

ACET Audit Report (December 4, 2009)
Executive Board Response Action Plan
Adopted December 15, 2009

Board Members: Sheriff Tim Jantz, Chief Ray Birch, Chief J.D. Hays, Chief Walt Vanatta,
District Attorney Elizabeth Oldham

Others Present: ACET Commander Garrett Wiggins, Commander Bill Leonard, Undersheriff
Charlene Abdella, Lt. KC Hume, Captain Rich Munroe (CSP)

Listed below are the audit recommendations followed by the action/direction taken by the Board.
The Board will meet on January 11th to review and adopt policy revisions.

RECOMMENDATION: (page 3)

A voucher or receipt book is not kept in the safe. An inexpensive Receipt Book, with numbered transactions, should be maintained in the safe. An individually numbered receipt should be completed:

- Any time money is taken from the safe
- When money is deposited in the safe
- When money is returned following a drug transaction
- Each and every transaction should be tracked by its own receipt number and corresponding case voucher.
- Each transaction recorded should match up, when audited, with a receipt in the book in the safe as well as with an investigative voucher filled out by the investigating agent
- Each receipt book entry should have two signatures. These signatures would consist of the supervisor's and the agent's or the financial officer's.

ACTION:

All of recommendation has been adopted, a ledger has been purchased and is in the safe with the funds.

RECOMMENDATION: (page 4)

It is imperative that each agent assigned to the Task Force reads and understands the operational policies. It is equally important that each agent signs a supervisor's log acknowledging that the procedures were read, are understood and they will comply. Considering the two recent issues with Task Force Agents, signed acknowledgement of procedural policies assures accountability.

ACTION:

All employees will read and sign. In likelihood all the policies will be put in the Craig Police Department's electronic policy manual so that they can be electronically signed and tracked.

Each department that has officers assigned to the Task Force need to adopt a statement within their own manuals adopting the Task Force Policies.

The current Task Force Policy Manual will be reviewed by all the executive board members. Each member will make recommendations for any changes and send them to Chief Vanatta the

first week in January. Those recommendations will be consolidated into one document and the Board will meet on January 11th to review and adopt the modifications.

SECURING CASH FUNDS

RECOMMENDATION: (page 4-5)

The initial policy statement specifies, “**Funds will not be checked out to investigators in lump sums for multiple operations, but should be case and operation specific.** (This is the standard policy with narcotics units. Money can only be checked out to do a specific deal. If it does not take place the money is returned. It is not kept by an agent to be used as needed.)

This policy is rendered ineffective by the next sentence which states, “...at the discretion of the TF Supervisor, funds may be issued to ACET investigators for cash on hand for the purpose of undercover controlled purchases only.”

ACTION:

The statement “...at the discretion of the TF Supervisor, funds may be issued to ACET investigators for cash on hand for the purpose of undercover controlled purchases only” will be deleted from policy and practice.

RECOMMENDATION WITH REGARDS TO ALL CASH FUNDS: (page 5)

The safe and its contents should be treated exactly as an Evidence Room and chain of custody rules should apply:

Any time there is a cash transaction there should be two signatures on the paperwork.

ACTION:

Adopted recommended process in its entirety.

GENERAL CASH RECOMMENDATIONS: (page 6-7)

- Do not issue funds to be used for long-term or on-going investigations.
- When money is dispersed and not used, the money must be returned on the same date or as soon as is reasonably possible.
- Always photocopy money to be used in a drug transaction
 - When funds are not used and are returned to the safe; compare the serial numbers to the photocopy to insure that personal money was not mixed with agency money
- Though ill-advised, if the policy is written to permit the issuance of cash for “cash on hand” to be used by the agents perpetually; (For example \$500 issued to each agent so they have the money on hand for an extended period of time):
 - Issue the money after complying with all procedures discussed in the above “cash transaction” section
 - Photocopy the money issued to the investigator
 - Emphasize the fact that the money is not to be used or mixed with personal funds

- Inform the agents that random and regular inspections will be done to insure that the agent has the money and it is the same money originally issued
- Adhere to a policy that the agent will have the cash on hand whenever he/she is working and that it is separate from personal money
- Adhere to a policy that the cash on hand is returned at a regularly scheduled date (end of month, end of week, etc).
 - When the money is returned, follow the above procedure on Return of Funds
 - Compare the bills to the photocopies
- Re-issue the cash on hand funds following the procedures described in issuing cash.

ACTION:

Adopted recommended process in its entirety, and issuing “cash on hand” will be discontinued. Cash will only be issued when it is needed for an operation. All drug buys will be controlled by the agents so there should be no need to have “cash on hand”.

RECOMMENDATION: (page 8)

Periodic audits are essential with Monthly Reconciliation Reports submitted to the Executive Board. They can be done by the financial assistant then reviewed and approved by the Task Force Commander.

