



DATE: July 19, 2007

TO: JERRY DYER, Chief of Police

THROUGH: RENENA SMITH, Budget Manager  
Budget and Management Studies Division

FROM: BOB KOURY, Principal Internal Auditor  
Budget and Management Studies Division/Internal Audit

SUBJECT: FOLLOW-UP AUDIT - POLICE DEPARTMENT PROPERTY AND  
EVIDENCE CONTROL SECTION AUDIT

Attached is the follow-up audit report with the current implementation status of the 50 audit recommendations contained in our Police Department Property and Evidence Control Section Audit Report issued October 9, 2006. Internal Audit wishes to thank you and the Property and Evidence Control Section Supervisor and his staff for their cooperation and assistance in performing this follow-up audit, which was performed in accordance with AO 1-12 and Government Auditing Standards.

Our follow-up audit noted that of the 50 audit recommendations, 40 were implemented, 2 were partially implemented, 3 are still in-process, and 5 were not implemented. The Police Department is commended for their significant efforts in the implementation of our audit recommendations.

If you have any questions regarding this matter, please contact Bob Koury, Principal Internal Auditor, at 621-7072.

#### Attachment

cc: Alan Autry, Mayor  
Council Members  
Andrew T. Souza, City Manager  
Jon Ruiz, Assistant City Manager  
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Patrick Farmer, Deputy Chief, Special Operations Division  
Sgt. Greg Noll, ASD, Property and Evidence Control Section  
Rene Watahira, Administrative Manager, Police Department  
Jean Rousseau, Finance Director/City Controller



## **Follow-Up Audit Report**

### **Police Department Property and Evidence Control Section Audit**

**Performed by:**  
**Bob Koury, Principal Internal Auditor**  
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**July 19, 2007**

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# **Audit Findings, Recommendations, Management Responses & Current Status of Audit Recommendations**

## **Finding 1 – Organizational Structure and Operations Manual**

### **A. Property and Evidence Control Section’s Operations Manual (referred to as PM)**

The PECS has a PM dated December 2005. The PM covers most all operational aspects for the two areas. Internal Audit reviewed and utilized the PECS’s portion of the PM during the audit to determine compliance with policies and procedures by the PECS staff.

- Internal Audit compared the PECS’s PM to the Peace Officer Standards and Training (POST) recommended Policies and Procedures. Internal Audit noted the PECS’s PM did not include all recommended POST Policies and Procedures (e.g. Classification of employee assigned to supervise the property unit; Property storage for key(s) control; Property tracking while outside of property storage for the Lab and IBIS; and Flammables, explosives, pyrotechnics, ammunition; etc).

### **Audit Recommendation:**

1. The PECS Supervisor should review the POST recommended Policies and Procedures to determine, develop and implement any POST Policies and Procedures that are applicable to Fresno’s PECS that are not currently in the PECS’s PM that could further strengthen and enhance the current PM.

### **Management Response to Recommendation 1**

**Fresno Police Management will ensure that all applicable POST recommended Policies and Procedures, not currently in the Manual, are to be implemented into the PECS Procedural Manual to further strengthen and enhance it. In regard to tracking property/evidence released to allied agencies, PD Management believes that responsibility for tracking that property/evidence is limited; see responses to recommendations #13 and #14.**

### **Current Management Response/Status of Recommendation 1 (Implemented)**

**The PECS Supervisor has reviewed the POST recommended Polices and Procedures and has determined that the Procedures Manual does comply with the guidelines set forth. The Fresno Police Department is also required to comply with all standards set forth by the Commission on Accreditation for Law Enforcement Agencies (CALEA) the manual also complies with CALEA requirements. The Fresno Police Department is required to conduct periodic review of all bureaus to assure CALEA compliance. The PECS Procedure Manual also closely follows the recommendations of retired Lieutenant Joe Latta of Evidence Control Systems who completed an audit of the property room in October 2001.**

B. Property and Evidence Control Section's Staffing

The PECS is staffed with a Sergeant who is the Supervisor of the PECS, two Senior Property and Evidence Technicians (who are in charge in the absence of the Supervisor), four Property and Evidence Technicians, a Senior Account Clerk, and two Police Cadets. The current Supervisor assumed the duties and responsibilities for the PECS in February 2005.

Internal Audit observed several occasions where the PECS staff's ability to perform their duties efficiently and error free were impacted by the numerous PECS locations where they have to perform their duties. For example, only two Property Technicians (PTs) were observed in the PECS's Main Office to answer telephones; provide customer assistance at the Public Counter for appointments; as well as perform their assigned duties because other PECS's staff were involved in firearm or narcotic destruction assignments; picking up P & E booked at offsite locations; and/or transporting P & E to the designated storage location.

**Audit Recommendation:**

2. To maximize efficiency of staffing, the PECS Supervisor should increase efforts to schedule Narcotic and Firearm destructions only on Tuesdays or Thursdays. Other areas for streamlining of staff duties by the PECS Supervisor should also be pursued, as appropriate.

**Management Response To Recommendation 2**

**The current practice of the PECS unit is to conduct destruction of firearms and narcotic's on Tuesdays and Thursdays. The PECS supervisor continually monitors staffing and unexpected property and evidence requests to ensure that the destruction schedule times are most efficient. At times destruction may not fall on Tuesday or Thursday, but only when the PECS supervisor has determined that an alternative day is more beneficial to the unit's goals.**

**Current Management Response/Status of Recommendation 2 (Implemented)**

**The current practice of the PECS unit is to conduct destructions of Firearms and Narcotic's on Tuesdays and Thursdays. The PECS supervisor continually monitors staffing and unexpected property and evidence requests to ensure that the destruction schedule times are most efficient. At times the days may not fall on Tuesdays or Thursday, but only when the PECS supervisor has determined that an alternative day is more beneficial to the unit's goals.**

**Finding 2 - Automation**

A. Property Room Inventory Management User System (PRIMUS)

The P & E process was initially automated in 1999. In 2000, the PECS's automated function was replaced with a different system. At the end of 2002, the P & E system was replaced with

the current PRIMUS System. PRIMUS is manufactured and sold by R.J. Lee Solutions, Inc. The upgrade in 2002 allowed the PECS to bar code each item of P & E for recording and tracking.

Internal Audit was not able to obtain, nor was provided, the PRIMUS contract/purchase order for review. Internal Audit did, however, review the payments made to R.J. Lee Solutions, Inc. for the PRIMUS System. Internal Audit noted the first invoice for payment was dated September 2002.

#### **Audit Recommendation:**

3. The PECS Supervisor should coordinate with the PD Business Manager to ensure that at a minimum, a memorandum of understanding is obtained from R. J. Lee Solutions, Inc. for services provided and charges assessed to the PD related to the PRIMUS System for ready reference and audit trail purposes.

#### **Management Response To Recommendation 3**

**The Fresno Police Department management acknowledges the importance of maintaining documentation of services provided to the City for ready reference. At the time of the audit, no contract records were kept within the Property and Evidence chain of command. As a result of the audit, a request was made to all service providers and all have complied with providing documentation of services they perform for the department. The Fresno Police Department currently has on file, in the Training Commander's office, a proposal of understanding from R. J. Lee Solutions, Inc., outlining the Development and Implementation Phases of the PRIMUS system. It also outlines cost and services offered regarding ongoing maintenance and service options. The original documents will be maintained by the Business Office.**

#### **Current Management Response/Status of Recommendation 3 (Partially Implemented)**

**The Fresno Police Department management acknowledges the importance of maintaining documentation of services provided to the City for future reference. The Fresno Police Department has sent over a contract for review at the City Attorney's Office from R. J. Lee Solutions, Inc. outlining the Development and Implementation Phases of the PRIMUS system. It also outlines cost and services offered regarding on-going maintenance and service options. The contract is currently being reviewed for implementation.**

#### **B. PRIMUS Interface with Other Electronic Systems**

PRIMUS does not interface with other internal PD systems and/or other outside law enforcement agencies with a potential need to know information (read only basis). The PECS Supervisor indicated PRIMUS should be interfaced with the Report Writer System. Report Writer is used by the Officers in the field to write their reports. This interface would prevent duplication of reporting P & E information in Report Writer for written reports and again in PRIMUS to book P & E. Internal Audit did not observe Officers' use of the Report Writer system in the field but did witness Officers' use of PRIMUS at temporary booking locations.

