

Investigation and Review of the Sheriff's Office Gun Inventory



City Controller
Rebecca Rhynhart
November 2020



CITY OF PHILADELPHIA

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REBECCA RHYNHART
City Controller

Wednesday, November 18, 2020

Honorable Rochelle Bilal, Philadelphia Sheriff
City of Philadelphia
100 South Broad Street, 5th Floor
Philadelphia, PA 19110

Dear Sheriff Bilal,

In response to a complaint my office received alleging that 15 rifles and shotguns had been missing from the Sheriff's Office gun inventory since 2016, the Office of the City Controller opened an investigation into all firearms under the purview of the Sheriff's Office. Attached is the Office of the City Controller's report on the investigation and review of the Sheriff's Office gun inventory.

The investigation found that 101 service firearms and 109 PFA weapons are missing from the Sheriff's Office gun inventory. Additionally, the investigation identified several issues with the overall management of the Sheriff's Office gun inventory, many of which stem from a lack of detailed, written policies and procedures. Notably, the investigation found poor recordkeeping for service firearms and PFA weapons and a lack of formal policies and procedures regarding inventory management. Additionally, the physical inventory was disorganized and lacked policies and procedures. Investigators noted firearms piled on the floor and haphazardly stored in various locations, as well as instances of guns being stored loaded.

As noted throughout the report, the investigation began and reviewed practices in place under former Sheriff Jewell Williams and continued under your administration. Many of the issues identified pre-date your tenure as Sheriff. However, given the inherently dangerous nature of these guns, I encourage you to prioritize finding the missing guns, if possible, and ensure proper maintenance of the gun inventory moving forward. We believe that, if implemented, the recommendations outlined in the report will improve the overall management of the Sheriff's Office gun inventory.

We would like to express our thanks to you and your staff for your assistance and cooperation in this process.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Rebecca Rhynhart'. The signature is stylized with a large 'R' and a long horizontal stroke.

Rebecca Rhynhart
City Controller

OFFICE OF THE CITY CONTROLLER INVESTIGATIONS UNIT



Investigation and Review of the Sheriff's Office Gun Inventory

On November 6, 2019, the Office of the City Controller received a confidential complaint and supporting documentation alleging that 15 long guns (rifles and shotguns) were missing from the Philadelphia Sheriff's Office gun inventory since 2016. The complaint also included details regarding an alleged burglary that occurred in February 2019 at a local gun shop and involved three of the Sheriff's Office's missing long guns. As such, the Office of the City Controller opened an investigation into the 15 missing long guns and the management of the Sheriff's Office gun inventory.

Background

Powers and duties of the Sheriff's Office

The Philadelphia Sheriff is an independently elected law enforcement officer that serves four-year terms. The sheriff's principal function is as an arm of the Court. The sheriff's statutory responsibility is to serve, process, and execute orders directed to the sheriff pursuant to applicable law, either personally or by deputy.¹

In Philadelphia, the sheriff's duties include the following:

- Transporting and escorting prisoners to and from Philadelphia courtrooms;
- Providing security for Municipal and Common Pleas Courts;
- Serving and executing writs and warrants;
- Conducting real and personal property sales, as well as collecting and disbursing fees and funds related to such activities; and
- Collecting and safekeeping of weapons relinquished pursuant to court orders issued under the Protection from Abuse Act (PFA Act).²

The Philadelphia Sheriff's Office employs more than 300 sworn Deputy Sheriff Officers (DSO). Each DSO is issued a service firearm as part of their standard equipment, which they are responsible for safekeeping.

As required by the Commonwealth of Pennsylvania, all newly elected sheriffs and newly hired DSOs must complete training in order to be certified as a sheriff or DSO and must renew their certification every two years.³ Training includes instruction and certification in using service firearms by the Firearms Unit of the Sheriff's Office.

The current Philadelphia Sheriff, Rochelle Bilal, was sworn into office on January 6, 2020. She defeated former Sheriff Jewell Williams who had held the office since 2012.

¹ Powers and duties of the sheriff, 42 Pa.C.S. § 2921.

² Protection from Abuse Act, 23 Pa.C.S. § 6101 et seq.

³ Sheriff and Deputy Sheriff Education and Training Act, Act of February 9, 1984, P.L. 3, No. 2, *as amended*, 71 P.S. § 2101 et seq.

Firearms and Weapons Under the Sheriff's Purview

Service firearms

Service firearms are carried by DSOs while executing their official duties and responsibilities. As with other City of Philadelphia (City) property, acquisition of service firearms typically occurs through the City's procurement process. However, the Sheriff's Office acquired some of its service firearm inventory through other methods, including:

- From the 1970s to the early 2000s, the Sheriff's Office acquired service firearms under Philadelphia County Court of Common Pleas Criminal Rule *700.⁴ The rule outlines how certain firearms may be permanently awarded to local law enforcement agencies by the Court. In particular, the rule allows firearms that were used in a crime, for which the criminal proceedings are complete and the gun is no longer needed as evidence, to be transferred to the Sheriff's Office and other law enforcement agencies within the City for official purposes. The law enforcement agency is given discretion in the disposition of such firearms.
- In 2006, the Sheriff's Office acquired 10 new service firearms by trading 14 firearms in its possession with a gun shop.⁵
- In September 2014, the First Judicial District (FJD) transferred the responsibilities of its warrant unit to the Sheriff's Office.⁶ This transfer of responsibilities included the reassignment of FJD personnel and their service firearms to the Sheriff's Office.⁷

