



CITY OF COLORADO SPRINGS OFFICE OF THE CITY AUDITOR

06-177 – POLICE EVIDENCE ROOM INTERNAL CONTROL AUDIT

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Introduction

AUTHORIZATION

We performed an audit of the Internal Control environment as it relates to the safeguarding and disposition of evidence gathered by the Colorado Springs Police Department (CSPD). We conducted this audit under the authority of Chapter 1, Article 2, Part 7 of the Colorado Springs City Code, and more specifically parts 703 and 705, which state:

1.2.703: ENSURE PUBLIC ACCOUNTABILITY:

The City Auditor shall ensure that administrative officials are held publicly accountable for their use of public funds and the other resources at their disposal. The City Auditor shall investigate whether or not laws are being administered in the public interest, determine if there have been abuses of discretion, arbitrary actions or errors of judgment, and shall encourage diligence on the part of administrative officials. (1968 Code §1-10.3; Ord. 76-54; 1980 Code; Ord. 01-42)

1.2.705: DETERMINE EFFECTIVENESS AND EFFICIENCY OF PROGRAMS:

The City Auditor shall determine the extent to which legislative policies are being efficiently and effectively implemented by administrative officials. The City Auditor shall determine whether City programs are achieving desired objectives. The City Auditor shall review the administrative control systems established by the enterprises, department or group managers and by the City Manager, Utilities Executive Director and Memorial Hospital Executive Director and determine whether these control systems are adequate and effective in accomplishing their objectives. (1968 Code §1-10.3; Ord. 76-54; Ord. 01-42)

ORGANIZATION PLACEMENT

The City Auditor's Office of the City of Colorado Springs is structured in a manner to provide organizational independence from the entities it audits. This is accomplished by the City Auditor being appointed by and reporting directly to the City Council. The audited entity in this audit (CSPD) reports directly to the City Manager, who is also a City Council Appointee.

SCOPE AND METHODOLOGY

We conducted our audit in a manner that meets or exceeds the Standards for the Professional Practice of Internal Auditing, a part of the Professional Practices Framework promulgated by the Institute of Internal Auditors. Our audit included such tests of records and other supporting documentation as we deemed necessary in the circumstances. We reviewed the Internal Control structure and compliance tests were performed using statistical sampling techniques. Sufficient competent evidential matter was gathered to support our conclusions.

The audit was for the period September 2004 through March 2006. This period was chosen because a new Evidence Supervisor was hired to lead the Evidence Unit (Unit) in September 2004 and processes changed under the direction of this supervisor. We evaluated the Internal Controls that were practiced during the period of the review. We noted that in February 2006, all evidence dispositions were halted to allow for an internal review of the processes by the CSPD's Internal Affairs Office and subsequently, this audit by the City Auditor's Office.

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To facilitate this audit, we attended meetings with CSPD management and conducted interviews with various members of CSPD staff including Unit personnel, Records Management personnel, and Data Entry personnel. We also reviewed data that was housed in the Articles (Evidence) database and the National Incident Based Reporting System (NIBRS). We extracted a statistically valid sample of articles on hand for a physical inventory that was taken by CSPD personnel and we observed the physical inventory as it was being taken.

Instead of re-interviewing individuals who had previously been interviewed by Internal Affairs, we relied on their write-ups. Many of our findings relate to information contained in the Internal Affairs write-ups.

BACKGROUND

In February 2006, my office was asked for technical assistance relating to a situation that had been identified by the CSPD concerning evidence. Chief Velez indicated that he had been made aware that some evidence may have been improperly dispositioned from the Evidence Unit. This evidence appeared to have been destroyed, but the Statute of Limitations related to the crimes had not expired, and therefore, the destruction was inappropriate. He indicated CSPD had a Standard Operation Procedure (SOP) and General Orders governing evidence disposition and asked for the City Auditor's assistance in examining the Internal Control failure that might have allowed this situation to occur. He also asked for our technical assistance in quantifying the extent of the problem, i.e., how many cases may have been impacted and how many articles may have been inappropriately destroyed.

Since evidence disposition had been halted, the City Auditor and Police Chief determined the most immediate task was to provide a determination of the articles disposed and the cases impacted, so that step was performed first (see the section entitled Technical Assistance for further discussion).

EVIDENCE UNIT

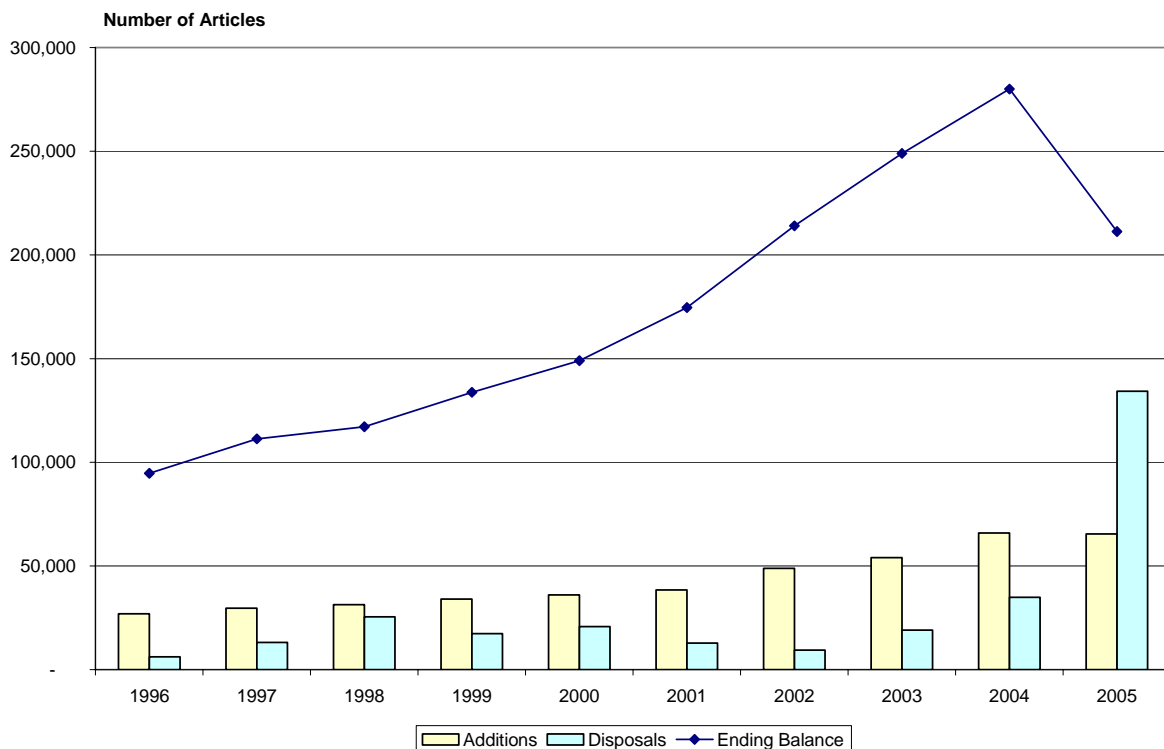
The Evidence Unit's mission was to provide high quality service to their customers. The customers of the unit were citizens, victims, police officers, detectives and other CSPD internal staff, Deputy DAs, DA investigators, defendants and their legal representatives, officers and staff from other agencies, and other persons needing assistance with property or evidence. The Evidence Unit was staffed with one Supervisor, six Evidence Technicians, one temporary Evidence Technician and one temporary Office Assistant.