Per the PD's Information Services Bureau (ISB) Manager, work on the PRIMUS-Report Writer interface began in 2004. The interface has not been completed due to outstanding unresolved issues with the Data 911 product. The PD ISB Manager indicated the PD ISB programmers could complete the interface but their work could open liability issues in terms of the contractual maintenance by Data 911. Therefore, Officers must continue to duplicate P & E information into both the PRIMUS and Report Writer Systems.

**Audit Recommendation:**

4. The PD Management should continue to resolve open issues with Data 911 to effect the implementation of the interface between Report Writer and PRIMUS for improved efficiency of information and staff productivity.

**Management Response To Recommendation 4**

**FPD management has recognized the importance of resolving open issues with the DATA 911 interface. ISB personnel have met with DATA 911 representatives to develop a time frame for completing the interface of DATA 911 with PRIMUS. The development of the interface is underway at this time.**

**Current Management Response/Status of Recommendation 4 (Implemented)**

**The DATA 911 interface is currently being worked on by DATA 911 and should be implemented within the next three months.**

C. PRIMUS Functionality and Access

The current version of PRIMUS (1.41P) provides four modules of information: a) Property; b) Reports; c) System; and d) Administration. The PECS Supervisor and Senior Property Technicians have Read/Write access to all four modules. The Property Technicians have access to the Property and Reports modules and the Cadets have access to the Property module only. According to the PECS Supervisor, the PRIMUS function on all PECS computers is password protected to prevent access by someone other than the PECS's staff.

Internal Audit was able to access the PRIMUS function on one computer during our audit because the PRIMUS System was not password protected. Further, Internal Audit staff was able to access both the Property and Reports modules (with the exception of the Automated Disposition Reports) on the Cadets' computers whose access rights were reported as the Property module only. Internal Audit was informed that the PECS staff complies with the City guidelines to periodically change their computer start-up password; however, the PECS staff is not required to change their PRIMUS access passwords periodically.

**Audit Recommendation:**

5. The PECS Supervisor should ensure that access to PRIMUS on each PECS computer is password protected and that each PECS employee has the proper access rights within

PRIMUS, and that access passwords to PRIMUS are changed periodically by all authorized users.

### **Management Response To Recommendation 5**

**The Fresno Police Department Management recognizes the importance of maintaining a secure system yet still ensuring that employees have the appropriate access rights to conduct day-to-day activities. The PECS supervisor has completed an evaluation of all employees assigned to the PECS section and has verified that all have the necessary access rights and all have password protected PECS systems. Management agrees that periodic changes of the passwords may enhance the security of the PRIMUS system. The PECS supervisor will ensure that these changes are reflected in the current LEXIPOL policy review being conducted throughout the Department.**

### **Current Management Response/Status of Recommendation 5 (Implemented)**

**This was completed immediately and all PECS section personnel have passwords providing additional protection.**

### **Finding 3 - Property and Evidence Handling**

#### **A. Property and Evidence Control Section's Function, Safety and Training**

Internal Audit interviewed the PECS's staff to gain an understanding of the P & E Handling Function, Safety and Training given to each staff member. Internal Audit found no specific training issues but did note potential safety issues with the storage of P & E, which is discussed throughout this report.

#### **B. Training Materials for Officers Booking Property and Evidence**

Internal Audit received and reviewed the Fresno Police P & E Booking Tips and Sexual Assault Kit Booking Guide. Internal Audit twice observed the process of removing P & E from the temporary lockers at each location (Police Headquarters (HQ) and offsite locations).

The PECS's PM Section 7.1 states: "All narcotics, money and blood/urine evidence shall be booked at HQ in the appropriate labeled lockers." Internal Audit observed on several occasions that Officers had not used the designated money locker to secure money booked. Internal Audit was informed by the PTs that the PT can place the money booked into the wrong booking locker into the properly labeled money locker. Internal Audit noted booked money secured in the wrong locker is not reported by the PTs on Booking Correction Forms for tracking of improper booking of P & E even though the PT has corrected the error.

#### **Audit Recommendation:**

6. PD Management, in conjunction with the PECS staff, should strive to improve Officer Training related to the proper booking of all types of P & E to reduce booking errors.

Ongoing Officer training should include a reminder of the importance of compliance with all Police Department Standing and Divisional Orders, Policies and Procedures and legal statutes specific to the booking of property and evidence.

### **Management Response To Recommendation 6**

**FPD staff agrees that additional training in the area of property and evidence booking may enhance the booking process and reduce booking errors. This recommendation was evaluated and assessed by the Training Unit and the PECS supervisor. Additional training is being provided by the Training Unit, during the field training process. Field Training Officers and the PECS supervisor will continue to monitor the areas where the most frequent mistakes are made and address them as policy and procedure dictates. Visual aids have been added through a PowerPoint presentation for the cadet training.**

### **Current Management Response/Status of Recommendation 6 (Implemented)**

**A training power-point presentation was completed and is currently being used in the cadet training classes. Repetitive errors are being addressed by the Supervisor of the Property room.**

#### **C. Officer Packaging and Securing of Property and Evidence**

PD's SO 04.01 states: "...Members booking property or evidence shall package items in envelopes, boxes, or other designated containers using the smallest container available which will hold the item(s). All envelopes shall be secured with transparent or evidence tape. Boxes shall be secured with tape so that the flaps do not open. All seals shall be initialed and dated by the booking member." Per the PECS staff, transparent tape means two inch packaging tape or scotch tape.

Internal Audit observed the use of inappropriate packaging materials for the item(s) being booked (i.e. Sharp objects like knives booked in brown envelopes; a micro cassette or DVD booked in a large cardboard box; etc). Further, Internal Audit observed the placement of packaged items in the wrong size locker when other appropriate sized lockers were available (which would leave the larger locker open for an item(s) requiring the larger locker booked later).

During the tour of all PECS storage sites, Internal Audit observed boxes/envelopes that were not properly secured (box flaps not taped, envelope flaps not properly secured, envelope flaps partially torn, ineffectual use (minimal amount to huge amounts) of scotch tape to secure envelopes flaps). Internal Audit observed that scotch tape used on envelopes degraded over time whereas the two inch clear packaging tape appeared to remain secure.

Internal Audit selected a sample of 174 envelopes from 2005-2006 to analyze and determine compliance with the PD's SO 04.01. Internal Audit observed approximately 50% or more of the envelopes sampled were not properly secured nor initialed/dated by the Officers in compliance with SO 04.01.

## **Audit Recommendations:**

7. Police Management should immediately discontinue the use of Scotch Tape and either use the clear 2 inch packaging tape or a heavy-duty specialty tape to secure all materials used to package P & E.
8. Police Management, in conjunction with the PECS Supervisor, should immediately revise the current SO 04.01 to state only 2” clear tape or a colored specialty tape (like that used by other PD employees who test evidence and reseal the package) can be used by booking Officers to secure, then initial, and date all items being booked in as P & E.