Per the Sheriff's Office training policies, service firearms are tracked using registration cards.⁸ Each service firearm should have its own card that should record the date the service firearm was received, how it was acquired, and a description of the service firearm, including the manufacturer, caliber, model, barrel length, finish, and serial number. If the firearm is assigned to a DSO, the registration card should note to whom the service firearm is assigned. If it is not assigned, the registration card should note that the service firearm is in the Sheriff's Office Armory or other official storage location. If it is neither assigned to a DSO nor in the Armory, the card should explain what happened to the firearm.

⁴ Confiscation and Disposition of Firearms, Phila. Crim. R. *700. This rule was renumbered *780 and amended on Sept. 20, 2019, effective Dec. 2, 2019.

⁵ This trade is detailed later in this report.

⁶ This occurred pursuant to a series of memoranda of understanding between the Sheriff's Office and the First Judicial District of the Commonwealth of Pennsylvania Court of Common Pleas.

⁷ These weapons, consisting of 25 Glocks, are still listed by the Procurement Department as FJD property.

⁸ Investigators received a 2-page document titled "Office of the Sheriff City and County of Philadelphia Training Division Firearms Unit, Subject: ISSUE OF SHERIFF OFFICE FIREARMS," that states that issuance of weapons are tracked through registration cards. However, some of the cards themselves are titled "registry cards."

PFA weapons

PFA weapons are weapons, including firearms, that are temporarily relinquished by individuals who are subject to court orders in accordance with the Protection from Abuse Act.⁹ Under the PFA Act, a judge can order a defendant to temporarily relinquish any weapons in their possession or control and can prohibit a defendant from acquiring or possessing any firearm for the duration of the order.¹⁰

While not documented in a formal policy, the practices followed by the Sheriff's Office according to employees interviewed is as follows: when the Sheriff's Office takes temporary custody of one or more PFA weapons from an individual for safekeeping, each weapon should be recorded using a property receipt. The Sheriff's Office lists more than one weapon on a single property receipt. The purpose of the property receipt is to identify and track each weapon during storage in the Sheriff's Armory. A copy of the property receipt is given to the property owner, while the original receipt is retained by the Sheriff's Office. If a firearm is surrendered, the property receipt should include the weapon's serial number.

In addition to being recorded on a property receipt, each PFA weapon is supposed to be manually entered into a logbook with fields for identifying information, including the property receipt identification number, date received into custody, name of the property owner, and case number. If the PFA weapon is a firearm, the logbook has fields for recording the make, model, caliber, and serial number of the firearm. The weapon should then be stored in a section of the Armory designated for PFA weapons. The logbook also has fields for recording when the PFA weapon is returned and the DSO responsible for releasing the weapon.

Once the PFA order has expired or has been rescinded by the Court, a relinquished weapon is supposed to be returned to the owner upon presentation of the corresponding property receipt. Per a law passed in 2018, if a weapon has not been claimed within one year, the weapon is considered abandoned and should be disposed of in accordance with applicable laws.¹¹

Storage of service firearms and PFA weapons

The Sheriff's Office currently stores service firearms not assigned to an individual DSO at the Criminal Justice Center (CJC), the Northeast Parking Area (NEPA), and the Sheriff's Office Armory.¹² The Armory is housed within the Sheriff's main office and is divided into three rooms: an administrative room, a room for service firearms, and a room for PFA weapons. A DSO designated as the Armorer is responsible for maintaining the Armory.

⁹ PFA Act, 23 Pa.C.S. § 6101 et seq.

¹⁰ 23 Pa.C.S. § 6108. PFA weapons may be relinquished to the Sheriff or appropriate law enforcement agency, a licensed firearms dealer, an attorney or a commercial armory. §§ 6108, 6108.2, 6108.3.

¹¹ See 18 Pa.C.S. § 6128.

¹² Some service firearms were stored at the gun shop that the Sheriff's Office previously contracted with for employee training. However, this practice stopped sometime in 2019, before the investigation.

Investigation

Investigation Summary

Pursuant to section 6-400 of the Home Rule Charter, the Investigations Division of the City Controller's Office performed an inventory of all firearms under the purview of the Sheriff's Office in response to the complaint. It is important to note that this investigation began and reviewed practices in place under former Sheriff Jewell Williams and continued under the current Sheriff Rochelle Bilal.

In an effort to identify and verify custody of all firearms that should have been maintained by the Sheriff's Office, the investigation included an on-site inspection of firearms; a review of any policies and procedures related to the Firearms Unit and Armory; interviews; and a review and analysis of all recordkeeping data maintained by the Sheriff's Office related to firearms. Due to the incomplete documentation maintained and/or provided by the Sheriff's Office, investigators acquired additional records and information with the assistance of the FJD, the PPD and other law enforcement agencies.

