



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 Report

Remediation testing was completed on Police Department evidence room for the time period of January 2018 – February 2021 to determine whether the submissions and supporting documentation were in compliance with the Property and Evidence Control Policy.

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 to determine 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;
- Determine whether the property and evidence room safeguards all assets under its control;

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- Determine whether the property and evidence room disposes of cases in accordance with statutory requirements, laws and department procedures. (i.e. property returned to owner, auctioned property, destroyed property, etc...);
- Reviewing the Property and Evidence Policy Manual, policies, and procedures;
- Review of Segregation of Duties;
- Selecting a sample of items consisting of one hundred seventeen items from Que-Tel and then verifying that the location recorded in Que-Tel agreed with the physical location of the item and that it was accurately described (i.e. currency, drugs, jewelry);
- Reviewing documentation for items that were returned to owner or other appropriate party;
- Reviewing reports of 'checked-out' items; and
- Discussing procedures and practices with the Evidence Custodian.

Audit Exceptions

One hundred and seventeen (117) pieces of evidence, Que-Tel and supporting reports were reviewed. Based upon the areas tested above the following exceptions were noted:

- Two evidence submissions did not include officer number and/or initials. Additionally, two evidence submissions of currency did not include witness initials.
- One evidence submission was not packaged according to policy, and was rejected by the evidence custodian. Additionally, one evidence submission was not packaged according to policy and accepted into the Evidence Room.
- Ten evidence submissions were not identified in an incident, offense or arrest report.
- Seven evidence submissions were not submitted by the collecting officer and there was no clear documentation of transfer of evidence.
- Six evidence submissions were not classified correctly in the system by submitting officer.
- One evidence submission was not barcoded.
- Two evidence submission forms were not submitted the same day as the evidence was collected.
- Three circumstance involving property seizure were not fully documented.
- Eight evidence submissions provided no explanation for date difference between evidence collection and submission.
- Four evidence submissions by the CID could not be located on log maintained of evidence secured in CID area before submitted to the evidence room.
- A case number for one evidence submission was entered incorrectly into Que-Tel.
- One evidence submission did not match the Que-Tel description because the brand/model was listed incorrectly.
- Additional emails sent by Evidence Room Custodian to Officer to correct exception could not be located for two evidence room submissions.
- Officer(s) did not correct three Evidence Room exceptions timely.
- One evidence release was not properly documented in Que-Tel.

Audit Observations

- Although most evidence submissions were identified in an incident, offense, or arrest report narrative in ICIS, numerous submissions were not listed under the property section.
- Forty-seven evidence submissions in the ICIS system did not reference the Que-Tel bar code.
- ICIS reports were submitted numerous weeks after the evidence was submitted.
- Although evidence was not packaged, the submitting officer did not initial and/or indicate ID number on attached bar code on eleven evidence submissions.

- Evidence Policy should address the witnessing of evidence destruction by the Evidence Custodian and how the evidence is to be destroyed.
- Six evidence items were destroyed without proper support documentation or a witness present.
- Email should be attached in Que-Tel to provide support for reason of evidence submission form not being submitted with Evidence and the Evidence Custodian notifying the officer the form is required.
- Witnesses for currency submissions should be readable and entered in the ICIS report.
- When Officer checks out evidence, it should be signed out by the officer and signed in by the officer with date and time. The Evidence Custodian only documents it in Que-Tel.
- Evidence that is submitted to the ID Lab before it is submitted to the Evidence Room should be identified in the ICIS report. Three evidence submissions did not detail this. Proper chain of custody should be documented.
- When receiving evidence from outside sources (i.e. School Resource Officer, County, Sheriff, etc...) reason should be documented regarding lapse of days before entering into evidence.
- Evidence Room custodian should send email to Officer when changing the Category Code in Que-Tel to advise the Officer it was submitted into evidence under the wrong classification. Category was corrected for seven evidence submissions
- Money seized should have been notated on the CID log when not submitted into evidence before the end of the shift, and the ICIS report should have clearly stated the reason for not submitting the money into evidence and where it was secured.
- One evidence submission of a narcotic was found in patrol car by officer while conducting a pre-inspection of vehicle.
- One DVD evidence submission was entered into evidence days after incident occurred. An explanation should be provided for time difference in the ICIS narrative.
- One officer did not identify the evidence in ICIS and could not provide an explanation why the evidence was submitted 10 months after the incident.
- Report should identify why evidence was confiscated/seized months after the incident occurred. Difference of report dates and system dates should be explained.
- When evidence is entered into Que-Tel as to be destroyed a clear explanation should be provided.