## **Management Response To Recommendations 7 & 8**

**FPD management agrees that 2 inch clear tape may enhance the adhesive properties when securing evidence. The PECS supervisor is taking the steps necessary to outfit all booking stations with the thicker clear tape and update policy to reflect the change. The PECS supervisor will continue to monitor the instances where tape is not used appropriately and address it on an individual basis. The policy requiring items to be taped will remain in effect. The Department will continue to monitor the adhesive needs of PECS and, as alternative methods for securing evidence are developed, they will be evaluated.**

## **Current Management Response/Status of Recommendations 7 & 8 (Implemented)**

**Scotch tape was eliminated and 2 inch packaging tape was placed at all booking areas. The standing order was changed to state only 2 inch tape will be used.**

### **D. Receipt of Property and Evidence by the Property Technicians**

As part of the rotational duties of the PTs, one PT is assigned daily to remove the P & E booked into the lockers at HQ and use the counters in Room 16 to sort the items on by type. Another PT retrieves and transports the P & E booked in offsite temporary lockers to HQ three times a week.

Internal Audit noted continuous In/Out traffic in HQ’s Room 15 while P & E was being removed from the temporary booking lockers by the assigned PT. In addition, Internal Audit observed the temporary placement of P & E on the counter in front of the Public Window in Room 16 while the metal slider door was open although the metal screen door was closed. There is a gap between the counter and the metal screen door which could pose a potential control/security issue.

The Occupational Safety and Health Administration Standard 1910.1030 Section (d) (2) Engineering and Work Practice Controls subsection (ix) states: “Eating, drinking, .....are prohibited in work areas where there is a reasonable likelihood of occupational exposure.”

Internal Audit observed the PTs as they performed their assigned receiving duties related to the various types of P & E booked (i.e. Blood/Urine, Drugs, Firearms, etc.). Internal Audit noted there is no designated receiving work area where the PTs can perform these duties safely and receive the P & E into PRIMUS without having to use their desk where other work related duties

and/or meal breaks are taken and where other staff is working in the general area. The designated break room for PECS's staff is the Anteroom to the Cassette/Video Storage location. The Anteroom is not temperature controlled, is extremely noisy if the outer door remains ajar for air, and has no inside access to the PECS Main Office.

**Audit Recommendations:**

9. The PECS Supervisor should instruct the PT assigned to remove P & E from the HQ lockers:
  - a. To keep the outer door from Room 15 to the hallway closed until all P & E is removed and initially placed on the counters in Room 16;
  - b. To keep both the metal screen door and the metal slider closed and locked until all P & E has been removed from the counter in front of the Public Window in Room 16; and
  - c. Direct all other staff not to enter Room 15 until the PT has completed the removal of P & E from the lockers, unless there is an emergency, i.e. routine access to a work area is not an emergency.
  
10. The PECS Supervisor should instruct staff not to eat meals at their work stations, in compliance with OSHA 1910.1030, and Police Management should continue to work towards the building of a new Property and Evidence Storage facility that will address all work area needs and functions for all PECS staff.

**Management Response To Recommendations 9 & 10**

**FPD management agrees with the audit recommendation that the current PECS facility lacks adequate space, and will continue to work towards the building of a new Property and Evidence storage facility capable of meeting all of the PECS work area needs. PECS personnel have been instructed not to eat their meals at their workstations and have made arrangements to share the break room utilized by ComCen. PECS personnel have been instructed to keep Room 15 closed when removing evidence and to keep the metal screen in Room 16 closed when receiving evidence. The PECS supervisor will ensure that policy reflects these recommendations.**

**Current Management Response/Status of Recommendations 9 & 10 (Implemented)**

**PECS staff was instructed not to eat at their work stations and to keep the screen closed to room 16 and the door to room 15 closed when removing evidence from the lockers.**

**E. Identification and Notification of Officers Booking Errors**

The PD's SO 26 states: "PECS will refuse incorrectly booked property/evidence. When property/evidence is booked incorrectly, the PECS supervisor shall be notified....."

- (1) When the property is still at the district station, it shall be left with the day shift supervisor.....

- (2) When the property/evidence is at HQ, the booking member's bureau shall be contacted.....”

Internal Audit was informed by the PECS's staff that Booking Errors for Critical Evidence must be corrected as soon as possible. If the Booking Officer is not available, a Light Duty Officer in the PD must be called to correct the Booking Error and write a Follow-up Report (addendum to the original report). Non critical evidence errors must be corrected by the Booking Officer as soon as possible and/or some errors may be corrected by the PECS's staff upon notification of the Officer of the correction performed. Although some booking errors may not be as egregious as other errors, correction by the PECS personnel results in noncompliance with SO 26 and failure to report all true booking errors for PD management to address.

Internal Audit obtained and analyzed six months (August 2005 through March 2006) of Corrections Forms. Internal Audit's review revealed: a) A total of 62 issues representing 34 different issues had been identified by the PTs receiving the P & E; b) Thirty-five different Officers incorrectly booked P & E with six Officers committing multiple errors; and c) The majority of the Correction Forms were prepared by only two out of six PTs during the quarterly duty rotations during the period audited. Of the 62 issues reported, a total of 32 issues involved critical evidence - 3 were related to Firearms; 21 were related to Money; 7 were related to Narcotics, 1 booked as Other related to Firearms.

Booking Corrections' information prior to February 28, 2005 was not retained and therefore not available to Internal Audit. From February 28, 2005 to December 31, 2005, the PECS staff reported 70 mistakes. From January 1, 2006 to May 12, 2006, PECS's staff reported 24 mistakes. Internal Audit concluded that the number of Booking Errors reported to PD Management was not inconclusive of all errors made, whether an Officer or a PT corrects the error(s).

#### **Audit Recommendation:**

11. The PECS Supervisor should instruct all PECS Staff to complete the Booking Corrections Form for errors requiring correction by the Booking Officer, Light Duty Officer, and those corrected by the PECS staff, in accordance with SO 26. Categories of Booking Errors should be identified for subsequent educational/training purposes.

#### **Management Response To Recommendation 11**

**FPD staff acknowledges the importance of ensuring that all employees comply with policies and procedures as they relate to property and evidence. To ensure this, the PECS supervisor periodically reviews policy and procedure manuals. As a result of these periodic reviews, the PECS supervisor had modified policy SO 26 to read:**

- (1) The PECS Supervisor or Senior Property Tech will review the problem and contact the person who booked the item to make arrangements to have the item booked properly.*

- (2) *The error will be documented on the correction required form letter and routed to the member's supervisor.*
- (3) *If the PECS Supervisor or Senior Property Tech is unable to speak with the person who booked the property, a day shift member shall be sent to immediately correct the problem.*

**These policy modifications had been addressed by the PECS supervisor who sent changes to the policy review officer. The PECS supervisor is waiting for this policy to be reviewed and become approved; this will eliminate the issues related to documentation of booking errors. The PECS supervisor will continue to address these issues as policy dictates.**

### **Current Management Response/Status of Recommendation 11 (Implemented)**

**The policy was changed and has been implemented.**

#### **F. Documentation Process for Property and Evidence Booked at District Locations**

The PECS PM section 7.2 states “When evidence is picked up from district stations, the PRIMUS System will be updated to reflect the Property Technician transporting the evidence.” Section 7.3 B states: “When evidence is received from a district station and processed by a Property Technician other than the collector, the transportation will be documented in the Comment Section when received in PRIMUS.”

Internal Audit selected a random sample of 60 items booked at offsite locations, picked up, and transported to HQ for receipt into PRIMUS and placement in the proper storage location. Internal Audit noted there was no notation in the PRIMUS Comment Section for five items (three long guns and two hand guns) that were transported from an offsite booking location to the PECS at HQ.