The Unit handled two types of articles. The majority of the articles were classified as evidence related to offenses. All evidence had to be handled carefully—usually in sealed evidence bags, in order to maintain their evidentiary value. The other type of articles handled by the Unit was classified as property. Property may be items found in a public place and turned over to the Police or it could be items found by the Police, which do not relate to a crime. The Unit has been given the authority to disposition property that is not claimed within 60 days of being placed in inventory. The Unit does not have the authority to disposition evidence. The authorization to disposition evidence must come from outside the Unit.

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In 2004, the unit entered 65,883 articles into inventory. 50,138 of those articles were considered evidence. The remaining 15,352 were considered property. In 2005, the unit took in 65,490 articles. 48,704 articles were classified as evidence and 16,786 were considered property. Keeping in mind that one article can range in size from a single BB to a king size mattress, the challenge for the staff was to store each article so as to preserve its evidentiary value and ensure it is not damaged. In the five years prior to 2004, the Unit averaged dispositioning 15,896 articles from inventory each year. As of March 12, 2006, the computerized Evidence Tracking System contained information for 517,527 articles that had been entered into the system since it was implemented in the early 1990's. The system listed around 210,000 articles that were on hand at the Unit's storage sites. The graph below shows the annual differences between additions and disposals, as well as the ending balances.

Article Statistics, by Year, as taken from the Evidence Database



In 2004, two employees retired from the Evidence Unit. One of the retirees was the Evidence Supervisor. A new Supervisor was hired in September 2004. Under the direction of the new Evidence Supervisor, new processes were implemented to facilitate a reduction in the amount of evidence being stored. In 2005, the Evidence Unit dispositioned around 134,000 articles from inventory.

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TECHNICAL ASSISTANCE

During the period of this review, the City Auditor provided technical assistance to both the CSPD and the El Paso County District Attorney's Office (DA). A description of what was provided is as follows.

For Colorado Springs Police Department

The CSPD asked for our assistance in identifying any cases where evidence might have been inadvertently disposed in the following five crime categories:

- Homicide
- Kidnapping
- Sexual Assault
- Child Abuse
- Forgery

To accomplish this, the City Auditor obtained downloads of the Articles and NIBRS databases as of March 12, 2006. This information was brought into ACL (a computer aided audit tool) and several comparisons were made to identify the cases that may have been impacted (based on the assumption the data recorded in these systems was reasonably accurate). Our analysis was based on the raw data contained in the system. In addition, we had to make assumptions in the identification of some crimes. For example, we were told that the only way to isolate Child Abuse cases was to identify all assaults that were perpetrated on victims less than 18 years of age. While this assumption would allow assaults committed by juveniles on juveniles to be classified as Child Abuse, we were told that this assumption would provide the best data available out of the NIBRS System.

On April 27, 2006, we delivered a report to the CSPD that provided statistical information on the number of cases that might be impacted. On April 28, 2006, the Police Department held a news conference to inform the public about the inappropriate disposition of evidence.

For El Paso County District Attorney's Office

On May 24, 2006, the City Auditor met with the DA's Office to discuss ways our office could provide assistance in their task to gather a list of cases that might be impacted by the inappropriate disposition of evidence. At the conclusion of that meeting, it was determined our office was best suited to match information from the DA's records with information from the CSPD records to obtain a list of cases that need to be reviewed.

The parameters for this task differed from the parameters for the task for the CSPD in that the DA asked us to compare all open cases (about 75,000 cases), not just the five categories requested by the CSPD.

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Comparing the results from the Two Projects

On April 27, 2006, the City Auditor reported to the CSPD there were 4,177 cases involving 11,009 articles of evidence that appeared to have been destroyed during the period September 2004 to March 2006 for offense codes related to Child Abuse, Forgery, Homicide, kidnapping and Sexual Assault.

On June 6, 2006, the City Auditor reported to the DA's office, that out of the 75,000 open cases, there were 9,133 (8,010 CSPD cases) involving 20,859 articles of evidence that appeared to be destroyed during the period September 2004 to March 2006. Some of these items were already included in the list provided the CSPD on April 27.

The primary difference between the two reports is the second report contained misdemeanors, juvenile and other types of felonies that were open cases per the DA's records.

Each of these reports was qualified because the results reported were only as accurate as the information contained in the various computer systems.

SUBSEQUENT EVENTS

The fieldwork phase of our audit was substantially complete as of May 26, 2006. Two events occurred after that date which are worthy of mention.

Release of Police Chief's Report to the City Manager on June 1, 2006

On June 1, 2006, the Police Chief released a report to the City Manager on Evidence Disposal. We received a copy of that report on June 2, 2006. Included in that report is a discussion on the creation of an Evidence Redesign Team. On June 6, 2006, I visited with the Chief and indicated I would be assigning a representative of my staff to be an observer of the workings of the Evidence Redesign Team and we would provide our expertise as it relates to improvements in Internal Controls. The Chief was in full support of allowing my staff to participate.