Ten months after the initial request for information, on September 14, 2020 the Sheriff's Office notified the Controller's Office of additional documentation related to its gun inventory that was located in the former Deputy Chief's office. This information was not included in our investigation, as the review of the Sheriff's Office inventory had already been completed.

Service firearms

The Sheriff's Office provided the Controller's Office with several lists of service firearms, including both long guns and handguns. The lists detailed which service firearms were assigned to DSOs, secured in the Armory, listed as missing or stolen, and listed as in PPD custody. Among those service firearms listed as missing were the 15 missing long guns from the complaint.

Controller's Office investigators conducted an on-site inspection of service firearms at the three facilities previously noted on December 5, 2019. Investigators inspected all service firearms present at the respective locations and compared these firearms against the lists and registration cards provided by the Sheriff's Office.

PFA weapons

In order to perform an effective inventory of PFA weapons, investigators compiled information from the handwritten logbook into a comprehensive reference document. This process was completed in January 2020. In order to aid with the inventory and to rectify a lack of prior documentation in the office, the Sheriff's Office physically inventoried all PFA property receipts, along with the weapons in the PFA room of the Armory, and created a master list of all property

receipts and PFA weapons currently in its possession during the investigation. This process began in January 2020 under the new sheriff's administration.

Controller's Office investigators then compared the Sheriff's Office's new master list of property receipts and PFA weapons to the investigators' reference spreadsheet to determine which property receipts and associated PFA weapons should still be in the PFA room of the Armory. If the PFA logbook entry noted that an item was returned, it was assumed that the entry was correct and therefore that the item had been returned, unless investigators found otherwise.¹³

Inventory Results

Service firearms

Investigators determined at least 101 service firearms were missing from the Sheriff's Office Armory including:

- **Nine long guns**
Of the 15 missing long guns noted in the initial complaint, six were located during the Controller's Office's inventory, including three that were allegedly stolen during the gun shop burglary.¹⁴ However, the remaining nine long guns were not located.
- **26 handguns**
The Controller's Office's inventory identified one handgun listed on its registration card as being in stored in the Armory that was in fact missing. Additionally, 25 other handguns were not located in the Armory. These handguns were still assigned to DSOs that no longer worked for the Sheriff's Office.¹⁵
- **66 Rule 700 firearms**
Based on records gathered with the assistance of outside agencies, investigators determined that approximately 442 Rule 700 firearms were awarded to the Sheriff's Office between 1977 and 1988. Of these 442 firearms, 66 are still registered with the Sheriff's Office, but none were found in the Sheriff's Office's inventory.

During the course of the investigation, four firearms that were found in the Armory were later identified as Rule 700 firearms. The remaining Rule 700 firearms (372) were not included in the inventory results of the investigation due to the acquisition time frame for these firearms and overall lack of documentation. There is no comprehensive documentation for Rule 700 firearms obtained between 1988 and the present. As such, the number of missing or unaccounted for Rule 700 firearms could be greater than the 66 included in the inventory.

¹³ Investigators found PFA weapons associated with nine property receipts that were noted in the logbook as allegedly having been returned that were in fact still present in the PFA room. Investigators also found two property receipts and their associated weapons in the Armory with no corresponding intake entry in the logbook.

¹⁴ Of the three allegedly stolen in the burglary, one was located in the Armory before the investigators' first site visit, one was found later in a closet at the Sheriff's Office on a different floor from the Armory, and one was retrieved from the burglarized gun shop by a DSO at the direction of the former Deputy Chief.

¹⁵ Dates of handgun assignments to the former DSOs range between 1976 and 2007.

While the majority of service firearms are stored in the Armory, a few service firearms are stored at the CJC and NEPA. All firearms were accounted for at these locations.

PFA weapons

After comparing the PFA logbook to the property receipts and the physical inventory at the Armory, investigators determined that **109 PFA weapons** relinquished between 1997 and 2015 were missing.

Other Weapons

The Sheriff's Office also gathered 71 weapons during the investigation, referred to as unknown firearms, with no identifying paperwork.¹⁶ At the time of this report's publication, the origin of these weapons could not be determined, though it's possible they may be PFA weapons or Rule 700 firearms.

Findings and Recommendations

The investigation was complicated by a number of factors, including the physical disorganization of the Armory and poor recordkeeping of the Sheriff's Office gun inventory. These deficiencies somewhat limited the investigators' ability to complete an exhaustive review and required investigators to generate their own comprehensive reference documents from inconsistent, and often handwritten, Sheriff's Office source documents.

Additionally, investigators uncovered numerous deficiencies related to the overall handling and storage of service firearms and PFA weapons by the Sheriff's Office. Specifically, firearms were piled on the floor and haphazardly stored in various locations. Service firearms and PFA weapons were found comingled and some weapons were stored still loaded. Many of the issues stem from the Sheriff's Office's lack of detailed, written policies and procedures to guide the Armory employees in their daily responsibilities.