#### **Audit Recommendation:**

12. The PECS Supervisor should instruct and monitor all PTs' compliance with PM sections 7.2 and 7.3 for the proper documentation of all evidence into PRIMUS.

### **Management Response To Recommendation 12**

**FPD staff agrees that the timely completion of all notations related to property and evidence is crucial for proper tracking of evidence. It came to the attention of the PECS supervisor that some property techs were failing to properly update the tracking form in the “comment” box when they transported evidence. This issue was address by the PECS supervisor as a training issue and now all techs have received the proper training that the “comment” box must be updated with the initials (ID numbers) of the techs' transporting the property. The PECS supervisor will continue to monitor for compliance.**

## Current Management Response/Status of Recommendation 12 (Implemented)

**All PECS staff are in compliance and continually monitored by the PECS supervisor.**

### G. Confirmation Process of Property and Evidence “Out To” Other Agencies

Internal Audit obtained information on the Release and Return of P & E to other agencies (e.g. Court, FBI, Lab, etc.). Using PRIMUS Reports for the period of 7/1/04 through 6/30/05, Internal Audit selected four agencies to request independent confirmation of a sample of items “Out To” other agencies by the PECS as reported by PRIMUS.

Internal Audit’s confirmation requests were faxed to the agencies selected on April 14, 2006 by the PECS Supervisor. The PECS Supervisor had to inquire of the selected agencies the proper person and address to send/fax the requests to. Internal Audit specifically stated in the Request to the four agencies that the confirmation is to be returned to Internal Audit, not to PECS, for a true independent confirmation.

Internal Audit did not obtain independent confirmation directly from the agencies sampled. The confirmations were sent directly to the PECS Supervisor by the agencies. The PECS Supervisor then reviewed and investigated the results and then forwarded the information to Internal Audit. The confirmation results are as follow:

- For the Court – Internal Audit selected 22 out of 64 items for confirmation from the Out to Court Report for item(s) a Detective had checked out to take to court but did not know whether the Court would require retention of the P & E. Confirmation was received 4/17/06.
  - a. Thirteen of the 22 items have been retained by the Court although the PECS’s PRIMUS designation of Out means the Detective(s), not the Court, has the P & E.
  - b. Four of the 22 items were disposed of by the Court but no feedback was sent to the PECS to update PRIMUS.
  - c. The Court could not confirm possession of five of the items.
- For the Fresno Regional Lab (Lab) – Internal Audit selected 89 out of 461 items for confirmation. Confirmation was received on June 29, 2006.
  - a. Fifty-four of the 89 items are in the Lab’s possession.
  - b. Twenty-eight of the 89 items were given to two Community Service Officers (CSO’s) and/or another PD employee for return to PECS. The items were received by PECS’s staff but PRIMUS was not updated.
  - c. One of the 89 items was sent to another Lab for additional testing but the PECS was not notified in order to update PRIMUS.
  - d. The Lab had no record for six of the 89 items.
- For the Fresno Sheriff’s Office – Internal Audit selected two out of two items for confirmation. Confirmation was received on 4/14/06 - All items were confirmed.

- For the Federal Bureau of Investigations (FBI) – Internal Audit selected four out of four items for confirmation. The FBI confirmed by telephone (not in writing) that all the items were originally sent to them but have since been forwarded to another agency for review. The PECS was not notified in order to update PRIMUS of the agency who currently holds Fresno's P & E in their possession.

#### **Audit Recommendations:**

13. The PECS Supervisor should request and obtain an annual confirmation for all Fresno PD's P & E "out to" another Agency. For agencies with larger amounts of P & E, confirmation of a sample of the P & E should be requested bi-annually.
14. The PECS staff should update PRIMUS in a timely manner with current information regarding the status of Fresno PD's P & E in the possession of outside agencies (not a conclusive list).
  - Court retention of P & E;
  - Return of Narcotics post drug analysis testing;
  - Annual confirmations from other Agencies;
  - P & E picked-up and transported to HQ for receipt and storage in accordance with the PECS's PM; and
  - Change of storage location.

#### **Management Response To Recommendations 13 & 14**

**The PECS supervisor will request the accounting of property that has been temporarily transferred for processing to an allied agency and that will be returned to the Department (i.e., out at the DOJ lab). In the case of the Department releasing property to another agency, and for which it does not expect its return, no such request for accounting will be made. It is the opinion of Department management that once property and evidence is released and out of FPD control, there is no lawful authority or responsibility to track its movement, unless and until it once again is returned to our system and we become responsible for its safekeeping, and that there is no liability associated with not doing so. Attempting to keep tracking records on property that is no longer in our control is not feasible. The PECS supervisor will continue to monitor the PRIMUS records to ensure that PECS personnel are updating the PRIMUS system in a timely manner.**

#### **Current Management Response/Status of Recommendations 13 & 14 (Implemented)**

**The PECS supervisor recently completed an audit of items out at FRL and has included this in the audit reports for CALEA. The PECS supervisor will continue to monitor the PRIMUS records to ensure that PECS personnel are updating the PRIMUS system in a timely manner.**

## **Finding 4 - Documentation**

### **A. PRIMUS Screens and Functionality**

Internal Audit independently obtained or observed with the assistance of the PECS Supervisor, the PRIMUS menus and functionality components for data entry and management reporting. At present, the PECS does not have a formal and accurate electronic method of tracking the distribution, return of and future review dates for each Bar Coded P & E item that requires a Detective's review for disposition.

#### **Audit Recommendation:**

15. The PECS should implement a formal system that will allow the following:
  - o The capability of distributing a copy of the Property and Evidence Reports (PERs) without actually distributing the Original PERs.
  - o Date, Unit, and Division Commander the PERs sent to.
  - o Date the PER(s) returned.
  - o Disposition Status, especially the next review dates (if P & E is to be held).

### **Management Response To Recommendation 15**

**The FPD staff has recognized the importance of developing a system to track and manage the "Blue Folders." This system is currently under development. The PECS supervisor is working with the PRIMUS programmers and FPD ISB personnel to implement a system to prevent the sending of original documents. Once this system has been implemented, it will meet the above recommendation. An implementation date is scheduled for January 2007, but workload priorities and staffing in the ISB unit may have an affect on this date and must be taken into account.**

### **Current Management Response/Status of Recommendation 15 (Implemented)**

**The PECS unit has implemented a tracking system for all PERS sent out. The PECS supervisor is currently working with R.J. Lee in finalizing a process to keep the original PERS from going out in the blue folder.**

### **B. Property and Evidence Control Section and Police Department's Forms**

Internal Audit was not able to obtain a complete listing nor a copy of all actual forms used by the PECS staff for review to determine if the form content is appropriate, complete and up-to-date, as necessary for all PECS related functions, processes, reporting, etc.

#### **Audit Recommendation:**

16. The PECS Supervisor or designated employee should review all PECS forms in use or in manuals to ensure the form(s) are currently used, applicable and accurate. A complete listing and a sample of all PECS and/or Police Department Forms with

implementation/revision date used by the PECS Staff should then be completed and maintained for reference purposes.

### **Management Response To Recommendation 16**

**FPD staff recognizes the importance of having training material available to its employees. At the advice of the audit staff, the PECS supervisor developed a sample binder that addresses all forms used by the PECS staff. This binder has examples of all the forms used daily by PECS staff and is available to all for review.**

### **Current Management Response/Status of Recommendation 16 (Implemented)**

**All PECS forms are kept in a binder in the Supervisor's office. This binder has examples of all the forms used daily by PECS staff and is available to all for review.**

#### **C. Accuracy of the Property and Evidence Control Section's Documentation**

Internal Audit randomly selected a sample of 700 P & E items from various shelves at 12 separate storage areas. These 700 items were used to verify information with the PECS's Original PERs on file and the PRIMUS documentation for accuracy of information.