Concern about the physical use of the Evidence Storage Facility

On June 3, 2006, there was a newspaper article that left the reader with the impression the Evidence Storage Facility was originally designed to be used only for evidence storage. We researched documents and reached the following conclusion:

Internal documents describing the needs of the Police Department, while changing over the life of the project, had a central theme of providing a building for the storage of evidence as well as the storage of supplies and equipment. However, while these multiple needs were included in the project descriptions, the project was usually titled the Police Evidence Building and it was under this title that the project was presented to the voters.

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We base this conclusion on the following facts:

- The 1998 Springs Community Improvement Program (SCIP) submission included the need for “additional evidence storage for large items” and “needs for storage for supplies and equipment”. The project was titled Police Parking and Storage.
- The Public Safety Committee meeting minutes of March 4, 1998, included reference to “an annex building to hold evidence that can no longer fit in the evidence facility located within the POC. It would also store large supplies and equipment”. The project was titled Police Parking and Storage.
- The SCIP 01 document included the “needs for additional evidence storage for large items” and “the department needs storage for supplies and equipment”. The project was titled Police Evidence Building.
- The Colorado Springs Area Infrastructure Study, prepared by KMPG Consulting and dated October 4, 2001, contained the following description – “Police Evidence Building, Phase II – The CSPD needs additional evidence storage for large items and long term items. The CSPD also need storage for supplies and equipment”. The project was titled Police Evidence Building.
- The March 2002 SCIP report included the following statements under challenges – “house most types of evidence collected”, “needs storage for supplies and equipment (vehicle accessories, graffiti-removal supplies, general supplies, etc.)” and “secure evidence-drying bays”. The project was titled Police Evidence Building.
- In the CSPD’s 2002 Annual Report, their description of the Police Evidence Building Project included the following sentence – “The new facility also contains a state of the art drying facility do dry wet evidence, as well as an area for electronics installation and general supplies”.
- At the June 24, 2002 Ribbon Cutting Ceremony for the Police Evidence Building, a copy of the floor plan was included in the brochure that was handed out to those attending. The brochure shows that one-half of the foot print was to be used for Evidence with the remaining half being used for supply, electronics storage/installs and general storage.

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OVERALL CONCLUSIONS

The Evidence Unit of the Colorado Springs Police Department dispositioned evidence in violation of the Department's Standard Operating Procedure resulting in the disposition of evidence that appeared to have value to those prosecuting and defending the cases involved. In general, we found the Policies and Procedures governing Evidence Intake, Storage and Disposition for the period September 2004 to February 2006, **had they been followed**, were adequate to prevent the inappropriate disposition of articles held as evidence.

We found the Evidence Unit Supervisor, when faced with an on-hand inventory of articles of evidence that was growing at a rate that would soon overflow the storage units available to him, established a goal to dispose of one-half of the inventory on-hand. We believe this goal was arbitrary and may not have been realistic based on the number of cases where evidence needed to be kept. Temporary employees were used to assist the Unit regular employees as they performed their daily duties as well as worked toward accomplishing the disposal goal. These employees should have received better training on the rules governing evidence disposal. In their haste to achieve the disposal goal, the Department's Standard Operating Procedures were not followed.

We found the automated system being used to record and track inventory items contained numerous errors and needs to be corrected by performing a complete inventory of evidence articles on-hand. During the taking of the inventory, the department should consider reorganizing the physical location of articles by placing those with similar disposal characteristics together. For example, according to current law, some evidence should never be disposed. If this type of evidence was separated from other evidence it would provide an additional control to prevent its accidental disposal.

In addition, the implementation of data integrity checks for database fields can be used to isolate potential data entry errors and cause their correction. A periodic match of the CSPD records with those contained in the databases used by the El Paso County District Attorney's Office would also be beneficial in identifying erroneous data.

It should be noted that during our review, we did not identify any instances where evidence was disposed of for personal gain.

Introduction

FUTURE AUDITS

An audit of the Police Evidence Room was scheduled to occur in 2008 (08-162). Since this audit was performed in 2006, the 2008 audit will be removed from the 2008 Audit Plan. However, we will monitor the changes CSPD is currently making and perform periodic reviews to ensure the CSPD's SOP's for Evidence are being followed.

Two other audits scheduled for 2006 involve CSPD operations. They are 06-167 - Impound Lot Performance Review and 06-168 - Police Case Management System.

The following pages contain 13 findings and recommendations, along with CSPD's responses. The findings are grouped by similarity and are not necessarily in order of importance.

Findings, Recommendations and Responses

THE FOLLOWING ARE GENERAL IN NATURE

1. Evidence Unit employees had minimal formal training and received inadequate managerial oversight of their performance.

Minimal time was dedicated to training and supervising Unit employees. Since most of the longer term employees had previously worked in law enforcement, they may have assumed the newer employees knew proper disposition procedures. This may have resulted in evidence being inappropriately disposed, for example:

- Non-criminal cases were overlooked when instructing the new employees. Therefore, some Missing Persons evidence was destroyed. Missing Persons cases may actually be a Homicide case for which a body has not been found.
- There was no clear guidance to the new employees about what to do when the offense was not listed on the evidence bag.
- New employees were not told that the Statute of Limitations did not apply to cases where a warrant had been issued and that they needed to determine whether a warrant had been issued.
- New employees were not informed they needed authorization from outside the Unit in order to disposition evidence.

In order to be effectively incorporated into an organization such as the Unit, new employees need a formal training program to impart knowledge concerning the operation of the Unit. Managerial oversight should be more visible to new employees so they can gain knowledge from their supervisor and also understand how accountability is incorporated into their role within the organization.

Auditor's Recommendation:

We recommend the CSPD develop a formal training program for new employees and provide extensive managerial oversight to ensure that new employees understand their role and responsibilities within the organization.

CSPD's Response

We concur. Training was conducted, however, there was no process to document the training. The temporary Evidence Technicians received one to two weeks of direct training and supervision from experienced Evidence Technicians.

For quality assurance purposes, the Evidence Supervisor conducted monthly inspections, documented in writing, to include random audits of twenty (20) cases per month to ensure the integrity of evidence storage locations. Random checks of evidence dispositions were not documented.

A formal training program will be developed with adequate safeguards and established oversights to create a system of checks and balances.

Findings, Recommendations and Responses

2. A goal of dispositioning 130,606 articles in a 12 month period was established and procedures were bypassed in order to achieve the arbitrary goal.