It is important to note that the investigation spanned two sheriff administrations. Controller's Office staff experienced considerable pushback from the previous sheriff administration, including restricting access to the Armory and preventing interviews with relevant staff. However, it should be noted that upon the new sheriff taking office, then the investigation process was cooperative.

¹⁶ Previously, the Sheriff's Office had listed 75 weapons located in the Armory as being "unknown," but as noted previously, documents related to Rule 700 firearms confirmed that four of these weapons were in fact Rule 700 firearms, reducing the amount of unknown firearms to 71.

Finding: Recordkeeping for service firearms and PFA weapons within the Sheriff's Office Armory was inadequate and incomplete.

While reviewing the Sheriff's Office's recordkeeping data, investigators noted inconsistent and incomplete documentation for service firearm registration cards and the PFA weapon logbook and property receipts.

Service firearms

During the investigation, the Sheriff's Office provided the Controller's Office with various lists, which were created using the registration cards as the only source document, related to tracking service firearms. The Sheriff's Office lacked a comprehensive and centralized tracking system outside of the registration cards. To our knowledge, the Sheriff's Office has never compiled a master list of all service firearms and its service firearms are not tracked by any other City agency.

A review of the registration cards showed that information on the cards prior to 2016 is incomplete, making them unreliable for tracking service firearms. The Sheriff's Office is not consistent in documenting when a firearm is disposed of on the registration cards and there is not a dedicated field on the registration cards for documenting disposal. Furthermore, as noted previously, none of the Rule 700 firearms provided to the Sheriff's Office between 1977 and 1988 were tracked by any City agency, as required by local court rules.

In 2018, the Sheriff's Office purchased licenses for Teleosoft, a gun tracking software program, to help them track service firearms accurately and efficiently. Prior to the Controller's Office's December 5, 2019 inventory, the software was not used at all. As of July 2020, the Sheriff's Office began using it in a limited capacity.

Recommendation: To properly track service firearms, the Controller's Office recommends the Sheriff's Office develop a comprehensive, written policy and immediately create a database using the Teleosoft gun tracking software. The Sheriff's Office should also utilize Teleosoft's full capabilities. For example, one feature of Teleosoft includes storing guns in a container with a scannable barcode, which would simplify storing and tracking the physical firearms.

While we recommend they also continue to track service firearms using registration cards, the Sheriff's Office should not rely solely on them and the ad hoc lists as the only or primary source documents for tracking service firearms. The Sheriff's Office should develop a master list of all service firearms in its possession. The Sheriff's Office should also perform quarterly inventories of service firearms to ensure an accurate and up-to-date accounting of property in the Armory.

It should also be noted that asset tags are not required for service firearms acquired through the City's traditional procurement process, as they typically do not meet the threshold amount of

\$750 that would prompt tagging of City-owned property.¹⁷ As such, service firearms obtained through the traditional procurement process would not be tagged.

Recommendation: Due to the inherently dangerous nature of the property, the Controller's Office recommends the Sheriff's Office work with the City to develop a process for asset tagging firearms, regardless of if they meet the \$750 property tagging threshold.

The Philadelphia Home Rule Charter states that the Director of Finance shall supervise the inventories of all City equipment. The Procurement Department also maintains a master list of property over \$750. Additionally, City Departments should maintain a master list of their personal property, regardless of cost.

Recommendation: The Controller's Office recommends the Sheriff's Office work with the City to develop a process for maintaining a detailed inventory of its service firearms as an additional safeguard.

PFA weapons

During interviews with investigators, Sheriff's Office staff stated that an inventory of PFA weapons was conducted in 2011, but no documentation for the inventory was provided to investigators. Instead, investigators were shown a 74-page handwritten logbook dating back to 1997 as the only method of tracking PFA weapons in the Sheriff's Office possession, outside of the individual paper property receipts. As of the investigation period, the intake of PFA weapons is still recorded by hand in the logbook.

The logbook provided to investigators contained entries for 1,570 property receipts, which includes identification numbers for each property receipt and other identifying information. However, the logbook had numerous deficiencies, such as items crossed out without explanation, rows skipped, and property receipt identification numbers duplicated. Additionally, entries had incomplete information, including fields left blank, and serial numbers have not been recorded since 2009. The property receipts for PFA weapons in the Armory were stored in boxes in no particular order. There is no documentation of PFA weapons actually being returned to individuals prior to 2016, as property receipts for returned weapons were not retained to verify the transaction.

It should be noted that while maintenance of the logbook and property receipts was disorganized, the information on the corresponding documents did match in most instances. However, this manual process for tracking PFA guns is ineffective, time consuming and difficult to review. Multiple investigators spent several days working to convert the logbook into an Excel spreadsheet to use as a reference document so that an inventory of these firearms could be performed effectively.

¹⁷ As outlined by the Procurement Department's personal property procedures.

Additionally, without serial numbers, there is no way to search for potentially missing weapons if the property receipt is also missing, as was the case for many of the missing PFA weapons. Of the 109 missing PFA weapons, only 42 had serial numbers recorded in the logbook, making the remaining 67 untraceable.