Nine out of 700 (1.3%) PERs were not located in the PECS's files. All 700 items sampled were located in PRIMUS system but all information was not up-to-date.

#### **Audit Recommendation:**

17. See Recommendation 14 above.

### **Management Response To Recommendation 17**

**FPD staff acknowledges the importance of ensuring that all employees comply with policies and procedures as they relate to property and evidence. To ensure this, the PECS supervisor periodically reviews policy and procedures manuals. As a result of these periodic reviews, the PECS supervisor had modified policy SO 26 to read:**

- (1) The PECS Supervisor or Senior Property Tech will review the problem and contact the person who booked the item to make arrangements to have the item booked properly.***
- (2) The error will be documented on the correction required form letter and routed to the member's supervisor.***
- (3) If the PECS Supervisor or Senior Property Tech is unable to speak with the person who booked the property, a day shift member shall be sent to immediately correct the problem.***

**These policy modifications have been addressed by the PECS supervisor who sent changes to the policy review officer. The PECS supervisor is waiting for this policy to be**

**reviewed and become operational; this will eliminate the issues related to documentation of booking errors. The PECS supervisor will continue to monitor items received and check that proper documentation exists for the item.**

**Current Management Response/Status of Recommendation 17 (Implemented)**

**Policy was changed to address corrections. The PECS supervisor will continue to monitor items received and check that proper documentation exists for the item.**

**Finding 5 - Storage – Temporary and Permanent**

**A. Booking Areas, Storage Units and Number of Property and Evidence Items**

On March 14, 2006, the Internal Audit staff received a tour of all the PECS sites by the PECS Supervisor. There are a total of six booking areas where Officers temporarily book/secure P & E (five offsite and one at HQ). The PECS has four separate storage locations with a total of 12 separate sites where P & E are stored. The 12 separate storage sites is a reduction from the previous 15 separate storage sites but continues to pose numerous issues (i.e. Number of sites to transport P & E between for receipt, storage and/or retrieval for an Officer or the Public; Cost of storage space; and Operational effectiveness and efficiency).

- The PECS Supervisor answered questions (i.e. staff access to, security of, problems associated with, etc) for each of the sites visited. The storage areas were clean, orderly, and accessible by authorized personnel only. Access is controlled by alarms, cameras, locks and manual entry records. Access to all sites requires the accompaniment of the Supervisor or a PT for all other individuals and/or PD staff requiring entrance to a PECS location.

Internal Audit noted the following issues during the tour and audit:

- Lack of complete camera security at the PECS's Warehouse and in PECS's areas at HQ. Currently, there is no camera coverage on the two exterior warehouse doors to prevent someone walking out with P & E. In addition, there is no camera coverage inside the Drug Storage area. In the PECS HQ's areas, there are no cameras where the drugs and money are booked or where P & E is released to an Officer(s) or the Public.
- Poor lighting (some storage areas require flashlights to be used to place or retrieve P & E on the shelves).
- Temperature and humidity is not controlled at all P & E storage sites. Temperature fluctuations in Fresno, especially due to the heat, may affect the condition and integrity of the P & E (especially if future testing is required). In addition, the temperature conditions are not conducive for safe working conditions for the PECS staff.

- The height of storage shelves requires the use of ladders and/or climbing storage shelves to place or retrieve P & E items that are packaged in irregular shaped packages in some locations.
- The current amount of P & E requires floor to ceiling shelves with even and odd sized packages stored in multiple layers, both width-wise and height-wise.
- Placement of new P & E received for storage and retrieval of stored P &E is difficult at best and a potential safety risk to the PECS's staff with the current storage facilities.
- Lack of proper ventilation including dust and odors in P & E storage locations.

As of March 23, 2006, the PECS had accountability and responsibility for approximately 88,000 items of P & E. Over half of the P & E under the PECS's control is stored at offsite locations.

Internal Audit developed and distributed a Property and Evidence Questionnaire to 14 California Cities to elicit information about their Police Department's P & E function/storage. Internal Audit received four responses (Anaheim, Clovis, Paso Robles and San Jose). These cities maintain only 2 or 3 PECS sites versus Fresno's 12 storage rooms. Two of the cities are storing nearly double the P & E items than Fresno's PECS. All the sampled cities are using a P & E system with bar coding to record and track P & E. All cities reported storage space is an issue due to the inability to always meet a 1 to 1 purge ratio and the increasing retention period of DNA evidence.

On July 20, 2006, a Special Joint Meeting of the Fresno City Council with the Fresno County Board of Supervisors was held to discuss the consolidation/integration of some services (e.g. Property and Evidence Storage). The City and County representatives approved Fresno Chamber of Commerce facilitating the study of these services and the formation of Joint Task Forces to look at the four designated areas (Dispatch Center, Prisoner Facility, Property and Evidence Storage and Governance of these Joint Areas). The Task Forces are to report back to the Joint Chamber, City and County elected leaders and management in 90 days regarding the feasibility of consolidation/integration of these services.

#### **Audit Recommendations:**

18. PD Management and City Leaders/Management should continue the pursuit and feasibility study of combining the City/County Property and Evidence Storage function through the Chamber - City/County forum held on July 20, 2006 for possible improved efficiencies, effectiveness and cost savings.
19. If a Joint City/County Property and Evidence Storage facility is not acquired nor built, PD Management should continue to work towards the building of a new, centralized Property and Evidence Storage facility that is located in close proximity to the Investigations Bureau which will address the following factors (this list is not totally inclusive of all requirements):

- a. One PECS location where all functions related to P & E can be efficiently and effectively performed;
  - b. Sufficient storage space for all types of P & E (critical/non-critical, found and safekeeping) for at least the next ten years;
  - c. All storage and public/staff work areas must meet accessibility, climate, humidity, safety, security standards, ventilation laws, and all other regulations; and
  - d. Combine similar P & E functions of other City Safety Services (e.g. the Fire Department), if there is an overlap or sharing of evidence, for cost savings and staff effectiveness and efficiency.
20. The PECS Supervisor should identify and provide a Cost Benefit analysis of current PECS's locations where P & E is booked or stored that should have photo or audio/photo monitoring. Based on the Cost Benefit analysis prepared by the PECS Supervisor, PD Management should immediately pursue installation of cameras or audio/cameras in these areas:
- Room 15, the Temporary Booking area for money and narcotics.
  - The two exterior doors at the PECS Warehouse

### **Management Response To Recommendations 18-20**

**The Fresno Police Department's staff agrees with the Audit Conclusion (page 3, Audit Conclusion) that the PECS unit has an adequate control environment existing over its activities, and that the PD is effective in accomplishing its mission. FPD staff also acknowledges that the Department should continue to work with the Chamber of Commerce Consolidation task force to examine the possibility of consolidation. FPD also agrees that if a Joint City/County Property and Evidence Storage facility is not acquired or built, PD management should continue to work towards the building of a new, centralized Property and Evidence Storage facility that is located in close proximity to the Investigations Bureau, to address space and staffing issues.**

**FPD staff has realized the importance that in-house security cameras play to assure the security of the property room. Most evidence and property within the supervision of the property room is currently monitored. In March of 2006, the PECS supervisor completed the bid process from three area security providers - Matson Alarm CO, Sonitrol, and ADT - to provide cameras to the remaining areas that are not currently under video surveillance. The bids are currently under discussion and an attempt is being made to secure funding.**

### **Current Management Response/Status of Recommendations 18 - 20 (Implemented)**

**FPD worked with the Chamber of Commerce in a consolidation study and the report is being considered. The security system was requested in the budget and was denied. FPD plans to move forward with the upgrade to the system using funds from the JAG grant.**

B. Property and Evidence Control Section's Storage Contracts

Internal Audit was not able to obtain nor was provided for review a contract/purchase order for the external vendor providing storage space to the PECS. Internal Audit did, however, review the payments made to the external vendor for storage services. The payment history shows a starting invoice date of July 18, 2003.