For the five years prior to 2004, the Unit had received an average of 42,264 articles each year and dispositioned an average of 15,896 articles each year. The Unit had grown from an inventory of just under 100,000 articles in 1996 to about 280,000 articles at the end of 2004. The rapid increase in articles stored caused pressures on storage space and inventory control. When the new Evidence Supervisor took over the Unit in 2004, he recognized that status quo was not acceptable. He established a goal to disposition 130,606 articles in a 12 month period and also developed methods to motivate Unit staff to clean out evidence that was no longer needed. We believe the disposition goal of 130,606 represented an attempt to dispose of one-half of the then existing inventory.

Unit employees were allowed to disregard SOP's and to "cut corners" in order to meet their goal. While the goal of disposing 130,606 articles was met, it involved the disposition of evidence that should not have been disposed because it had not been released by an authority outside the unit. Additionally, some of the evidence that was disposed had not met the Statute of Limitations or other established conditions that might trigger its release.

Auditor's Recommendation:

We recommend that Unit management refrain from setting goals for evidence disposal based on a specific quantity, but rather, base their goals on the disposing of evidence that is no longer needed. Management should review the Unit's goals to ensure that they are attainable considering the limitations placed on the Unit.

CSPD's Response

We concur. Although the goal of 130,606 articles in a 12-month period was not arbitrary the establishment of the goal emphasized number of dispositions to reach and did not focus on what could be properly dispositioned.

For future evidence dispositions, the department will adopt the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) standard, Chapter 84.1.7, Property and Evidence Control:

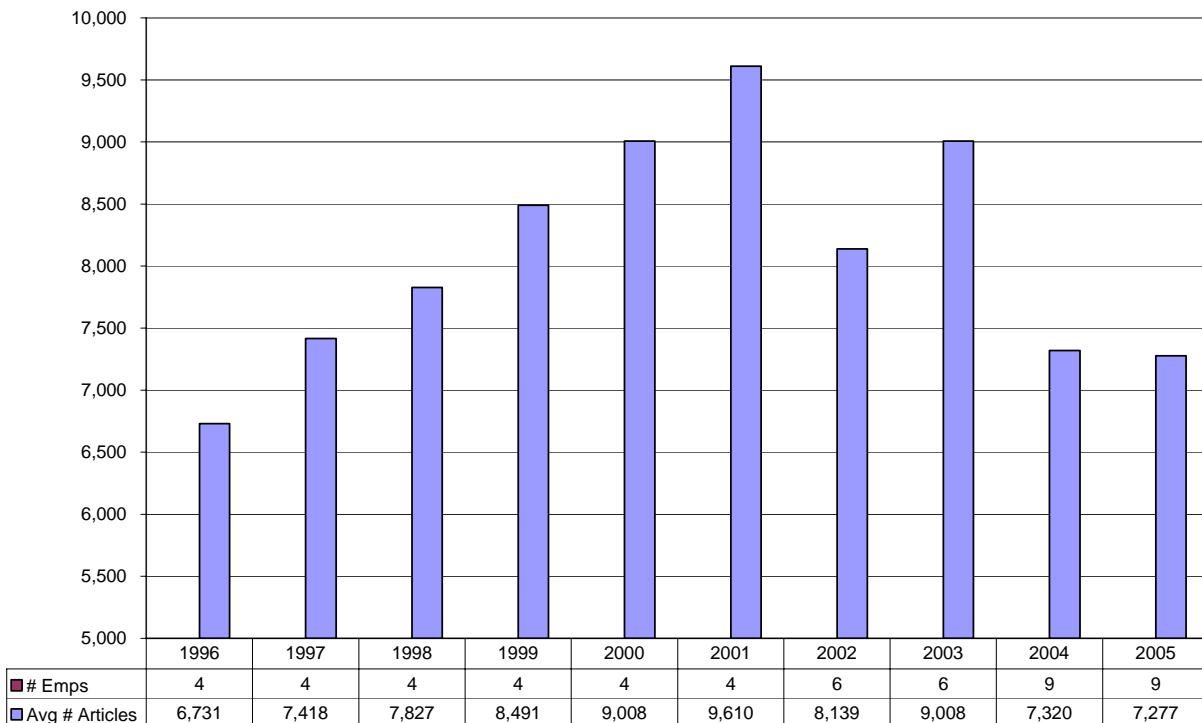
"Final disposition of found, recovered, and evidentiary property is accomplished within six months after legal requirements have been satisfied."

Findings, Recommendations and Responses

3. The staffing level in the Evidence Unit may not have been adequate to handle the volume of evidence and property that flows through the Unit.

Because of the rapid growth in article intake, the number of staff assigned to the unit might need to be adjusted. Listed below is a chart that was prepared by taking the total number of articles added to inventory each of the last 10 calendar years and divides it by the number of authorized positions assigned to the evidence unit for each of those years.

Average Incoming Articles per Year per Employee



Note - the increase in staffing for 2004 and 2005 are 3 temporary employees. If those employees are not included, the average for 2004 and 2005 goes up to about 10,900 articles per year.

Auditor's Recommendation:

We recommend the Police Department review the staffing level in the Evidence Unit. If the review indicates that additional staff is needed, the staff should be expanded.

CSPD's Response

We concur. Staffing for the Evidence Room has not remained at a sufficient level to handle the increase of evidence and property intake during the last ten years. In December 2005 the

Findings, Recommendations and Responses

department took action to address this issue. Three temporary personnel, two evidence technicians and one office specialist were hired to address the Evidence Room intake and dispositions. We note that for intermittent periods prior to the temporary staff hires, retirements and long-term illnesses among the Evidence personnel further exacerbated staffing levels (one technician retired in March 2004 and a replacement was hired in June). During an overlapping period, the former Evidence Supervisor retired in May 2004 and a replacement was hired in September 2004.

The two (2) current temporary employees are retained in position with department operational funds until the end of 2006; therefore, staffing for 2006 remains at eight (8) employees - one less than the previous year. Without City authorization and funding to support the two or three positions beyond this year, the Evidence Room will revert back to a staffing level of six (6) technicians and one (1) supervisor.

Staffing is one side of the equation; the other is that of supervisory responsibilities. The Evidence Supervisor is also the direct report supervisor for one (1) Senior and (4) Impound Lot Technicians; the Impound Lot itself is located approximately four miles from the Evidence Room. This geographical distance and location of the Evidence Room presents additional supervisory and operational challenges for the Evidence Room Supervisor. The conversion of one Impound Lot Technician position to a Supervisor level, with a direct line report to a mid-level manager, would facilitate the focus of the Evidence Room Supervisor on evidence alone.

