



MEMORANDUM

City of Fort Smith
Internal Audit

TO: Board of Directors

FROM: Tracey Shockley

DATE: June 2018

SUBJECT: Police Department – Evidence Room Division

Background:

The Fort Smith Police Department Evidence Room Division is responsible for property and evidence management. This includes the seizure, control, and disposal of evidence and other property. Policy 1102.02 Property and Evidence Control establishes the manner in which this function is to be performed.

The employees are responsible for maintaining the integrity of the property/evidence procedures. However, one full time Property and Evidence Custodian is tasked for maintaining the inventory and performing related work as required.

A bar code based evidence tracking system by Que-Tel is used to maintain an inventory of property and evidence. The system makes it easy to receive and enter property and evidence into the computer, track items using bar codes as the items are moved in and out, and retrieve information in either screen queries or reports.

Per the Que-Tel system, the property and evidence function is in control of 31,278 items as of August 10, 2017, which includes items that have been disposed of and returned to owner.

Property and Evidence are different. Property includes items that are obtained as lost or recovered property and when properly documented in the evidence room, recovered property might be linked to criminal cases. Evidence includes items from both misdemeanor and felony cases retained for use in court cases.

Conclusions and Findings

One of the most critical processes for property and evidence rooms and law enforcement in general is maintaining a clear, fully documented and complete chain of custody for all property and evidence. This is critical for ensuring that property is kept under control at all times and that evidence is transferred in a manner that to the maximum extent possible preserves the integrity and existence of the evidence from the source to the ultimate disposition including through any process involving prosecutions. Maintaining a proper chain of custody is also critical in protecting law enforcement personnel who are part of the chain of custody from any accusation of improper handling of property or evidence.

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Evidence testing consisted of evidence submissions tested from 2003 and 2017 that were system to self and evidence submissions tested from 2015 and 2017 that were shelf to system. Certain processes were identified during the audit that indicated control weaknesses, deficiencies and policy violations that should be addressed. The exceptions identified were as follows:

- Evidence was not always coded to the correct category. IA identified evidence submissions that were assigned to the incorrect category in Que-Tel. This is especially important for sensitive evidence (i.e. guns, drugs, jewelry, and cash) and hinders the Custodian from running reports that would accurately report and identify items in each of the categories.
- Evidence submissions did not contain the submitting officer's initials on the seams of the evidence packaging as required by policy. Additionally, Evidence submissions of currency did not contain the witnessing officer's initials on the seams of the evidence packaging as required by policy.
- Evidence submissions were entered into ICIS with a description that did not agree to the description entered into Que-Tel. Additionally, evidence submissions contained items that could not be properly identified in the case report in ICIS.
- An evidence submission was marked as destroyed, but had not been destroyed as of the audit testing date. Additionally, not all evidence submissions were in the appropriate location.
- Evidence submissions were noted as not adhering to proper packaging controls as required by policy (i.e. manila envelope, clear packaging, etc...). Additionally, evidence submissions contained evidence that was not properly labeled (i.e. sharp object, glass, biohazard, etc...).
- Evidence submissions could not be located in the Evidence Room.
- Evidence submission dates were not consistent with the narrative dates in ICIS. Additionally, evidence submissions were completed by someone other than the collecting officer and some officers who were not identified as assisting with the case were reported as having submitted the evidence.
- Evidence Submission Forms were not completed by the collecting officer.
- Wrong years entered into Que-Tel by officers (i.e. entered 9/5/2012 and should have been 9/11/2011).
- Barcodes for evidence items were not listed in the ICIS system.
- The narratives in incident reports did not identify the evidence, nor could the evidence items be located in any other sections of the report, including the evidence section.
- Court Ordered disposal or release of evidence was not tested at the time of the audit because of the time needed to locate them in the boxes individually. **NOTE:** This will be tested during remediation testing.

Observations:

- Many of the items noted above relate directly to chain of custody documentation. Chain of custody documentation should be clear, complete and accurate from the point of collection of property or evidence to final disposition. This requires that each person in the chain, both the transferor and the transferee, identify himself or herself in writing in a clear fashion, record date, time and badge number. The department should ensure that the related policies are clear and that all personnel are fully trained on proper procedures.
- Based upon discussions with the Evidence Room custodian, he does not currently check on evidence that has been checked out longer than seven calendar days as required according to the Property and Evidence Control policy IV.O.3. However, the Evidence Custodian stated it is checked on a monthly basis. The policy should be reviewed and changes made according to the confidence level management is comfortable with on tracking evidence when checked out of the Evidence Room.