**Audit Recommendation:**

21. The PECS Supervisor should coordinate with the PD Business Manager to ensure that, at a minimum, a memorandum of understanding is obtained from the external storage vendor for services provided and charges assessed to the PD for reference and audit trail purposes.

**Management Response To Recommendation 21**

**The Fresno Police Department management acknowledges the importance of maintaining documentation of services provided to the City for future reference. At the time of the audit, no contract records were kept within the Property and Evidence chain of command. As a result of the audit, the Fresno Police Department made a request to formalize the agreement with our commercial storage facility to ensure compliance., This request was met by the storage facility providing the agreement between the City and themselves; this is on file in the Training Commander's office. The Business Office will also be provided with a copy, if not the original.**

**Current Management Response/Status of Recommendation 21 (Implemented)**

**Rather than the use of MOU's the Fresno Police Department has in place a contract with American Storage on a year to year basis.**

C. Storage of Flammables

Internal Audit was informed by the PECS Supervisor and staff that the Fire Department usually takes possession of flammables at the scene. If Police Officers take possession of flammables, the flammables (i.e. Propane Tanks, etc) are stored in a secure, ventilated location at HQ and the Fire Department is notified for pick-up as soon as possible.

Internal Audit did not observe any flammables stored even temporarily at HQ. Internal Audit contacted the Fire Department who confirmed they do take possession of flammables at the scene if present or are called by the PECS staff to take possession of and store flammables as evidence. Internal Audit did not observe the Fire Department's storage area.

**Audit Recommendation:**

22. See Recommendation 19.d.

## **Management Response To Recommendation 22**

**Consolidation of like services is currently being discussed by the Chamber of Commerce Consolidation Task Force. The Fresno Fire Department currently has a system for property storage and documentation that is not compatible with the Police Department's PRIMUS system. For the systems to be compatible, the Fire Department would have to upgrade the system they currently have to be compatible with PRIMUS.**

## **Current Management Response/Status of Recommendation 22 (In Discussion)**

**Consolidation of like services is currently being discussed by the Chamber of Commerce Consolidation Task Force. The Fresno Fire Department currently has a system for property storage and documentation that is not compatible with the Police Department's PRIMUS system. For the systems to be compatible, the Fire Department would have to upgrade the system they currently have to be compatible with PRIMUS.**

### **D. Fire/Safety Inspections of Booking and Storage Sites**

Internal Audit contacted the Fire Department to obtain information about fire inspections of all the PD's P & E locations, types of systems used to prevent damage/destruction of P & E and compliance with all laws and regulations.

Internal Audit was informed by the Fire Inspector that:

- The Fire Department did not have all current addresses for all PD Booking and Storage sites.
- Only one Storage location has been inspected to date. The inspection was performed May 2006.
- The other storage sites are scheduled for inspection in later 2006 and 2007.
- Fire inspections of the Officer Booking areas have not been conducted.
- The current fire protection systems in place are a Sprinkler System (water) that could possibly damage property and evidence based on the quantity of water used or length of time to extinguish the fire.

### **Audit Recommendation:**

23. The PECS Supervisor should work with the Fresno Fire Department Inspectors:
  - a) To ensure that the Fire Department has the correct address for each Booking and Storage location of the PECS;
  - b) To have inspections completed at all P & E Booking and Storage locations as soon as possible;
  - c) To ensure the appropriateness of the fire detection/prevention systems at all Booking and Storage locations for the type of P & E stored at these locations; and
  - d) To ensure compliance with all laws and regulations.

### **Management Response To Recommendation 23**

The management of the Fresno Police Department agrees with the audit findings that all City of Fresno buildings should be in compliance with all laws and regulations. The Fire Department has been contacted and given all the storage locations for property and evidence. A request has been made to inspect all evidence storage facilities to ensure compliance with all laws and regulations. FPD management also agrees with the audit recommendation that the current PECS facility lacks adequate space, and to continue to work towards the building of a new Property and Evidence storage facility capable of meeting all of the PECS space needs.

### **Current Management Response/Status of Recommendation 23 (Implemented)**

The Fire Department inspected all evidence storage facilities to ensure compliance with all laws and regulations. FPD management is working with Facilities to meet standards.

### **Finding 6 - Disposition and Purging**

#### **A. Identification of Filed Property and Evidence Reports by Category**

The PECS's staff affixes colored dots to filed PERs to identify eight different categories of P & E (i.e. Bicycles, Firearms, Narcotics, etc) for easy retrieval of these types of cases. Internal Audit observed this Color Coding process and found the color coding does aid in visual identification of the various categories of P & E especially upon retrieval of specific types of PERs.

#### **B. Release of Original Property and Evidence Reports with Chain of Custody Information**

The PECS's PM section 5.4 states: "PECS's personnel shall maintain a complete and accurate Chain of Custody for every item of property and evidence turned over to PECS." The Chain of Custody is a record of the individuals who had possession of evidence from the time of seizure until final disposition by the PECS's staff per instructions by the Detectives.

Currently, the PECS's staff must release the Original PERs to the Detectives for their review and disposition determination. Internal Audit was informed and noted several PERs marked COPY indicating the Original PER has been misplaced and a copy of the PER has been made and marked COPY. The misplacement of the Original PER causes the loss of the initial hand written Chain of Custody information.

Internal Audit observed the pulling of Original PERs for the Detectives review. Internal Audit noticed PERs that Detectives had reviewed and indicated "to be reviewed at a future date" but the date had passed and the Case had not been re-reviewed for disposition.

## **Audit Recommendation:**

24. The PECS Supervisor and staff should work with the PRIMUS vendor R.J. Lee Solutions, Inc. to develop a Blue Folder Module in PRIMUS for the Detectives' Review of Cases. The Module fields should, at a minimum, include:
1. The initial date the Case should be reviewed based upon the PECS's Case Review Policy;
  2. The date the Case was distributed to the PD Unit(s) for review;
  3. The date the Case was returned to PECS;
  4. The Detective's next review date as indicated or the PECS's review date if the Detective did not indicate a date;
  5. The Blue Folder Module should have the ability to Flag/Identify all cases designated by the Detectives to be reviewed over 10 years from the current date or "Hold Indefinitely";
  6. The Blue Folder Module should provide a Review Audit Trail per case; and
  7. The Blue Folder Module should allow query by Penal Code number for printing to pull future Cases for review.

## **Management Response To Recommendation 24**

**The FPD staff has recognized the importance of developing a system to track and manage the "Blue Folders." This system is currently under development. The PECS supervisor is working with the PRIMUS programmers and FPD ISB personnel to implement a system to prevent the sending of original documents. Once this system has been implemented, it will meet the above recommendation. An implementation date is scheduled for January 2007, but workload priorities and staffing in the ISB unit may have an affect on this date and must be taken into account.**

## **Current Management Response/Status of Recommendation 24 (In Process)**

**The PERS within the Blue Folder are being tracked and PECS is working with R. J. Lee to implement a program to eliminate the sending of original documents.**

### **C. Detectives' Case Review for Disposition of Property and Evidence**

The PECS's PM section 11.2 (Detective Case Review) states: "It is the responsibility of Detectives to review cases routinely to determine if the evidence may be destroyed or released. Each Monday, Property Techs will deliver a 'Blue Folder' containing PERS to the Detectives at the various district stations. The 'Blue Folder' shall be returned to PECS no later than Friday of the same week."