In an attempt to locate these firearms or see if any weapon had been in contact with law enforcement, 21 missing weapons for which a serial number was documented were run through several databases by outside law enforcement agencies at the request of investigators. In one instance, a PFA weapon was listed as stolen by the same person who had previously relinquished the weapon to the Sheriff's Office. However, the logbook and corresponding property receipt did not indicate that the weapon had ever been returned to the individual, demonstrating poor recordkeeping by the Sheriff's Office. The remaining 20 weapons had no history of being sold or in contact with law enforcement, and investigators have no information on the whereabouts of these weapons.

Recommendation: Similar to service firearms, the Controller's Office recommends the Sheriff's Office develop a comprehensive, written policy regarding tracking PFA weapons and immediately create a database of PFA weapons using the Teleosoft software. Again, the Sheriff's Office should utilize the full capabilities of Teleosoft for tracking PFA weapons, including the scannable barcode feature.

The Sheriff's Office should also implement a case management database system if Teleosoft does not allow for additional tracking requirements related to the PFA Act. The PFA Act requires actions, such as record checks and various notification letters, by the Sheriff's Office related to the acquisition, safekeeping and disposal of PFA weapons. A case management system would generate and track all correspondence legally required for each PFA weapon in custody and ensure compliance with the PFA Act.

The Sheriff's Office should develop a master list of all PFA weapons in its possession and perform quarterly inventories of all PFA weapons. Any tracking of firearms held for safekeeping as PFA weapons should include documenting serial numbers. The Sheriff's Office should run any remaining missing PFA weapons with identifiable serial numbers through the appropriate databases.

For additional accountability in tracking PFA weapons, the Sheriff's Office should work with the City to develop a process for maintaining a detailed inventory of abandoned PFA weapons.

Additionally, the Sheriff's Office has not provided the Controller's Office with copies of the PFA property receipts, as required by section 8-411 of the Philadelphia Home Rule Charter. The relevant section of the Charter states that any property given to City employees for safekeeping must be documented and the Controller's Office should be notified in order to ensure accountability for the property and its return.

Recommendation: The City Controller's Office recommends that the Sheriff's Office provide copies of all PFA weapon property receipts to the Controller's Office in compliance with section 8-411 of the Philadelphia Home Rule Charter.

Finding: Sheriff's Office lacks formal procedures regarding inventory management, including gun retention and gun disposal, for service firearms and PFA weapons.

The Sheriff's Office has no comprehensive, formal policies or procedures, documented in writing, regarding how weapons should be stored, what information should be recorded for tracking purposes, or when and how to dispose of weapons for both service firearms and PFA weapons.

Service firearms

Investigators requested all policies and procedures related to firearm management and received policies that were mostly focused on use of force, personal firearms, and DSO equipment and uniforms. The lack of comprehensive policies for service firearms increases the likelihood of potential theft, waste or mismanagement of firearms, and could compromise Armory staff's safety.

The Sheriff's Office lacks policies related to gun retention and disposal. The Sheriff's Office has no policies in place to determine if service firearms are eligible for disposal and how to legally and properly dispose of these weapons. Investigators were informed of alleged gun burns and alleged trades of weapons with gun dealers. However, failure to keep comprehensive records on the weapons that have come into the Sheriff's Office's stewardship prevents any tracking or verification of what happened to the majority of these guns.

In contrast, the PPD contracts with a private facility to conduct gun burns, the standard method through which guns are destroyed, for weapons no longer needed for service or evidence. In order for weapons to be destroyed, a judge must sign a court order authorizing the destruction of the specified weapons and representatives from the Controller's Office oversee the process for verification purposes. As such, these gun burns, and any destruction of firearms, are well documented by multiple entities.

Recommendation: The Controller's Office recommends the Sheriff's Office develop comprehensive firearms policies on how service firearms are tracked from intake to disposal, including intake and documentation procedures for service firearms using Teleosoft, City asset tags and inventory requirements, and additional tracking and inventory safeguards as outlined in this report. The policies should include information for safe handling and storage, scheduled inventories, reporting missing service firearms, and additional best practices as determined by other law enforcement agencies. Policies should also specify the roles and responsibilities of Sheriff's Office employees, as they relate to who is responsible for monitoring and enforcing these policies.

Additionally, as City property, disposal of service firearms via gun burns should follow a protocol similar to, or identical to, the PPD's process, including providing the City Controller and other required agencies with notice and documentation.

It should be noted that the Sheriff's Office policies did not address returning service firearms upon separation from service. As noted, 25 of the 26 missing handguns are still listed as assigned to former DSOs. There are no notations that these weapons were ever returned. The City's Human Resources offboarding procedures require the return of all City equipment upon separation from service. PPD policies also specifically require service firearms to be returned upon separation from service.

Recommendation: The Controller's Office recommends the Sheriff's Office attempt to locate the 25 service firearms still assigned to former DSOs. If the weapons are in possession of former DSOs, the Sheriff's Office should seek the return of the City property. The Sheriff's Office should also establish a formal, written policy for returning property upon separation from service.

During the investigators' inventory, a surplus of City-purchased ammunition was found stored throughout the Armory. Excess ammunition should be secured safely and separately from weapons, as is common practice in law enforcement agencies.

