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# **CITY OF SAN ANTONIO**

## **OFFICE OF THE CITY AUDITOR**



Audit of San Antonio Police Department

Property & Evidence Room

Project No. AU18-021

January 14, 2019

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City Auditor

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## Executive Summary

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As part of our annual Audit Plan approved by City Council, we conducted an audit of the San Antonio Police Department (SAPD), specifically the Property & Evidence Room. The audit objectives, conclusions, and recommendations follow:

**Determine if chain of custody and evidence preservation controls are adequate for SAPD Property and Evidence Facilities.**

Chain of custody and evidence preservation controls are adequate for SAPD Property and Evidence Facilities. SAPD have effective inventory management processes and procedures in place to ensure that inventory files are complete and accurate. In addition, SAPD have effective chain of custody controls in place to ensure that evidence custody and documentation is accurately maintained. Furthermore, inventory levels are effectively managed through timely purging of items no longer needed, cash handling controls were executed in accordance with administrative directives, performance measures are accurately reported, and FileOnQ data is backed up and available in the event of an outage.

However, there are opportunities to strengthen controls associated with badge access and administrative controls. We recommend that the SAPD Chief of Police:

- ensure physical access is reviewed to the main facility to ensure access is limited to essential personnel. In addition, ensure that controls are executed as intended.
- ensure officers are trained to properly designate currency as either *Hold for Court* or *Deposit*. In addition, ensure that SAPD Form 113 is completed for all narcotics converted to department use.

SAPD Management agreed with the audit findings and has developed positive action plans to address them. Management's verbatim response is in Appendix B on page 10.

### **Other Matters**

During the audit we received a request to determine the testing status of Sexual Assault Examination (SANE) kits. In 2011, the Texas Legislature enacted Texas Government Code 420 – Sexual Assault Prevention and Crisis Services which requires SANE kits to be tested within 30 days of collection. The Special Victim's Unit (SVU) ensures that SANE kits are tested to aid in criminal investigations and

comply with State law. SANE kits are tested if there is a criminal investigation being conducted by SVU. From October 2011 through September 2018, 4,554 kits were collected. We identified 103 kits which had not been tested and were more than 30 days old. During the audit, SVU reviewed the identified cases and determined all but 1 kit did not require testing.

We recommend the Chief of Police:

- ensure that SANE kit reports are reviewed timely and testing required is updated to ensure compliance with Texas Government Code 420.042.

Detailed audit results and recommendations can be found of page 7, Section E.

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## Background

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The San Antonio Police Department (SAPD) Property and Evidence Room (property room) has custodial responsibility for all property and evidence confiscated by SAPD officers. They are charged with protecting the integrity of all evidence; personal property, or property confiscated by an SAPD officer whose owner is known; and found property, or property that was discovered by an officer or citizen whose owner is unknown under its control. Their responsibilities include intake and logging all items received, assuring its safe storage, managing the chain of custody, and ensuring the proper disposal of items. The property room manages an inventory of almost 500,000 items with daily increases as evidence, personal, and found property are delivered into their custody by SAPD. As such, maintaining a balance of intake to purge is essential to ensure adequate storage space, clear organization, and proper safeguarding. In 2018, the property room saw a decline in their inventory of 1.4%, as shown in the table below.

<b>Property and Evidence Room Growth</b>				
	<b>CY2015</b>	<b>CY2016</b>	<b>CY2017</b>	<b>CY2018*</b>
Items Taken In	72,242	75,421	89,533	67,327
Items Purged	<u>58,537</u>	<u>51,148</u>	<u>69,508</u>	<u>74,068</u>
Annual Net Change	13,705	24,273	20,025	(6,741)
<b>Year End Inventory Total</b>	<b>450,184</b>	<b>474,457</b>	<b>494,482</b>	<b>487,741</b>
% Change from Prior Year	3.1%	5.4%	4.2%	(1.4%)

\*Through September 30, 2018

Items of evidentiary value represent approximately 98.6% of items in the Property Room, with the remaining 1.4% being found and personal property. Evidence is retained by the property room for the statute of limitations for the associated offense. Typical items maintained include firearms, narcotics, currency, blood samples, clothing, backpacks, bicycles, sexual assault kits, bullet casings, etc. The property room performs periodic inventories of currency, firearms, and narcotics within their custody. Additionally, the Integrity Detail, the quality assurance unit of SAPD, performs periodic audits of the property room each fiscal year. Property with unique storage requirements, such as DNA evidence and narcotics, are controlled for temperature and humidity.