Each week the PT assigned to the Blue Folder process must manually identify and pull all the Original PERs for: a) Misdemeanors one year or older; b) All cases that are two years or older (except Homicides which are distributed every five years for review); and c) PERs that have an Adult Disposition of Arrest and Court Action Form. The retrieved forms must be separated by

the appropriate Units that handle the initially reported case offense. The assigned Detective(s) are to review and document the P & E status (Hold; Release to Owner; Dispose of including methods identified and approved by the Police Department's and/or City Management).

**(During this audit, the PECS Supervisor implemented a new tracking report to capture each PER case number distributed to each Unit and upon return of the PERs noting their return within the week of distribution.)** Internal Audit recognizes this new tracking report as an improvement but there remains information that is not being captured to ensure all reports are returned and for tracking of Detectives' reviews and disposition of P & E.

The Detectives' Review process is required and essential to maintain a 1 to 1 Purge Ratio, i.e. for each piece of P & E received, one piece of P & E should be disposed of; otherwise the number of P & E items under the control and responsibility of the PECS will increase as will the need for more storage space which will increase costs and inefficiencies.

The PECS's staff has been distributing all cases (Adult and Juvenile) to the appropriate Unit for the Detectives to review the cases. During the audit, the PECS staff learned and informed Internal Audit that Detectives do not have access to the Juvenile Court Database. For disposition of P & E for juvenile cases, the Community Services Officer for the Felony Theft Unit and Adjudication of Juvenile Crimes accesses the Court database for disposition of the case.

**(The PECS's staff immediately started distributing juvenile cases to the Community Services Officer for the Felony Theft Unit and Adjudication of Juvenile Crimes for review and disposition of P & E.)**

#### **Audit Recommendation:**

25. The PECS Supervisor should update the PECS PM to reflect the appropriate process and procedures for the review of all Juvenile Cases for disposition of P & E.

#### **Management Response To Recommendation 25**

**See response #24. The PECS supervisor has reviewed the PM to make sure it reflects the process for review of juvenile cases.**

#### **Current Management Response/Status of Recommendation 25 (Not Implemented)**

**This is the responsibility of each Detective to review and make the final decision on the property.**

#### **D. Blue Folder Reviews**

Internal Audit analyzed and tested Blue Folder distributions for the period of August 1, 2005 through April 3, 2006 for information as well as patterns and trends. Internal Audit identified the following: a) Blue Folders with the Original PERs (with the hand written Chain of Custody) are sent to approximately 40 Units at various District Stations; b) The four Units receiving the most

PERs to review during the period reviewed were – Felony Assault; Domestic Violence Unit (DVU); Gun Clerk; and Narcotics. c) For the period reviewed, Internal Audit noted approximately 5 to 190 cases were distributed per week for all the Detectives’ review and disposition; and d) Approximately 5 to 180 cases were returned by all the Detectives each week. Internal Audit was not able to conclude that the cases returned in a given week were the cases distributed that week, or included cases previously distributed but not returned minus some of the current week’s cases distributed for review.

Internal Audit also analyzed and tested 30 cases distributed in the Blue Folders that had been reviewed for disposition status. Internal Audit identified the following:

- a) The 30 cases represented 439 bar coded items of P & E;
- b) Of the 30 cases returned to PECS, 28 had been “reviewed in one day”;
- c) Upon distribution 14 of the 30 cases had the Adult Disposition of Arrest and Court Action Form attached indicating the Court did not require retention of the P & E for adjudication and/or adjudication of the case was complete;
- d) Of the 30 cases reviewed, 23 were Homicide cases; and
- e) The disposition for all 30 cases was **HOLD** (from one to ten years).

Internal Audit concluded the 28 cases “reviewed in one day” had not actually been properly reviewed for disposition. The Detective(s) who purportedly reviewed these cases in one day appeared to have just written HOLD versus properly reviewing the case. The lack of properly reviewing these cases for timely disposition requires the PECS to continue storing P & E that might be able to be disposed of and not meeting their 1 to 1 Purge Ratio.

#### **Audit Recommendations:**

- 26. PD Management should instruct all Detectives on the requirements and need to comply with PM 11.2. Internal Audit recognizes other Police priorities but non compliance with PM 11.2 prevents the PECS’s staff from maintaining a 1:1 monthly Purge Ratio and increases the continual need for additional P & E storage space as the amount of P & E and the City grows. The increasing need to store more and more P & E will potentially impact other fiscal resource needs/programs of the PD.
- 27. The PECS Supervisor should develop and implement a reporting system to alert Police Management of Detectives’ Case reviews with the following notations: a) the number of cases that had additional paperwork indicating P & E was not required for further action/information (Court Adjudication Forms) that Detectives requested Held, b) the number of initial case reviews notated Hold for greater than 10 years and c) the number of Cases notated Hold Indefinitely.

#### **Management Response To Recommendations 26 & 27**

**The FPD management recognizes the importance of meeting the 1:1 purge ratio, but also acknowledges that this ratio is required internally--not mandated by law or any outside agency. PECS PM 11.2 is not currently binding on sections and units other than PECS.**

Although investigative personnel work closely with PECS in order to achieve the desired purge ratio, a balance must be struck between this goal and other equally important investigative goals. The PECS supervisor provides investigative staff with monthly property and evidence reports that reflect the current purge rate. Any circumstances that influence the purge rate are immediately identified by the monthly property and evidence report, and appropriate actions are taken to address the problem. To date, PECS has not identified any continual issue that has influenced the purge rate, and has had little problem in meeting the 1:1 goal. Long-term holds are handled at the investigative level, due the likelihood of appeal and the specifics of the case.

#### Current Management Response/Status of Recommendations 26 & 27 (Not Implemented)

The FPD staff recognizes the importance of meeting the 1:1 purge rate but also acknowledges that this rate is set by PD staff and not mandated by law or any outside agency. The PECS supervisor provides staff with monthly property and evidence reports that reflect the current purge rate. Any circumstances that influence the purge rate are immediately identified by the monthly property and evidence report and the appropriate actions are taken to address the problem. To date PECS has not identified any continual issue that has influenced the purge rate, and has had little problem in meeting the 1:1 goal. Long term holds are handled at the investigative level due the likelihood of appeal and the specifics of the case.

#### E. Release of Property and Evidence to the Owner

Upon receipt of the Detectives' disposition status of Release to Owner, the Detective or the PECS's staff will notify the owner regarding how to claim their P & E in accordance with PM sections 10.2 (Property Recipient Notification); 10.3 (Alternate Property Recipients); 10.4 (Property Release Procedure); and 10.5 (Money Release).

Internal Audit observed conversations between the PECS's staff and individuals requesting information about their P & E and/or to schedule an appointment to retrieve their P & E. Internal Audit observed the release of all types of P & E to owners (Bicycles, Cell Phone, Equipment, Firearms, Money, and Personal Articles).

Internal Audit observed that the PECS's staff followed written procedures and provided courteous assistance to everyone. Internal Audit also observed two incidents in two days that involved the PECS's staff inability to return P & E (based upon the Detective's disposition status) to the owner (who became agitated and irate). At the time of these incidents, staffing in the Main PECS Office was at a minimum because of other staffing duties being performed at other PECS locations.

Internal Audit observed that there are no cameras or audio/visual equipment located and focused on the areas where P & E are released to Officers or owners and/or their designated recipient. Cameras would ensure the recording of the actual and complete release of all P & E and capture any safety concerns to the PECS's staff or release of P & E.