Recommendation: The Controller's Office recommends the Sheriff's Office firearms policies include guidance on storing and tracking ammunition, in addition to firearms. To ensure efficient use of taxpayer money, quarterly inventories of ammunition should also be conducted.

The Sheriff's Office also has specialized weapons such as M16, Uzi, and various rifles in its possession.¹⁸ The Sheriff's Office does not have any written guidance on who can use these weapons and when, or policies on any training required to use these weapons.

Recommendation: The Controller's Office recommends the Sheriff's Office implement formal policies for the use of weapons that would require specialized training. The Sheriff's Office should implement an approved list of trained individuals permitted to handle these specialized weapons. The Sheriff's Office should also track any and all uses of these weapons to determine whether these weapons serve a necessary purpose for the office in the future.

PFA weapons

The retention, tracking and disposal of PFA weapons is governed by the PFA Act. However, the Sheriff's Office does not have formal policies in place to ensure proper management and handling of PFA weapons in compliance with the PFA Act. As with service firearms, poor recordkeeping

¹⁸ These weapons were acquired from the courts pursuant to Rule 700.

and a lack of written policies regarding PFA weapon management increases the likelihood of potential theft, waste or mismanagement of these weapons, and could compromise the safety of Armory staff. Improper management of PFA weapons could also result in lawsuits or other claims against the City if the weapon is damaged or improperly disposed of while in custody.

In 2018, a law was enacted that provided law enforcement officials with the authority to dispose of certain abandoned firearms, including PFA weapons.¹⁹ For the PFA weapons in the Sheriff's Office's custody, weapons that have not been claimed by their owner (or their representative) within one year of the PFA order's expiration may be disposed of. As noted previously, the law requires the Sheriff's Office to take several steps before disposal, including completing various record checks and attempting to notify the owner. The new law can be applied retroactively, likely qualifying hundreds of weapons still being stored in the PFA room of the Armory for disposal. However, there are weapons still stored in the PFA room dating back to 1997.

To our knowledge, there are no policies in place for disposing PFA weapons. In one instance, investigators found a property receipt for 21 PFA weapons relinquished in December 2014 that were noted as being destroyed.²⁰ There is no date of destruction listed on the receipt and no documentation as to how or why these items were selected for disposal, who sanctioned this action and how the destruction occurred.

Recommendation: The Controller's Office recommends the Sheriff's Office create comprehensive operational policies regarding the collection, retention, return and disposal of PFA weapons using requirements outlined in the PFA Act itself and established City procedures. This should include training for DSOs to ensure compliance with the PFA Act.

The PFA Act also requires reasonable care in taking custody of PFA weapons, as the Sheriff's Office, and the City, can be held financially responsible for any damage or loss of PFA weapons if grossly negligent.²¹ As noted, at least 109 PFA weapons have been confirmed missing from the Sheriff's Office Armory.

Recommendation: The Controller's Office recommends the Sheriff's Office should attempt to locate the missing PFA weapons through tracking of court dockets and other information provided in the logbook. PFA weapons that are located and considered abandoned should be disposed of in accordance with the PFA Act and established City protocols for City property.

Additionally, the PFA Act states that weapons are required to be relinquished to "the sheriff or the appropriate law enforcement agency." In a city of the first class, like Philadelphia, the law defines "sheriff" as the head or chief of the police department. Despite this definition, the

¹⁹ 18 Pa.C.S. § 6128 - Abandonment of firearms, weapons or ammunition.

²⁰ These were not included in the investigators' inventory, as they were marked destroyed.

²¹ 23 Pa.C.S. § 6119.

Philadelphia Sheriff has acted as the designated custodian of PFA weapons for decades instead of the PPD Commissioner. The City's Law Department was unable to locate any documentation as to when or how the Philadelphia Sheriff assumed this responsibility.

Recommendation: The Controller's Office recommends that the Sheriff's Office enter into a memorandum of understanding with the PPD to formalize the delegation of responsibility for custody of PFA weapons.

Finding: The Sheriff's Office did not follow established policies and/or procedures for reporting missing service firearms.

The Sheriff's Office internal policies require Sheriff's Office personnel to immediately notify the PPD when a service firearm is lost or stolen.²² However, investigators learned that Sheriff's Office staff did not notify the PPD of missing service firearms, including the nine missing long guns or the 26 missing handguns noted earlier in the report, in violation of internal policies and Philadelphia Code section 10-838. As such, the missing weapons were not registered as missing in the National Crime Information Center (NCIC) database, the database managed by the Federal Bureau of Investigation (FBI) to track missing or stolen items and used by law enforcement to research weapons that come into their possession.

At the direction of investigators, the missing long guns were reported to the PPD and entered into NCIC on January 14, 2020, at least several months after they had been confirmed missing. The significant delay in reporting further complicates the tracking of these weapons and increases the likelihood that they will not be found.

Recommendation: The Controller's Office recommends that any remaining service firearms that cannot be located should be reported to the PPD and entered into NCIC. Moving forward, all missing firearms should be reported to the PPD as soon as the Sheriff's Office is made aware of missing gun inventory.