In addition to the proper storage and safeguarding of evidence, the property room is responsible for maintaining an accurate chain of custody. Chain of

custody is the chronological, documented record of the location and possessor of evidence from its initial collection through potential testing, court use, storage, and disposition. An accurate chain of custody validates that evidence is what it purports to be and has not been altered or tampered with.

The property room uses FileOnQ to manage all evidence, personal, and found property. FileOnQ is a customizable inventory management software system which utilizes barcoding for inventory tracking and movement. During intake, officers input required and additional information about evidence, personal, and found property and assign the item a unique barcode. The chain of custody for evidence is maintained and updated within FileOnQ each time evidence is moved. Access within FileOnQ is limited by user groups designed by the property room supervisor.

The property room also stores sexual assault examination (SANE) kits used in the investigation and prosecution of sex crimes. SANE kits are collected from both victims and suspects and are stored at the property room while awaiting documentation for testing by a forensic laboratory and after testing to meet retention requirements.

## Audit Scope and Methodology

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The audit scope included chain of custody and evidence preservation controls from FY2015 through FY2018.

To gain an understanding of operations related to property and evidence, we interviewed property room management and staff as well as ITSD. We reviewed documentation related to training and certifications. In addition, we analyzed FileOnQ data related to inventory, access controls, and chain of custody. Finally, we conducted walkthroughs of relevant Property Room facilities and processes.

To establish test criteria, we reviewed

- Property Room Standard Operating Procedures
- The International Associated of Property and Evidence (IAPE) Standards
- The Commission on Accreditation of Law Enforcement Agencies (CALEA) Standards Manual
- The Texas Code of Criminal Procedures
- Texas Government Code Chapter 420 – Sexual Assault Prevention and Crisis Services

We conducted on-site observations of the Property and Evidence Room and the drop-off facility to determine if proper security precautions are in place.

We reviewed Property Room and Integrity Detail inventories, as well as conducting our own inventory to verify the accuracy of physical inventory and inventory data within FileOnQ. In addition, we reviewed evidence preservation controls to determine if evidence with unique storage requirements such DNA evidence and hazardous materials are effective.

Further, we verified controls over the purging and disposition of property and evidence are adequate for all methods of destruction to include drug burns, firearms destruction, currency transfers, releases to owners, auctions, and department conversions. Additionally, we reviewed retention codes to determine if they were complete and accurate and items were purged timely.

We reviewed chain of custody controls to determine if items temporarily released are properly documented. As well, we performed an analysis on the population of items temporarily released to determine if any unusual trends exist.

We performed a walkthrough of cash handling controls to ensure that procedures are in accordance with City of San Antonio Administrative Directives. Additionally, we validated a sample of performance measures to determine if they are accurately reported.

We performed tests over a sample of FileOnQ users to determine if access levels were appropriate. We also reviewed data back-ups to determine if FileOnQ data is available in the event of an outage.

Finally, we reviewed the SANE kit testing process to determine compliance with applicable laws and regulations.

We relied on computer-processed data in FileOnQ to validate the evidence preservation and chain of custody controls. Our reliance was based on performing direct tests on the data as well as performing a limited evaluation of the system's general and application controls. Our direct testing included performing a physical inventory of property and evidence and validating its accuracy within FileOnQ. In addition, we tested user access controls, data back-ups, and user input controls. We do not believe that the absence of a full review of general and application controls affected the results of the audit.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Audit Results and Recommendations

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### A. Inventory Management

SAPD have effective inventory management processes and procedures in place to ensure that inventory files are complete and accurate. We performed a physical inventory of 434 of 20,000 firearms, 839 of 2,914 currency items, 475 of 932 jewelry items, and 3,529 of 88,000 narcotics and determined inventory files were accurate.