Findings, Recommendations and Responses

THE FOLLOWING RELATE TO PHYSICAL CONTROL

4. Evidence was destroyed without written authorization from outside the Unit.

A former commander with responsibility over the Unit had developed a list of evidence for which authorization was given, but the list was deemed too cumbersome to use by the Evidence Unit Supervisor. Subsequently, a different methodology was developed, which proved to have been based on flawed assumptions. Obtaining authorization for disposition from outside the department was deemed to be too time consuming and unnecessary.

According to SOP E1-16, “the evidence custodian is not empowered to release or dispose of evidence on his/her own authority. Authorization to do so rests with the patrol/investigating officer, with the prosecuting agency, and the court.”

The failure to obtain outside authorization prior to evidence disposition was in direct violation of the CSPD’s SOP E1-16.

Examples of the flawed assumptions are explained below:

- Technicians assumed that Officers had provided accurate and complete information when they filled out the Evidence Bags. However, they found that many Evidence Bags were not completed accurately. The bags often did not include information about the offense to which the evidence related.
- Technicians assumed that they only needed to consider the information entered on the Evidence Bags to determine whether the Statute of Limitations on an offense had been exceeded. The Technicians did not consider that the Statute of Limitations does not apply after charges have been filed and a warrant issued.
- Technicians did not consider that charges could be upgraded or changed after the Evidence Bags were completed, i.e., an Assault case could become a Homicide case if the victim of the Assault subsequently died.
- The Evidence Supervisor assumed that if the Technician observed numerous pieces of evidence all related to the same case, they would know the case was considered a major case and not to destroy evidence from a major case. However, evidence from each case was not stored together. Therefore, the Technicians would not recognize that numerous pieces of evidence all related to the same case. The Technician may have recognized a major case if Evidence Invoices were examined, but the Invoices were not examined.
- Technicians assumed that if something from a case had previously been dispositioned, they could disposition the remaining articles that were still in inventory. They assumed that whoever dispositioned the previous evidence had received authorization to disposition all evidence related to that case.
- Technicians assumed that if evidence was not related to a case with a Statute of Limitation beyond three years, i.e., Homicides, Kidnappings, Sexual Assaults, etc., then they could disposition the evidence after four or five years. The Technicians did not recognize that a Missing Persons case could be a Homicide where a body had not been discovered. Therefore, cases like Missing Persons (that are not classified as crimes) may have been inappropriately dispositioned.

Findings, Recommendations and Responses

During 2005, the methodology developed by the Evidence Unit Supervisor allowed the unit to properly disposition a large number of articles . However, some articles were inappropriately dispositioned. The actual number of cases involved and number of articles inappropriately dispositioned is still being determined.

According to the International Association for Property and Evidence, New Standards for Certification, Standard 15 – Disposition and Purging, states:

“Generally speaking the Property Officer shouldn’t be making final decisions on the disposition of property and evidence; the disposition should be based on the input and signed approval of the investigating officer. By policy decision, some departments delegate dispositions of Found Property and Property for Safekeeping items (excluding firearms) to the Property Office, but such authority should not extend to the disposition of items held as evidence.”

Auditor’s Recommendation:

We recommend the Unit follow the approved SOP, which requires them to receive authorization from outside the Unit before dispositioning any evidence. Systems can be developed to obtain such authorization on a routine basis, but the actual authorization should be from those responsible for investigating, prosecuting, or adjudicating crimes.

CSPD’s Response

We concur. A major recommendation from the evidence committee is for the provision of a checks and balance system. Key to the checks and balance system is an automated system.

The department must adopt a process where every case has either a specific and/or direct authorization for dispositioning evidence items. Options discussed were the design of an electronic e-mail notification and response system or the enhancement of the existing inventory tracking system. Of the two options reviewed the latter simplifies the retention and disposition of evidence by restricting the process to one automated system.

As outlined in Item 8, the customization of the existing inventory tracking system should include a “tickler” capability; an automatic listing of case reports where the Statute of Limitations was exceeded for the retention of evidence. This report would not be an authorization to purge evidence, but rather the basis to review further evidence retention. The decision to retain or disposition evidence items would not be made by the evidence technicians but rather by the internal unit or outside agency that entered items into storage as evidence. This process will prevent the immediate disposition of evidence and ensure a thorough review by all parties.

Findings, Recommendations and Responses

5. Evidence Invoices and Evidence Bags did not always contain proper identifying and other information and were not routinely reviewed by Supervisors.

PD Officers were frequently preparing incomplete Evidence Invoices and Evidence Bags. Supervisors were not required to routinely sign off on Evidence Invoices and Bags. Officers may have been hurried when they completed the evidence paperwork and no one was holding them accountable for completing the paperwork correctly. There may have been a lack of understanding considering the importance of the paperwork. There may have been a lack of training concerning what was considered evidence as opposed to what should be kept in a case file.

When the Unit started improperly relying on the offense listed on the Evidence Bag to determine whether evidence could be dispositioned, the improperly completed bag became more important. Some evidence was destroyed that should not have been destroyed because the offense was not listed on the bag. With hindsight, the Police Department now realizes that additional steps should have been taken when the bags were not properly completed.

PD Officers should complete the paperwork related to the evidence in accordance with General Order 833.

Auditor's Recommendation:

We recommend Officers complete all paperwork related to a case—including Evidence Invoices and Evidence Bags, in a timely and accurate manner and in accordance with General Order 833. CSPD should explore ways of using technology to facilitate the efficient tagging of evidence and completion of Evidence Invoices.

CSPD's Response

We concur. Through a series of ETACS reports, CSPD Bulletins, and electronic memoranda this issue has been addressed. At the present time the accountability and responsiveness of the officers has greatly increased and the Evidence Unit is seeing relatively few discrepancies after the initial month of reinforcing the policies.

To follow up and reinforce evidence policies and procedures, we recommend that the Evidence Unit train officers in correct evidence and invoice submission. This can be accomplished by a two hour block of refresher or in-service training for all incumbent officers. The second recommendation is to expand the Training Academy evidence curriculum for new recruits. One hour is currently allocated to evidence instruction under the Metro Lab training for new recruits. A two hour block of instruction administered as part of a separate Evidence Room presentation should be adopted.