- It was noted that if the Call for Service (CFS) number appeared to be incorrect then the incident reports could not be located in the ICIS system and the evidence identified.
- It was noted that evidence submissions contained evidence packaging that was initialed but not legible and/or have the same initials. Officers when initialing should also put badge number and date.
- Evidence submissions did not contain an evidence submission date in Que-Tel.
- CDs and DVDs should be physically marked or a sticker tagged placed on them with identifying information. Currently they are placed in a white disk envelope and not always sealed. Some disks are marked and some disks are not. Marking the disk for information would help from mixing them with other blank disks. It would also help if the envelope tears, deteriorates, box is dropped, etc.... to quickly identify which bar code it belongs.
- Internal Affairs is currently identifying the keys each Police Department employee has in their possession. This will ensure the employees have the appropriate access, especially, with the number of position changes within the department and to the security areas.
- Based upon discussions with the evidence custodian, Internal Audit recommends that the alarm system and security be reviewed. It is unknown when the code was last changed and there have been several personnel changes in the Evidence Room.
- Inspection Reports in 2016 and 2017 had the prior Police Chief's name, which should have had the interim and the current Police Chief's name.
- Officers do not receive training specifically related to FSPD Evidence Room.
- Evidence was not consistently entered into the property section in ICIS, but some evidence could be identified in the narrative.
- Evidence Custodian should not accept any evidence that is not properly packaged, documented, sealed, etc.... as required in Property and Evidence Control policy II. A., B. & F.
- The drugs to be destroyed are signed off by a witnessing officer and then transported to Sparks Medical Center. There are no controls in place to provide support that all drugs to be destroyed actually arrived at Sparks. The drugs should be weighed at the FSPD and then weighed upon arrival at Sparks. The Sparks representative should sign that the weights agree.
- A specific and detailed Policy/Procedure should be developed for what is required in an arrest report.
- Officers did not list the evidence in the evidence section of Que-Tel, the officers only listed E-1, E-2, etc.... (a reference to an evidence box, not the actual evidence).

Recommendations:

A comprehensive policies and procedures manual for the property and evidence room should be developed and implemented by the Police Department. These Policies and procedures should establish department personnel responsibilities, outline acceptable procedures, establish general performance standards, and create consistency among employees to carrying out their numerous tasks.

Written policies and procedures should describe procedures as they are intended to be performed, indicate who will perform the procedure, and explain the design and purpose guidance for employees, enhance employees' understanding of their role in the control system, improve efficiency, and maintain consistency in procedures, even during employee transitions. Written policies and procedures should include clear, detailed and specific requirements for maintaining the chain of custody in all circumstances.

The policies and procedures manual should be reviewed and updated annually by the police department to revise outdated policies and procedures, update any personnel or position changes, and update law changes. Since laws relating to the collection, preservation, and disposition of property and evidence change, it is important that the Police Department maintain a close relationship with prosecutors and the agency's attorney, and obtain their assistance with the review.

Additionally, during the audit and through discussions with the Evidence Custodian, Internal Audit did not test the property and evidence room disposing of cases in accordance with statutory requirements, laws and department procedures. (i.e. property returned to owner, auctioned property, destroyed property, etc...) because currently the court order documents for items to be released are maintained in boxes and not separated according to month/date, last name, bar code number, etc.... For example, firearms, currency, or other items that can be sold at auction (i.e. jewelry, tools, car stereos, etc...). Therefore, Internal Audit will test this during remediation testing to allow time for the documents to be organized in a more comprehensible format and easier to locate. Prior to June 2012, the Evidence Custodian completed a form for items (i.e. drugs, paraphernalia, items that could not be auctioned, etc...) that could be destroyed and provided it to the case officer for approval. After June 2012, the Evidence Custodian sent an email to the case officer requesting approval for the disposal of the items. The dispositions are tracked in Que-Tel by date, disposition and who authorized the items to be disposed. The Evidence Custodian should print a report of all destroyed items and reconcile it at least monthly to ensure the system correctly identified evidence as destroyed.

The Evidence Custodian initiated several changes throughout the auditing process.

- Sworn personnel were emailed regarding the correct procedures for submitting evidence (i.e. using the proper categories, initialing seals/tape on packages, and two officers initialing packages of currency, etc...)
- The categories were posted in the submission room as a guide for the officers to follow.
- An Evidence Submitting manual with step-by-step instructions for the officers has been provided in the submission room.
- The Department is currently working on several proposals to amend the evidence policy to address some of the discrepancies and have better clarifications.
- As a result of the changes, evidence not submitted proper is rejected and an email is sent to the officer advising him of the rejection and to make the correction before it can be processed.
- In addition, by reviewing a report in Que-Tel. the Evidence Custodian identified two missing pieces of evidence that were destroyed but did not transfer correctly into the system due to the scanner malfunction.