In addition, we reviewed the annual inventories performed by Property Room staff for FY2015 - 2017 for firearms and narcotics, and four currency inventories between FY2017 and FY2018. We determined all variances were promptly resolved, all records were properly updated, and inventory results were reported to management.

We reviewed the bi-annual audits conducted by the Integrity Detail and determined that all relevant categories of inventory were included in the audits and no significant issues were identified.

Finally, uniform officers respond to requests to dispose of property through Property Disposition Authorizations (PDA). In turn, SAPD Property Control Agents can purge inventory and maintain a sustainable balance of intake to purge. PDA response rates have improved. In FY2018, through July, 83% of PDA requests were responded to, compared to 7% at the prior audit in 2013. As a result, the property room has been able to continually purge items designated approved for disposition. In CY2018, inventory levels were reduced by 1.4%.

### Recommendations

No recommendation

### B. Chain of Custody

SAPD has effective chain of custody controls for evidence in the Property Room. We tested a sample of 22 of 2896 items that were out for temporary release, whether for additional investigation, out to the lab, or out to court. We determined that appropriate procedures were followed for temporarily released items including proper documentation of the chain of custody.

### Recommendation

No recommendation

### C. Main Facility Badge Access

Access to the main facility warehouse was not limited to essential and authorized personnel. We identified 28 City of San Antonio employees who had access to the warehouse interior gate that did not require it. Of the 28, 26 of the staff were from Arson Investigation, while two were staff who no longer required access after transferring to different units. Access was removed during the audit.

The SAPD Property Room SOP 202.00 *Property Room Security and Access* requires the Property Room Supervisor to semi-annually review the report of all current card key holders.

The property room is not adequately reviewing badge access to the Property Room. While no inappropriate access was noted, insufficient access controls increases the likelihood of misappropriation of property.

#### Recommendation

The Chief of Police ensure access is reviewed to the main facility to ensure access is limited to essential personnel. In addition, ensure that existing controls are executed as intended.

### D. Administrative Controls

Improvements could be made to strengthen administrative controls at the Property Room related to currency deposits and converted narcotics. We tested all currency records to determine if currency is being deposited timely. However, we noted that 4,952 of 5,225, or 94.7%, of currency records had no deposit designation in FileOnQ.

Currency can be designated *Hold for Court* or *Deposit* by officers at intake. When currency is given neither designation, property room personnel are tasked with researching the case associated with the currency to determine if it can be deposited into a trust fund or if it should be held. As a result currency is not deposited timely, which could decrease interest revenue and increase cash on hand.

In addition, we noted 3 of the 10 narcotics we tested did not have a Form 113 approving their conversion to department use. Narcotics can be converted for training purposes or for use in investigations. When narcotics are required for conversion, their use must be requested by specific type, case number, and weight using SAPD Form 113 per the SAPD Property Room Standard Operating Procedures. While all three of the converted narcotics were returned to the

property room, the Form 113 is required to ensure proper authorizations are obtained prior to use.

### **Recommendation**

The Chief of Police ensure officers are trained to properly designate currency as either *Hold for Court* or *Deposit*. In addition, ensure that SAPD Form 113 is completed for all narcotics converted to department use.

### **E. Sexual Assault Examination (SANE) kits**

SANE kits are collected at local area hospitals for both victims and suspects and transported to the Property Room while awaiting documentation required for testing. Detectives from the Special Victims Unit must complete a Criminal Investigation Laboratory (CIL) form in order for SANE kits to be transported to the Bexar County Forensic Lab to be tested. According to Texas Government Code 420.042, enacted in 2011, SANE kits must be tested within 30 days of collection.

If no criminal investigation is conducted, SANE kits are not tested. However, it must be appropriately documented and maintained. For example, a detective could find that the case was adjudicated or dismissed, the case is out of jurisdiction, a kit was obtained for therapeutic reasons, or there was an affirmative defense, which does not deny that an alleged act occurred, but liability is negated by some other legal argument. The justification must be documented in FileOnQ.

We evaluated FileOnQ data from October 1, 2011 through September 24, 2018 and determined there were 120 kits that were not tested, of which 103 are more than 30 days from the date of collection. There were 4,554 kits collected for testing during the same period.