Outside audits should also be conducted annually of the funds as well as of procedures.

ACTION:

The task force commander will provide Monthly Reconciliation Reports to the Executive Board.

Chief Birch will do random audits of all cash funds in the safe at least Quarterly.

The combination to the safe was given to District Attorney Oldham so that a Board member, who does not have access to the building, has the combination for emergency access. The DA and Task Force Commander will be the only people with access to the safe.

RECOMMENDATION: (page 9)

The Task Force Commander should regularly inspect the Informant Files.

- He should insure that a record or log is kept of contacts and payments between Task Force Agents and the Informants.
- He should do criminal history checks to insure that the informants are still viable informants.
- ***The Task Force Commander should actually meet with active informants on a regular basis, (page 26) at least once a year but ideally twice a year and:***
 - Make sure they are still complying with their contract or agreement
 - Make sure the contacts that the agents conducted with them, did in fact occur
 - Verify that they have received the payments the agents say they have made to them

It is imperative that the Agents assigned to the Task Force know that the Task Force Commander will personally contact each informant and interview them on a regular basis. This assures that the agents will maintain a professional relationship with the informants.

ACTION:

Adopted this recommendation in its entirety.

RECOMMENDATION: (page 9-10)

There should always be two officers present when meeting an informant. This should be mandatory if the informant is of the opposite sex or if a cash payment is going to be made. Although the ACET Task Force is small, the investigators should dictate when and where meetings with Informants take place. These meetings should not be controlled by the Confidential Informant. If another investigator cannot respond, perhaps a uniformed supervisor could be present at the meeting. Additionally, if a payment is made, both of the officers present, along with the informant, should sign the receipt.

The Informant payment receipts I inspected had the signature of the Informant and only one agent. If there are two present, both should sign.

The Operations Manual is contradictory in this policy. On page 22 it states “two agents are always required...” On Page 23 it says “normally required”. Consistency is important.

ACTION:

Adopted, requirement for 2 officers present, unless the CI is in custody in a detention facility, and reinforced importance for officer safety and consistency. Each agency has other officers that can be used as the 2nd officer if another task force officer is not available.

RECOMMENDATION: (page 10)

A policy should be established that addresses the use of under cover/unmarked vehicles. If the vehicle is to be used only while on-duty and conducting investigations, it should clearly state so. If the vehicle is assigned as a “full-use” vehicle and can be used for personal business as well as agency business, the policy should state so. Otherwise, there are extreme liability issues if a vehicle is misused in an off-duty situation.

ACTION:

Board recognizes that task force officers are on call 24 hours a day in each of their jurisdictions. They respond to calls for assistance on a continuous basis and need immediate access to equipment in the vehicles. As a result they need “full-use” of the vehicles. The provision below, which is currently in the Craig Police Department Policy Manual for non-uniformed officers will be adopted into the task force manual.

- “Non-uniformed officers who are on call are required to respond as quickly as possible when they are needed. As a result, if they are assigned an unmarked vehicle, they may use the vehicle when off duty in order to immediately respond to calls.”

RECOMMENDATION: (page 11)

If it is going to be necessary for an agent to consume alcohol he should notify the Task Force Commander of that fact. If he cannot, because of a compromising situation, the agents monitoring the deal should notify the Task Force Commander. It goes without saying that there should never be an undercover investigation in which an agent is acting without cover. Consumption should be limited and the agent should never become intoxicated.

ACTION:

Current language in Craig Police Department Policy will be adopted:

Members of the agency are forbidden to consume alcoholic beverages at any time while on duty or in uniform unless in the performance of their duties with prior supervisory approval.

- a. *Controlled consumption of alcoholic beverages necessitated by a particular duty assignment shall not be to the extent of impairment of the member's judgment or coordination.*

RECOMMENDATION: (page 11)

Policies and procedures should be the subject of regular reviews and audits. When it is necessary to change a policy:

- The recommendation should be reviewed by the Executive Board
- The revision should be signed as approved by the Executive Board

Upon approval it should be inserted in the Manual with the date the revision was approved.

ACTION:

- The policy manual will be reviewed on an annual basis for needed revisions and the recommended process followed. To assure that the current Task Force Policy Manual is correct and changed to adopt all of the actions taken as a result of the audit, it will be reviewed by all the executive board members. Each member will make recommendations for any changes and send them to Chief Vanatta the first week in January. Those recommendations will be consolidated into one document and the Board will meet on January 11th to review and adopt the modifications.
- A specific policy provision will be added to address task force officer disciplinary issues and the authority given to the commander for immediate suspension, and a process for notification of the parent agency.
- Chief Birch has been designated as the primary Board contact person for the Task Force commander.
- District Attorney Oldham is willingly to explore issuing all the task force officers peace officer credentials for the entire 14th Judicial District jurisdiction to eliminate any mutual aid conflicts.