



MEMORANDUM

City of Fort Smith
Internal Audit

TO: Chief Danny Baker, Chief of Police

FROM: Tracey Shockley

DATE: May 2021

SUBJECT: Police Department Evidence Room Remediation Reverse Testing Report

Reverse remediation testing was completed on Police Department evidence room to determine whether the submissions and supporting documentation were in compliance with the Property and Evidence Control Policy. Reverse testing samples pieces of evidence from the shelf and traces it to Que-Tel, ICIS, etc... to validate the evidence was accounted for and inventory records are accurate.

The Police Chief started in 2019 and identified that the prior recommendations and management responses from the 2017 audit had not been implemented in the policies and procedures. The Chief made those changes during the yearly policy reviews. Therefore, the evidence was tested based upon the policy it was under when submitted into the Evidence Room. A number of the exceptions noted were under prior Police Administration.

Audit Objectives, Scope & Methodology

The focus of the audit was on determining if procedures in place and inventory records provide a complete and accurate recording and control of the property and evidence inventory. Our primary audit procedures included:

- Determine whether the property and evidence room maintains and completes the proper documentation to support the chain of custody of the property;
- Determine if property and evidence is appropriately accounted for and whether inventory records are accurate;
- Determine if existing policies and procedures pertaining to property and evidence are being followed;
- Determine whether the property and evidence room has effective internal controls over property and cash;
- Evaluate whether the property and evidence room intake procedures, both during work hours and non-work hours are strictly controlled;
- Determine whether the property and evidence room inputs property and cash into the evidence and property management system-in accordance with established department procedures;

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- Determine whether the property and evidence room safeguards all assets under its control; and
- Selecting a sample of items located on the evidence room shelves and then reviewing the Que-Tel entry to verify that the entry accurately described the item and that the correct shelf location was entered into Que-Tel.

Audit Exceptions

Twenty (20) pieces of evidence and supporting reports were reviewed. Based upon the areas tested above the following exceptions were noted:

- One evidence submission referenced the wrong case number in Que-Tel. After research was conducted it was determined the evidence submission was detailed under another case number.
- Three evidence submissions contained no explanation for date difference between evidence collection and submission.
- The collecting officer did not submit one evidence submission and there was no clear documentation of transfer of evidence.
- Evidence Custodian was also the submitting officer for one evidence submission.
- Officer(s) did not submit evidence appropriately or follow proper procedures/policy for one evidence submission. Officers involved in internal investigation are no longer with the Police Department.

Note: Attributes were tested based upon the year it was implemented in the policies.

Audit Observations

- Multiple evidence submissions were not identified in the property section of ICIS; however, these submissions did include the evidence in the narrative.
- The Que-Tel barcode number was not referenced in ICIS for five evidence submissions.
- The Que-Tel barcode number appears to have been transposed for one evidence submission.
- The only supporting documentation for one evidence submission of a license plate was a ticket written for fictitious tags.
- One evidence submission did not contain officer ID number by the initials on sealed evidence.

Recommendations:

- Internal Investigations should follow the same policy/procedures when submitting items to be stored in the Evidence Room. Alternatively, policies be written to identify proper protocols for handling evidence internally and for proper chain of custody.
- Barcode numbers should be documented in ICIS for evidence submissions.
- Supporting narrative be written in ICIS for similar situations in the future where tickets are only issued and items are confiscated and placed in the Evidence Room.
- Differences between evidence collection and evidence submission dates should be documented to maintain chain of custody support.
- Evidence not submitted by the collecting officer should be documented to preserve chain of custody protocols.
- Ensure that the correct case numbers are entered into Que-Tel. Random sample cases periodically to ensure correct information was entered into the system.
- The property section of ICIS should contain evidence submission information, especially when the collecting officer has multiple evidence items being confiscated.
- Evidence submitted by officers should initial and document their ID number on sealed evidence. This helps identify the correct officer when multiple officers have the same initials.

Management Responses:

As to the observations, exceptions and recommendation section of this draft report, the following actions and/or explanations have been taken or provided:

Former Chief of Police Nathaniel Clark resigned effective April 8th, 2019. Current Chief of Police Danny Baker served as the interim Chief from April 8th until September of 2019, and was officially sworn in as the Chief of Police on October 11, 2019. The Fort Smith Police Department was severely understaffed at this time, including vacancies in critical supervisory and management positions, and also had to respond to the historic 2019 Arkansas River flood at almost 2/3 strength.