<i><b>Aging of SANE Kits Not Tested</b></i>	
<b>Days</b>	<b>Number of Kits</b>
30 or less	17
Greater than 30	<u>103</u>
<b>Total</b>	<b>120</b>

October 1, 2011-September 24, 2018

During the audit, the Special Victims Unit researched the identified cases to determine their status and if SANE kits still required testing. SVU determined 102 SANE kits did not require testing for reasons including cases out of SAPD jurisdiction, victims choosing not to pursue criminal charges, or the kit had previously been submitted for testing but was not documented in FileOnQ. Consequently, there was 1 kit remaining which was greater than 30 days from the date of collection and had not been tested. SVU has submitted this kit for testing.

Twice per month, the Property Room Supervisor provides the Special Victim's Unit with a report detailing all SANE kits that have not been submitted for testing. However, the Special Victim's Unit has not consistently followed up on SANE Kit reports to ensure kits are submitted timely.

**Recommendation**

The Chief of Police ensure that SANE kit reports are reviewed timely and testing required is updated to ensure compliance with Texas Government Code 420.042.

## Appendix A – Staff Acknowledgement

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Buddy Vargas, CIA, CFE, Audit Manager

Nastasha Leach, CIA, Auditor in Charge

Abigail Medina, CPA, Auditor

Hedie Arias, CFE, Auditor

Brianna Rios, Auditor Intern

## Appendix B – Management Response

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### CITY OF SAN ANTONIO

P.O. Box 839966  
SAN ANTONIO TEXAS 78283-3966

December 14, 2018

Kevin W. Barthold, CPA, CIA, CISA.  
City Auditor  
San Antonio, Texas

RE: Management's Corrective Action Plan for San Antonio Police Department Property & Evidence Room

The San Antonio Police Department has reviewed the audit report and has developed the Corrective Action Plans below corresponding to report recommendations.

Recommendation					
#	Description	Audit Report Page	Accept, Decline	Responsible Person's Name/Title	Completion Date
1	<b>Main Facility Badge Access</b>  Chief of Police ensure access is reviewed to the main facility to ensure access is limited to essential personnel. In addition, ensure that existing controls are executed as intended.	6	Accept	Richard Riley, Assistant Police Director	Done as part of audit; will be done again in April/October annually
	<b>Action plan:</b> The Property Room Supervisor has requested and will receive a semi-annual report, in April and October, generated by the Office of Security Operation detailing each employee's access points. The property room supervisor will review the list within a 14-day period and all requested changes will be submitted back to the Office of Security Operations. All documentation will be kept on file for no less than three years.				

Recommendation					
#	Description	Audit Report Page	Accept, Decline	Responsible Person's Name/Title	Completion Date
2	<p><b>Administrative Controls</b></p> <p>Chief of Police ensure officers are trained to properly designate currency as either <i>Hold For Court</i> or <i>Deposit</i>. In addition, ensure that SAPD Form 113 is completed for all narcotics converted to department use.</p>	6	Accept	Assistant Chief Anthony Trevino	Training will begin January 2019 and continue throughout 2019.
3	<p><b>Action plan:</b> The Department will utilize a department wide roll call training video to refamiliarize all officers with the impound process for currency, to include selecting the hold designation. Investigative units will conduct unit training to ensure detectives verify the hold status and update the status as a case investigation progresses.</p> <p><b>Sexual Assault Examination (SANE) Kits</b></p> <p>Chief of Police ensure that SANE kit reports are reviewed timely and testing required is updated to ensure compliance with Texas Government Code 420.042.</p>	7	Accept	Assistant Chief Anthony Trevino	Complete
	<p><b>Action plan:</b> Texas Government Code 420.042 requires all SANE kits to be submitted for testing within 30 calendar days. The Property Room is sending the Special Victims Unit supervisors a list of all SANE Kits impounded without an accompanying request for testing. This list is sent every 14 days to ensure timely receipt and compliance with the 30 day requirement.</p>				

We are committed to addressing the recommendations in the audit report and the plan of actions presented above.

Sincerely,

William P. McManus  
Chief of Police  
San Antonio Police Department

DEC 14 2018

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Date

Erik Walsh  
Deputy City Manager  
City Manager's Office

12/21/18

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Date