42). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Evidence Custodian Dance mishandled evidence in her care and took it upon herself to change the way items were destroyed.

3. As to the allegation that Evidence Custodian Dance failed to be proficient in her duties (C-1-18, Code of Conduct Section 6.1). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Evidence Custodian Dance also failed to maintain the job knowledge to do her job properly.

4. As to the allegation that Crime Scene Technician Lancaster violated part of the Code of Conduct Policy by failing to report violation of orders, policies, directives, or procedures (C-1,18, Code of Conduct Section 2.16). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Crime Scene Technician Lancaster was aware that Evidence Custodian Dance was violating policy but did not report it to staff.

5. As to the allegation that Evidence Custodian Ott violated part of the Code of Conduct Policy by failing to report violation of orders, policies, directives, or procedures (C-

1,18, Code of Conduct Section 2.16). I recommend that this allegation be **SUSTAINED** as the investigation disclosed that the accused member committed all or part of the alleged act.

Evidence Custodian Ott was aware that Evidence Custodian Dance was violating policy but did not report it to staff.

6. As to the allegation that Officer Medina violated any Code of Conduct or Evidence polices. I recommend that these allegations be **UNFOUNDED** as the investigation disclosed that there is no basis for the allegation. The member acted properly under the circumstances.

Officer Medina was working on a temporary basis in evidence and was not aware of the day to day operations within the unit. Officer Medina was following directions that were to given to her by Evidence Custodian Dance.

7. As to the allegation that Officer Moody violated any Code of Conduct or Evidence polices. I recommend that these allegations be **UNFOUNDED** as the investigation disclosed that there is no basis for the allegation. The member acted properly under the circumstances.

Officer Moody was working on a temporary basis in evidence and was not aware of the day to day operations within the unit. Officer Moody was following directions that were to given to her by Evidence Custodian Dance.

8. Mr. Daniel Piccola was interviewed as part of the investigation since he worked in the evidence department on a light duty status similar to Officers Medina and Moody. Mr. Piccola had previously left the agency prior to the start of the internal investigation. The investigation revealed no wrong doing on Mr. Piccola's part and due to the fact that his is no longer employed by the agency no further action is needed.