Finding: The Armory was disorganized and lacked policies and procedures for maintaining its physical inventory.

The physical organization of the Armory, specifically the PFA room, hindered the investigators' ability to conduct a complete and accurate inventory of the weapons housed at that location. Investigators noted boxes of weapons stored in a disorderly manner and a lack of shelving or comprehensive storage system.

As noted, firearms were piled on the floor and haphazardly stored in various boxes, cabinets and barrels. A service firearm was found co-mingled with the PFA weapons, and a PFA weapon was

²² Specifically, the policy provided by the Sheriff's Office states, "sworn members shall report to the city police in the district of occurrence as soon as the Deputy becomes aware that the firearm is lost or stolen." (Use of Force-Uniform Firearms and Equipment policy, Section 9 revised 9/30/2017)

found in the service firearm room of the Armory as well. Some weapons were stored still loaded, which is against common practice firearm storage procedures for both individuals and law enforcement agencies.

Due to the disarray, there was no method to easily locate a specific PFA weapon when needed. If an individual returned to the Sheriff's Office to claim their weapon(s), the Armory staff had to search through all PFA weapons to find it. In some instances, this process could take hours and the Sheriff's Office would instruct the individual to leave the Armory and return when the weapon(s) were located. If a gun was taken into custody in recent months, it was usually in a pile on the floor and more readily located.

Recommendation: The Controller's Office recommends that the Sheriff's Office create written policies and procedures for the neat, orderly, and safe storage of all weapons and ammunition stored in the Armory.

It should be noted that during the investigation, Armory staff reorganized all items in the PFA room of the Armory and created a master list of property receipts with the storage location of the associated weapon(s). On July 16, 2020, after this reorganization, investigators conducted a spot check of the room. Investigators randomly selected 20 property receipts of PFA firearms and presented them to the Armory staff to locate. All weapons associated with those 20 property receipts were easily located and accounted for.

Additionally, investigators observed that evidence confiscated by DSOs while serving warrants related to potential criminal cases and other weapons unrelated to the PFA Act are stored in the PFA room of the Armory. No separate space was established at the Sheriff's Office for items of evidentiary value.

Recommendation: The Controller's Office recommends that the Sheriff's Office immediately provide any evidence of crimes and other non-PFA weapons to the PPD. When necessary to retain temporary custody of items with evidentiary value, those items should be stored safely and separately, not comingled with PFA weapons in the PFA room of the Armory. Items of evidentiary value should also be properly documented and tracked using established procedures.

Finding: Management oversight is lax and fails to clearly define the roles and responsibilities of Sheriff's Office staff.

The roles and responsibilities of the Armorer, and Sheriff's Office staff who assist in the Armory, are not formally defined. The former Deputy Chief, whose responsibilities included managing the Firearms Unit, the Armory, and all other firearms in the care of the Sheriff's Office, did not provide adequate oversight of the Armory and its staff. Those working in the Armory have no written guidance on what their duties and responsibilities are. Nor did the former Deputy Chief

communicate consistent instructions on how to perform duties related to inventory management or implement any coherent policies or procedures.

Our investigation found that the former Deputy Chief operated with little to no oversight, which severely impacted the Armory and the Armorer's ability to effectively manage the Sheriff's Office weapon inventory. Interviews revealed that in one instance, the former Deputy Chief verbally reprimanded staff for following the standard procedure of notifying the PPD after a ballistics item exploded in the Armory.

Additionally, despite knowledge of the Controller's Office investigation, the Controller's Office was notified on September 14, 2020, that additional documentation relating to the Sheriff's gun inventory was located in the former Deputy Chief's office. This documentation should have been provided to the Controller's Office in a timely manner, as well as shared with the Armorer and stored in the appropriate location in the Armory.

Recommendation: The Controller's Office recommends that the duties and responsibilities of the Armorer and staff be well-defined. Decisions made by management regarding the Armory and weapon inventory should be shared with the Armorer and properly documented.

Finding: The security of the Sheriff's Office Armory is inadequate and lacks formal policies and procedures.

There are no written policies or procedures for who is allowed into the Armory, for what purpose one can enter the Armory, or for documenting who has been in the Armory, making it vulnerable to theft or other security threats.

Furthermore, there is no equipment in place to monitor or record who enters the Armory. The Armory does have a security camera, but it was not in use during the investigation. When it was active, the monitor for the camera was located within the Armory itself, making it an ineffective tool in monitoring unauthorized or external individuals leaving and entering the Armory. The only other safeguards for the Armory are a key to enter and a local alarm that functions similarly to a household alarm system. However, the alarm only produces a sound when activated onsite by opening Armory doors. During the investigation, the alarm was not set up to transmit a signal to any external monitoring entity. Multiple keys to the Armory exist and were freely shared with others not staffed to the Armory by the former Deputy Chief.

A DSO, assigned overnight at the CJC, will walk the floors of the main Sheriff's Office once an evening. This is the only physical security monitoring of the facility outside of normal business hours.