Findings, Recommendations and Responses

6. Evidence was not stored in a systematic or logical method.

Evidence had historically been stored haphazardly, i.e., evidence was put into whatever storage bin was available—not in any predetermined manner. After September 2004, the Unit started storing items in the order they were received, i.e., chronologically. However, evidence is still not separated according to the type of offense that was committed.

Prior management of the Evidence Unit apparently did not recognize the need to systematically store evidence. The dispositioning of evidence was not a priority and utilizing available space was deemed more important than organization.

Determining when items can appropriately be dispositioned is more difficult when it is not organized according to the type of offense that was committed. Not all offenses would need to be stored separately, but cases like Homicides, Kidnapping and Forgery, which have no Statute of Limitations would benefit by being separated from other felony charges. Similarly, Child Abuse and Sexual Assault cases that have a 10-year Statute of Limitations would also benefit by being separated from other evidence.

Auditor's Recommendation:

We recommend the Unit be organized so that cases with longer or no Statute of Limitations can be separated from cases that may be destroyed sooner. Evidence related to Homicides, Kidnappings, Forgeries and attempts at these crimes should be maintained in accordance with their Statute of Limitations. Therefore, these offenses should be stored in separate locations. Felony Sexual Assault and Felony Child Abuse cases have a 10 year Statute of Limitations. Again, storing these cases in separate locations would make it more obvious to Unit workers when they should start dispositioning procedures on these items. Evidence related to other offenses may be dispositioned after 18 months if they are misdemeanors or 3 years if they are felonies.

This recommendation is not meant to override the requirements of the SOP nor it is meant to supersede the verification of the evidence status in the evidence system. It is meant to provide an additional Internal Control, to facilitate a more efficient use of space and minimize the possibility of accidentally dispositioning evidence related to a major case.

CSPD's Response

We concur. As of January 1, 2005, the majority of evidence intakes were stored chronologically as part of a plan to systematically store items entered into the Evidence Room. The evidence committee will review this practice and determine if there are more efficient means of storage. With the completion of a 100% inventory past and future evidence will be stored with a consistent and logical process.

We will also note that as of the first quarter of 2006, all homicides are stored in one location. There are only two exceptions and they are two very high profile active cases whereby the detectives and DA's need immediate access to the evidence items.

Findings, Recommendations and Responses

7. Individual storage bins were not organized in a consistent manner.

Some technicians placed newer items toward the front of the storage bin. Other technicians placed newer items in the back of storage bins. The Unit did not have a policy for how the storage bins should be organized. Depending on personal preference, size of article being stored, and possibly location of the storage bin, items may have been placed in the storage bins differently. The computer only listed the location of the bin and each bin could hold 100 or more articles.

Identifying a particular article within a bin often required the Evidence Technician to examine every item in the bin. While in some cases the article may be the first item examined in the bin, the article may also be the last item in the bin. The current lack of systematic direction on how to store items within a bin does not promote efficiency.

Management should promote uniformity in how Evidence Technicians perform their functions. Giving direction on how items are to be stored within each bin would promote efficiency and effectiveness in retrieving articles.

Auditor's Recommendation:

We recommend the Unit Supervisor develop a policy on how bins are to be organized. If standard sized envelopes or bags can be more effectively stored in certain types of bins, management may decide to invest in those types of bins. Evidence Technicians should be instructed on the new policy and bins should be arranged according to the organizational standards developed by management. Management may want the individual bins organized by case number or by bar code. Management may need to modify the policy depending on the size and specific characteristics of some items, but having a policy concerning the general organization of individual bins should facilitate the more efficient retrieval of evidence and property.

CSPD's Response

We concur. Of note, the current paper and plastic evidence bags still work well for efficient evidence storage. Progress was made during the previous year when approximately 1,500 evidence boxes were replaced due to the observation that with the older larger boxes, only one box high could be stored in any given location. With the new box sizes, the evidence technicians now double stack boxes making for more efficient use of space.

As discussed in Item 10, a committee was formed to address many of the audit findings. One such area of focus is to determine the best method of storing evidence, either chronologically, location area, or by case number/type.

Findings, Recommendations and Responses

THE FOLLOWING RELATE TO INFORMATION TECHNOLOGY (IT) AND REPORTING

8. The Unit did not have an automated system to facilitate efficient purging operations.

The Unit had no automated system for identifying evidence that was appropriate to be dispositioned according to the Statute of Limitations, internal clearance, District Attorney (DA) clearance or Court Order. The current system lists case numbers, but it does not list charges that could be used to identify cases that have surpassed the Statute of Limitations on filing the case with the DA. For cases filed with the DA, the DA provides a monthly list authorizing the release of evidence in cases that are no longer active, but the information was not readily usable by the Unit because it was not interfaced with the Evidence System to identify articles to be destroyed. If the systems were interfaced, the Evidence System could be used to put the information in order by location to facilitate pulling the evidence that should be dispositioned.

The policies of the CSPD required authorization for dispositioning evidence to come from outside the Unit and therefore, systems were not developed that would have facilitated the Unit to be more proactive about the dispositioning of evidence. Some of the prior management of the Unit did not appear to appreciate the importance of developing tools that would allow the Unit to be more efficient.

In the absence of an automated system, the Supervisor developed guidelines that he deemed appropriate to facilitate a more aggressive process for dispositioning items. These guidelines did not take into consideration all situations that may occur. Therefore, some evidence was inappropriately dispositioned.

To the extent possible, recognizing the scarcity of economic resources, CSPD employees should be provided appropriate tools to allow them to perform their functions in an efficient and economical manner. Automated tools such as an electronic evidence information system that is interfaced with related information systems would be an excellent use of resources.

The International Association for Property and Evidence, New Standards for Certification, Standard 15 – Disposition and Purging, states:

“in order to establish a credible purging system, certain criteria must be established to provide guidance in how long property should be kept before being reviewed. Most police officials would agree that most cases have been concluded (cleared, suspended, or reclassified) within the following time guidelines. The time can be increased or decreased at the discretion of the department.

A suggested review schedule could be to review felonies after one year, misdemeanors after six months, and found property and safekeeping after ninety days. Secondary review should be after similar periods.