Recommendations:

- Evidence submissions should include officer number and/or initials. Additionally submission of currency should include witness initials.
- Evidence submissions should be packaged according to policy.
- Evidence submissions should be identified in an incident, offense or arrest report.
- Evidence submissions should be submitted by the collecting officer. If the collecting officer is unable to submit the evidence, the transfer of evidence to another officer should be documented in the report to maintain the chain of custody protocols.
- Evidence submissions should be classified correctly in the system by submitting officer.
- All evidence submissions should be barcoded.
- Evidence submission forms should be submitted the same day as the evidence was collected.
- Circumstance involving property seizure should be fully documented in order to identify date difference, collection, submitting of evidence timely, and chain of custody.
- Date difference between evidence collection and submission should be documented.
- Evidence submissions by the CID not submitted to the Evidence Room before end of shift and maintained secured in CID area should be logged in order to preserve chain of custody.
- Case numbers for evidence submissions should be entered correctly into Que-Tel.
- Evidence submissions should match the Que-Tel descriptions.
- Emails sent by Evidence Room Custodian to Officer to correct exceptions should be maintained.

- Officers should correct Evidence Room exceptions timely. If certain circumstances do not allow for the exception timely, the circumstances should be documented.
- Release of evidence should be properly documented in Que-Tel.
- Evidence to be destroyed should contain proper support documentation and witnessed.

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.

- All evidence submissions dealing with currency should be properly categorized in Que-Tel and include witness initials. 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.
- All evidence items should be packaged according to policy. If it is not packaged according to policy, it should be accepted by the Evidence Custodian and should be shown as "rejected" in the system until corrected. The evidence has to be accepted in the system before it can be shown as rejected in order to maintain chain of custody. 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.
- 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.

- All evidence submissions should be correctly classified in both the ICIS report and the Que-Tel evidence submission. Officers should avoid using the “miscellaneous” category, and should select the category that best describes the property being logged in. This will be addressed in documented training.
- All evidence should have a barcode attached to it. Some evidence has to be stored outdoors, and precautions should be taken to ensure the barcode is securely attached to those pieces of evidence. This will be addressed in documented training.
- 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.
- 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.
- 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 should ensure officers are aware of reporting and documentation requirements.
- Officers submitting evidence should pay attention to brand/model information of items they are submitting. The brand/model information should match what is submitted into Que-Tel to ensure proper evidence control. This will be addressed in documented training.
- Evidence submitted in a manner not compliant with this policy will be placed in a “rejected bin” in the Evidence Room and the submitting officer and/or the submitting officer’s supervisor will be notified by the Evidence Custodian. Supervisors should follow-up with these emails in a timely manner to ensure the rejected items are re-submitted promptly and properly. This will be addressed in documented training.
- The Evidence Custodian should ensure that property releases are documented properly in Que-Tel. This will be addressed in documented training.
- All evidence submissions should be identified in ICIS in a property module, and the barcode should also be included in the module. This will be addressed in documented training.
- ICIS reports should be submitted prior to the end of the officer’s shift when evidence is submitted. 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.

- FSPD policy 1102.02 will be revised to clarify that the Evidence Custodian must have a witness or utilize a body-cam as support when destroying evidence. The Evidence Custodian will also ensure the proper supporting documentation is completed for items being destroyed. The Evidence Custodian has been instructed on this requirement.
- Supporting documentation, such as an email, should be attached in Que-Tel to provide support for evidence submission forms not being submitted with the evidence submission. Documentation showing the Evidence Custodian notified the officer should also be required. FSPD policy 1102.02 will be revised to reflect this.
- Currency submission witnesses should clearly initial and write their ID number on currency submissions, and the witness information should be documented in the ICIS report. This will be addressed in documented briefing training.
- When an officer checks out evidence and returns it, it should be signed out by the officer and signed in by the officer with date and time. In the event the evidence custodian is not available to receive the evidence and it is left in a locker, a method for recording the time and date of return will be identified. This may be accomplished by the officer sending an email to the Evidence Custodian indicating the date and time it was returned. Other options we will consider include an automatic time/date stamp available to the returning officer and barcode scanning options. The record should be attached to Que-Tel. FSPD policy 1102.02 will be revised when the best method is identified.
- 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 in training.
- If the Evidence Custodian has to change a category code in Que-Tel, an email should be sent to the officer's Supervisor advising it was submitted under the wrong code.
- Currency seized may be temporarily secured in the temporary evidence lockers in CID until it is submitted into evidence. The ICIS report should clearly state the reason for not immediately submitting the currency into evidence and clearly identify the amount of money, witnesses to the count, and where it was secured. FSPD policy 1102.02 will be revised to reflect this.
- Members of CID conduct video interviews during investigations that are stored on a server. These interviews may be placed on a DVD a few days later and logged into evidence a few days after the interview was conducted. The time difference should be explained in the ICIS report.
- There are very few instances in which evidence is submitted months after an incident occurs. Should this happen, the reason should be clearly articulated in an ICIS report. This will be addressed in training.
- 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.