These policy changes were placed into the workflow process in PowerDMS and sent through for review and implementation, however, because of interruptions to the process which included the retirement of Deputy Chief Rannells, resignation of Chief Clark and other circumstances mentioned above, the policy did not make it to the Chief of Police (Interim Chief Baker) for review until August of 2019.

A number of these exceptions noted were under prior Police Administration. Current Police Administration have been actively reviewing FSPD policy 1102.02 as well as monitoring employee practices to ensure compliance with Internal Audit's recommendations

- Evidence should be submitted under the proper case number in Que-Tel. Entering an item under the incorrect CFS makes it very difficult to locate a report in ICIS and identify the evidence. Documented training and proper supervisory oversight should ensure officers are aware of reporting and documentation requirements.
- Evidence should be submitted into evidence prior to the end of the shift for the officer collecting and submitting the property. Failure to do so is classified as Dereliction of Duty under the FSPD Rules and Regulations. Identified violations of Rules and Regulations will be addressed with appropriate disciplinary action. Under certain circumstances, evidence may be temporarily secured in the Identification Office or temporary evidence lockers in CID until it is submitted into evidence. If an item is not submitted into evidence on the date it is seized or collected, there should be clear documentation showing the chain of custody until that item is submitted to evidence. This includes using the logs on the temporary evidence lockers in CID and documenting the information in the report. FSPD policy 1102.02 is being revised to include this and it will be addressed in documented training.
- The collecting officer should submit all evidence they collect. In the event they transfer that evidence to another party, that information should be documented in the report to ensure a clear chain of custody. This will be addressed in documented training.
- The Evidence Custodian should not routinely submit evidence. The only exception to this will be when they receive an item from the Arkansas State Crime Lab (ASCL) that has not been previously entered into evidence, and has been processed by the ASCL. This happens when a body is submitted to the ASCL for autopsy. The ASCL collects the clothing and items from the body and sends it to the Evidence Custodian. The Evidence

Custodian maintains the chain of custody by submitting the item into the FSPD Evidence locker. Prosecutor Dan Shue was consulted and agreed this is an acceptable practice, and insisted this practice continue to maintain chain of custody. FSPD policy 1102.02 is being revised to reflect this.

- Evidence submitted for an internal investigation should be submitted by the investigating officer, not the Evidence Custodian. FSPD policy 1102.02 and FSPD policy 1104.03-Professional Standards are both being revised to reflect this.
- Evidence submissions should be properly identified in the property section of ICIS, as well as the narrative. This will be addressed in documented training.
- The Que-Tel barcode number should be referenced in ICIS on all evidence submissions. This will be addressed in documented training.
- The Que-Tel barcode number should be accurately reflected in reports. This will be addressed in documented training.
- All evidence submissions should have a corresponding arrest, offense, or incident report complete with a property module documenting why the property was collected or seized. This will be addressed in documented training.
- All evidence submissions should contain the submitting officer's ID number and initials on sealed evidence. Additionally, all barcodes placed on items that are not sealed in plastic should have the submitting officer's ID number and initials written on the barcode. This will assist in determining who logged the evidence in should the submission form not be found. FSPD policy 1102.02 will be revised to reflect this.
- Command Staff personnel are aware of deficiencies in report writing by members of the Department through feedback from the Internal Auditor, Prosecutors, and Judges. Managers and supervisors are actively working on correcting these issues through training and other corrective measures. The Internal Auditor has offered assistance with helping train officers on proper evidence control and report writing techniques, and this offer will be seriously considered as a supplement to efforts already underway.
- Current management recognizes that while most of these issues occurred during the previous administration, the importance of thorough oversight and adherence to controls in evidence handling cannot be underappreciated. Documented training and policy revisions will continue to be implemented and completed as soon as possible, but no later than July 5th, 2021. After training is completed, officers who violate these policies will be held accountable through progressive disciplinary measures.
- The FSPD has policies and procedures to cover most if not all areas of operation to include evidence collection and evidence submission. These policies are reviewed annually and updated as needed.