A factor to consider in setting these review dates is the limitations of prosecution. In many states there are fixed periods of time after which prosecution on specified types of cases can no longer be initiate. In some states the time limit is absolute, in some it does not start until a suspect is identified, and in some it is extended by the length of time that the suspect is out of state during the statutory period. In many states, the limitation no longer applies once a warrant is issued for the suspect, as long as the agency can show

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due diligence in attempting to serve the warrant. Regardless of which set of rules apply in your given case, there is no sense in keeping evidence when it is determined that prosecution is no longer possible on a case, unless there is a need based on civil litigation involving the agency.

After establishing the time limits that are most suitable for the department, a system needs to be developed to add a review date to every item of property. Some type of purge review form should be used by property unit personnel to notify a detective when a case is due for review. The form should include check boxes to differentiate items to be released, disposed of, or held. The detective should be required to sign the form for accountability purposes, and state why it is needed. A supervisor should review all such responses. A schedule for re-review should be set for property that is held.”

Auditor’s Recommendation:

We recommend the CSPD IT group develop or purchase an automated purging system to facilitate the efficient operation of the unit. The system should consider Statute of Limitations information along with data included in other information systems maintained by the CSPD and the DA. Developing viable interfaces between the Evidence System and other information systems would allow the Evidence System to be automatically updated on case status, clearance codes, evidence release authorization from the DA, etc. Since developing a purging system would be a project that would take time and input from various organizations within the CSPD and the DA’s Office, it might be a project well suited for a team approach.

CSPD’s Response

We concur to a degree. The process to automate the integration of CSPD and external agency evidence or case report database systems needs improvement. Refinements to the system can best be made by the department Information Technology section; essentially customizing the existing inventory tracking system to provide for more efficient data record keeping and retrieval. A commercial or off the shelf evidence tracking system will not give us the system we need to integrate the department evidence database with internal units, Investigations, or Records and ID, and outside agencies, i.e.; the DA.

Any such customization should include a “tickler” capability; an automatic listing of case reports where the Statute of Limitations is exceeded for the retention of evidence. This report would not be an authorization to purge evidence, but rather the basis to review further evidence retention. The decision to retain or disposition evidence items would not be made by the evidence technicians but rather by the internal unit or outside agency that entered items into storage as evidence. This process will prevent the immediate disposition of evidence and ensure a thorough review by all parties.

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9. There was a breakdown in communication concerning what services IT could provide to the Unit.

The new Evidence Supervisor was given the previous Commander's list of cases that could be disposed, but the Supervisor did not understand how the Commander had developed the list. The Supervisor may have understood the concept of how it was done, but he did not understand the mechanics of actually obtaining the databases and combining them.

The Supervisor needed data that was organized according to location, but IT was unable to recreate the original list in a manner where it could be sorted.

Because he could not obtain the information in the format that he needed, the Evidence Supervisor developed his own guidelines for evidence disposition, instead of using the list prepared by the previous Commander.

The CSPD IT department should work with the user departments to ensure they understand their clients needs. The user departments should also work with IT to make sure that IT knows what they need.

Auditor's Recommendation:

We recommend that IT and the Evidence Unit develop a team to examine the information which would be beneficial to include in the Evidence System. Currently the system uses the case number as a tracking number. IT should be able to periodically update the Evidence System using information in the NIBRS system to populate fields such as "Offense". Utilizing this information, a system may be developed to identify items that are "probably" ready for disposition.

CSPD's Response

The "previously approved disposition list" was a hardcopy Excel spreadsheet document prepared by a Commander in the department in April, 2003. At the time the Evidence Unit Supervisor requested changes to the list (September-December, 2004), neither the IT Section nor the Commander that had created the spreadsheet could find and provide an electronic copy. The Evidence Unit Supervisor then contacted IT to create a separate set of protocols for disposition of evidence.

For future use, the evidence committee organization, addressed in Item 10, recommended a methodology for creating an automated "tickler" system to identify evidence items for continued retention or disposition (see Item 8). This will eliminate the need for separate lists to be created and there will be a single source for disposition direction.

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10. The Police Department did not have an efficient system for determining whether cases are open or closed.

No one periodically reviews whether a case is listed as open or closed. Data Entry will record a case as closed when the detective who files the case informs them that it is closed. If the detective does not inform Data Entry, the case will remain listed as open. The Case Report Imaging System (CRIS) into which such information is entered is made up of scanned copies of paperwork from a case file. There is no efficient way of extracting large amounts of data from CRIS.

When attempting to quantify the impact of the evidence that was dispositioned, we could not readily identify whether a case was open or closed. Therefore, the initial reports concerning the number of cases and evidence that was inappropriately dispositioned may have been overstated.

The CSPD should have a mechanism for determining which cases are open.

Auditor's Recommendation:

We recommend the CSPD develop an efficient method for determining whether cases are open or closed.

CSPD's Response

We concur. To determine requirements for an efficient data inventory system the Police Department formed a committee with the following members, Deputy Chief Steve Liebowitz, Operations Support Bureau; Director Lili Tran, Management Services Division; Sergeant Mark Stevens, Office of Professional Standards; Manager Scott Haring, Police Information Technology; Evidence Technician Bill Santiago, Evidence Unit; Police Records Supervisor Pat Zehnder, Data Entry Unit; and tentative District Attorney (DA) representative, Assistant District Attorney Diana May.

It is a significant undertaking considering the work flow of a case. Not all decision points for disposition are within CSPD control as the District Attorney or other outside agencies may determine disposition. Therefore we have asked for the participation of a DA representative for a detailed requirements analysis and determine, by consensus, a single process for evidence, traffic accident, and personal property dispositions and case report management.

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11. Some of the database entries that could not be verified during the recent inventory may not have been converted correctly from a prior inventory system.

The notation, “Bad Value”, appeared in the Property Type Code field for many of these entries. We found 14,019 database entries that list the Property Type Code as “Bad Value”. These items related to cases before 1997.

According to an Evidence Technician, the Evidence System “crashed” in 1996 and many of the “Bad Value” notations may have related to that crash. Also, when the system was originally converted from a prior system, some “Bad Value” notations may have been created. Therefore, it appears that some of the older data listed in the system may not be valid.

The Evidence System should contain accurate data upon which the CSPD can rely.