In 2013, the Sheriff's Office paid AK Consulting, LLC \$25,000 to perform an analysis of the security, safety and physical layout of the Sheriff's Office and Armory. When asked for the consultant's

report during the investigation, the Sheriff's Office was not able to provide it to the Controller's Office and as such, the results of the analysis are unknown.

Recommendation: The Controller's Office recommends that the Sheriff's Office create written policies and procedures for the physical security of the Armory, including limiting the personnel with access to the Armory and establishing who is allowed in the Armory and for what purpose. Policies should include documentation of who has entered the Armory, and the date, time, and purpose of their visit.

Given the property stored within the Armory, the Sheriff's Office should also utilize appropriate, and possibly higher-grade, security equipment, such as an access control system, a working camera system and an alarm that is monitored by a central station that notifies the Sheriff's Office in the event of a break-in during off hours.

The Sheriff's Office should replace all locks on the doors in the Armory and develop a tracking system and master list for the employees who have keys to the Armory.

It should be noted that at the time of this report's publication, the Armory's security alarm was updated to transmit a signal to an external monitoring system.

Finding: *The Sheriff's Office engaged in illegal trades of service firearms and PFA weapons.*

Investigators found documentation that the Sheriff's Office, specifically the former Deputy Chief, engaged in trades of Rule 700 weapons and PFA weapons that were, at minimum, illegal dispositions of City property. The characterization of this transaction was confirmed by the City Law Department.

As noted previously, a gun burn is the preferred method to dispose of weapons no longer needed for service or evidence or deemed abandoned. Though not a best practice, the Sheriff's Office is permitted to make arrangements for a sale of Rule 700 firearms or abandoned PFA weapons to a federally licensed firearms dealer. However, the Law Department recommends that the Sheriff destroy all eligible weapons, consistent with PPD policy, in order to reduce the number of firearms on city streets. It does not appear that a trade would be considered allowable as a form of sale. It's important to note that any sale of City property, including service firearms and PFA weapons, should follow established City protocols and any trades with monetary value must be to the benefit of the City and not just the Sheriff's Office.

Investigators learned that the former Deputy Chief, a DSO at the time, traded 13 PFA weapons and one service firearm with a local gun shop in exchange for 10 new service firearms on October 10, 2006. Investigators were able to review the property receipts signed by the gun shop that took custody of these weapons, but there is no documentation authorizing this trade and no

record of how these weapons were selected for the trade.²³ Investigators could not confirm if this was the only trade that occurred with PFA weapons as many are unaccounted for and their whereabouts are unknown.

Additionally, documents recently discovered in the former Deputy Chief's office note that as a DSO he personally traded numerous Rule 700 weapons at a different gun shop that has since closed. The only paperwork documenting this transaction is a memorandum stating that he traded these weapons, signed by him and the dealer, with no indication as to what was received in exchange for those weapons. Investigators were unable to locate any supporting documentation or further information regarding this transaction.²⁴

Recommendation: The Controller's Office recommends the Sheriff's Office follow established City policies and procedures for disposal of weapons, including sales.

Finding: The Sheriff's Office held a gun buy-back in 2018.

The Sheriff's Office does not have any written policies or procedures on how to conduct gun buy-back events. However, on August 18, 2018, the Sheriff's Office sponsored a gun buy-back event, in which gun owners would receive a \$75 gift card from a local clothing store in exchange for each gun surrendered during the event.

The Sheriff's Office's financial documents were also reviewed as part of the investigation. These documents did not contain any records of the funding source for this event or the cost of the program. There is no documentation of the amount of gift cards purchased by Sheriff's Office for the event or the number of gift cards given out in exchange for the weapons.

The event resulted in 10 guns being turned in to the Sheriff's Office, which were then recorded on nine property receipts. The 10 guns have been haphazardly stored in the PFA weapon room of the Armory since the event more than two years ago.

While the PPD does not sponsor its own gun buy-back events, they do have internal procedures and policies in place to support such events. This includes:

- A PPD SWAT Officer on site to safely unload any weapons that cannot be safely handled by those running the event;
- Running any weapons through NCIC to determine if the gun is marked as stolen; and
- An examination of the weapon by the PPD's forensic science unit to determine if the weapon has been used in a crime.

²³ The gun shop has since changed ownership, so documentation could not be acquired from the shop or any other sources regarding this trade.

²⁴ As the gun shop where the trade supposedly took place has since closed, investigators have unsuccessfully attempted to locate records through law enforcement.

The Sheriff's Office sponsored a gun buy-back event without understanding or undertaking best practices, as determined by PPD, regarding what to do with the firearms acquired. The guns were removed from city streets, but no further action was taken to appropriately track or destroy the weapons, nor have the guns been subject to a NCIC check or examination by a forensic unit.

Recommendation: The Controller's Office recommends the Sheriff's Office use the PPD's established protocols to create its own written policies and procedures on how to conduct gun buy-back events. Specifically, the Armorer should meet with the PPD to submit the guns from the gun buy-back for appropriate review and documentation and to establish procedures for future gun buy-back events.²⁵

²⁵ It should be noted that during the investigation, investigators did connect the Armorer with the PPD to submit the weapons from the gun buy-back for appropriate review and documentation.