Auditor’s Recommendation:

We recommend the CSPD determine whether the information maintained on these older entries with the “Bad Value” notation are valid. If they are not valid, the items should be removed from the system so that the data being maintained is accurate and reliable. If the data is valid, the “Bad Value” notation should be removed.

CSPD’s Response

We concur. Items were converted correctly but there were many issues with the data structure and configuration of the old system. For example, key data elements in the old data were null or empty values so there was no way to properly convert the data. These items were set to a default value for review by the former Evidence Supervisor. On other items, numeric code values did not have a corresponding description of what the code designated.

To remedy the situation the committee cited in Item 10 adopted the approach to reconcile the evidence in storage with a 100% inventory; we estimate that this detailed inventory will take about 12 months. During the inventory, hands will touch every piece of evidence with the purpose of identifying bad values and correcting the key data elements in the newly revised evidence inventory system. In affect we will “flush” all the incorrect entries from the database and ensure a consistent process of data entry for old and subsequent evidence intakes.

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12. The evidence database contained obvious errors.

During our review, we noted several instances where data in the database appeared to be incorrect. A few examples are:

- A. During the inventory verification performed by the CSPD and observed by the City Auditor's Office, we noted items listed in the Evidence Database which were not physically present. Further research showed the articles were related to cases where the evidence was properly approved for disposition. However, the items were still listed in the data base as being in inventory. It also appeared that some items were appropriately dispositioned from storage. However that disposition was not recorded in the Evidence System.
- B. We noticed numerous tracking numbers that were not in the specified format. 840 articles have a blank tracking number. Another 39 articles have a tracking number that starts with a blank space, which would prevent a valid tracking number from being matched to other files to consolidate information on a particular case. 1,573 articles did not have a description listed in the Evidence System.

Because the tracking number is the same as a case number in other databases maintained by the CSPD, the data in this field should be protected from erroneous entries. The description field can also be valuable when searching for specific items.

The tracking number and description fields are entered into the Evidence System by the Evidence Technicians after they store the evidence. There were no automated controls to ensure the number is entered correctly. There were no exception reports generated that would identify obvious errors. Therefore, human errors go undetected. Unless key fields are valid, relationships between files cannot be facilitated with accuracy. Analysis such as that done by the City Auditor's Office may be inaccurate.

- C. We noted one bar code that was erroneously linked to five cases—one in 1994, two 2003, and two in 2004. As the current system evolved from prior systems, some data did not transfer into the current system accurately. There may also be other explanations for why a bar code is attached to multiple articles.

Consequently, some items could be disposed that have not been identified in the CSPD internal investigation because the database is not 100% accurate. Also some items could be erroneously identified as being disposed when in fact, they might still be on hand.

The CSPD should be able to rely on the data contained in their computerized Evidence Tracking System.

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Auditor's Recommendation:

We recommend CSPD correct the errors in the current database and take steps to ensure that future data is entered correctly and consistently. Data masks can be developed and built into the system so that tracking numbers are always in the format specified (YY-NNNNN) for all cases. The current system allows free form entry because some locations or areas have a different format. For example, evidence from the Airport would start with an A (Ayy-NNNN) and evidence resulting from a Traffic Offense would have a T at the end of the number (YY-NNNNNT).

In the above examples, YY stands for a two-digit number representing the year of the offense such as 06 for the year 2006. N's represent digits. The Police Department may want to reconsider their numbering format to make all case numbers consistent and all tracking numbers the same as case numbers. If it is important to identify items from the Airport, Traffic, Summons, and Personal Property separately, a separate field may need to be added to the system, instead of just adding a letter to the tracking number.

Evidence management may request that exception reports be generated by IT that could be run periodically to ensure that valid data is being maintained. Examples of exception report are:

- Identify any records in the Evidence System where the Tracking Number does not have a corresponding match in NIBRS,
- Identify any records in the Evidence System where the same Bar Code is tied to multiple cases, and
- Identify any records in the Evidence System that do not match a pre-determined control list of acceptable location codes.

CSPD's Response

We concur with the recommendation to improve data validation in the evidence system but differ in the approach on how to eliminate the margin for error. Going forward with a revised evidence tracking system, the case year should be stored in a separate field rather than leaving it combined with the case number. This will provide the flexibility of detailed searches by case year or by case number. Evidence should also be tracked by evidence designator codes and categorized as follows: personal property, evidence, or traffic as distinct from one another. Evidence designators or types should not be combined with the unit submitting the evidence or the case number. The additional fields provide greater search capability, allows for unique information storage, and detailed identification. Multi-purpose fields limit enhanced or detailed queries.

As a back-up provision the newly revised database should also provide for call screen entries. Call screen reports contain the essential elements of case report numbers to include the name of the officer submitting the report and the items submitted into evidence.

The 100% inventory cited in previous responses will eliminate the incorrect or incomplete entries from past database conversions.

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13 Increased communications with the DA's Office regarding case status and data integrity will improve the reliability of the information in the Evidence database.

While providing Technical Assistance to the CSPD and the DA, we noticed the evidence disposal for interrelated cases are often dependent on the outcome of other cases. These cases are referenced in the DA's system with language similar to "Hold till" or "Do Not Release until" usually followed by a case number. In addition, we also noticed cases where the DA will request the evidence be held with no reason stated.

During our review, we recognized the value of matching information stored in the DA's system to that stored in the CSPD system. The key field to matching the DA's and CSPD's data is the CSPD Case or Offense number. We noticed several records where the CSPD Case Number in their system did not match the corresponding number in the DA's system because the number was not entered into the systems in a standard format or there was a typographical error.

Auditor's Recommendation:

We recommend the CSPD approach the DA's office with the concept of labeling cases that have a conditional release with a separate status code, i.e. CR for Conditional Release. If this is possible, then the CSPD could make periodic reviews of these records to follow-up on the status of the conditioned cases. If the DA is not able to use the CR or some similar designation, the periodic reviews could still be performed, the reviews just would not be as efficient.

We also recommend the CSPD periodically obtain downloads of the data from the system used by the DA to track cases. This data can be matched to the CSPD's data. Items from the DA's system which do not match a CSPD record could be researched and corrected as needed.

CSPD's Response

We concur. Talks are in progress with the Office of the District Attorney to develop joint Information Technology processes to alleviate miscommunication. In the redevelopment of the Evidence Self Serve application, fields will be added that will designate cases that should be held, and periodic data comparison will be accomplished to verify common data.