**Audit Recommendation:**

28. The PECS Supervisor should identify and provide a written Cost Benefit analysis to PD Management of all PECS locations where P & E is released to an Officer, an employee of another division/agency or the public which is not currently monitored that needs/requires photo or audio/photo monitoring. Upon receipt and review of the Cost Benefit Analysis, PD Management should immediately pursue installation of cameras or audio/cameras for staff safety and recording of P &E released in these areas.
- Room 16, the Public Window
  - Main PECS Office, the public counter and office area

**Management Response To Recommendation 28**

**FPD staff has realized the importance that in-house security cameras play to assure the security of the property room. Most evidence and property within the supervision of the property room is currently monitored. In March of 2006, the PECS supervisor completed the bid process from three area security providers--Matson Alarm CO, Sonitrol, and ADT--to provide cameras to the remaining areas that are not currently under video surveillance. The bids are currently under discussion, and an attempt is being made to secure funding.**

**Current Management Response/Status of Recommendation 28 (In Process)**

**FPD Staff requested funding for an upgraded alarm system and the funding was denied. FPD staff recently budgeted the alarm system to come out of the JAG grant and will be implemented to provide better security.**

**F. Retention of Property and Evidence Control Section's Records Post Release/Disposal**

All PECS's PERs are forwarded to the PD's Records Division for permanent filing either hardcopy or by scanning. Internal Audit was informed by the PECS's staff that retrieval of PECS's records from the Records Division can be difficult at times.

Internal Audit selected a random sample of 16 items disposed of by the PECS to test the retention of the Original PERs by the PD's Records Division. Internal Audit and the Records Division could not locate six of the 16 PERs (38%) and/or a scanned copy for the sample selected.

**Audit Recommendation:**

29. PD Management should review and evaluate the current PD Records Retention processes to determine if access to records can be more efficient and ensure compliance with all laws, policies/procedures, and regulations, as applicable.

## **Management Response To Recommendation 29**

**In light of the audit findings of 38% failure in this area, PD management will review and evaluate the current PD Records Retention processes to determine if access to records can be more efficient and ensure compliance with all laws, policies/procedures and regulations, as applicable.**

### **Current Management Response/Status of Recommendation 29 (In Compliant)**

**The Fresno Police Department is required to submit to periodic audits and review, to confirm we are compliant with CALEA standards, during these reviews all policy and procedures are evaluated. The Records Bureau's policy indicates that all property and evidence reports will be retained until they have been scanned into the MARS system.**

## **Finding 7 - Critical Evidence**

Critical evidence is an item(s) that a law enforcement agency may use in Court to adjudicate a case. Items considered critical evidence are: Firearms; Money; Narcotics; Sexual Assault; Child Abuse; Homicide; Assault with a deadly weapon; items associated with Penal Code 245 and other items related to these cases. Critical evidence requires more stringent booking, receiving, secured storage, and release/disposal procedures.

Internal Audit reviewed, observed and analyzed the Officers and PECS's processes and compliance with procedures, laws and standards for each type of critical evidence.

### **A. Cash**

#### **In Vault and Trust Fund**

Overall, the security and access to the PECS Vault and related policies and procedures are very strong; the recording and accountability of cash booked into the PECS Vault and recorded into the PRIMUS system is quite adequate; and deposits of cash from the Vault to Trust Fund 63581 are being performed timely and in accordance with the PECS's PM. The PECS Supervisor and Senior Account Clerk are commended for their efforts and performance in maintaining and documenting the significant amount of cash that comes into the possession of the PECS.

There were, however, some areas noted during the audit of cash in the vault and Trust Fund that we feel should be addressed to further strengthen and improve the internal controls, accountability and timely "release/disposition" of cash being processed and maintained by PECS, as follows:

- 1) The review and "authorization to release" process and related Departmental procedures are somewhat unclear and inconsistent for cash received by the PECS. The Operations Manual, Divisional Order, and Standing Order reference review process, timelines, and required notations by investigators/detectives but in an inconsistent manner, as follows:

PECS Operations Manual – PM11.2 – “It is the responsibility of Detectives to review cases routinely to determine if the evidence may be destroyed or released.....Property sheets should be marked with one of the following dispositions: HOLD – REVIEW IN 1 YEAR REASON..... DESTROY/AUCTION..... RELEASE TO.”

Divisional Order 5.1.14 – 07.00 – “All items of property/evidence booked in homicide and attempt homicide cases with or without a listed suspect(s) shall be kept indefinitely, unless authorized to release or dispose, by a CAPERS supervisor and a District Attorney’s Office representative.”

Standing Order 3.8.12 – 18.00 – “Money will be held in the HQ vault for 3 months. After three months, the money will be deposited into the Trust Fund account.....Exceptions: Money in the following categories will not be deposited into the Trust Fund:

- (a) Money that has been processed and from which fingerprints were lifted;
- (b) Money that has DNA evidence;
- (c) “Bait Money”.....;
- (d) Money specifically requested to be left in the vault by the case investigator;
- (e) Money collected in PC187 cases; and
- (f) Collectible coins.”

When money is booked under the above exceptions, members shall write “Do Not Deposit” and a brief reason (e.g. “DNA”, “Bait Money”, etc.) in the description section of the PER.

These inconsistencies in Departmental policies and procedures make it very difficult for the PECS and Department as a whole to review, deposit monies from Vault to Trust Fund, purge and/or make disposition of cash and/or other evidence in the possession of the PECS in a timely and consistent manner.

- 2) Per the detail schedules prepared by the PECS Senior Account Clerk supporting the cash in the Trust Fund 63581 as of February 28, 2006, there is a total balance of \$584,648. The PeopleSoft Balance as of February 28, 2006 was \$584,259, a very immaterial difference of \$389.

Non-adjudicated cases/monies on deposit in the Trust Fund older than 5 years, i.e. March 2001 and older, totals approximately 240 cases and \$23,690, with the oldest case dating back to September 1982. Cases older than 5 years of \$1,000 or more in the Trust Fund are as follows:

June 1989	\$2,509	Approximately 17 years old
October 1995	\$4,050	Approximately 11 years old
September 1998	\$2,003	Approximately 8 years old
May 1999	\$1,883	Approximately 7 years old
July 1999	\$2,408	Approximately 7 years old

Without performing a 100% audit of all 240 cases older than 5 years, it is not possible to determine if all of these cases/monies should still be on deposit in the Trust Fund or if they could be “released” and distributed to appropriate owners, City General Fund or outside agency.

#### **Audit Recommendations:**

30. The PECS Supervisor and appropriate Department personnel, e.g. Detectives, Investigators, etc., should jointly review sections of the PECS’s PM, PD SOs, and Divisional Orders specifically related to the established review period of cases that include money. Based on this review, a revised, formalized and uniform policy/procedure should be developed and implemented.
31. All cases (monies) currently on deposit in Trust Fund 63581 older than 5 years from the deposit date (240 cases as of 2/28/06 with the oldest case dated September 1982) should be reviewed by appropriate Police Department personnel, i.e. Detectives, Investigators, etc. to determine if these monies should still remain in the Trust Fund or can be released/distributed to appropriate owners/outside agency. This “one time” review should be clearly documented in the case file/property and evidence control sheet (name, date and disposition) for audit trail purposes.

#### **Management Response To Recommendations 30 & 31**

**The Fresno Police Department staff acknowledges the importance of proper management of evidence; this is why the Department has written policy that provides direction for the proper disposition of money. Without an extensive investigative background, it is hard to recognize the complexity of most crime investigations. One must take into account DNA evidence, Best Evidence Rules, case law, and the Constitution. These considerations are all taken into account every time a piece of evidence is released. The final decision to release money must rest with the investigator who is responsible for the prosecution of the case. A written policy of “shall” could create problems down the road with appeals. The Fresno Police Department is currently undergoing a complete review of all policies and procedures through the LEXIPOL Project. This policy and all that refer to the release of evidence will be reviewed and updated to require uniform adherence and to meet current industry standards, if they are out of compliance. FPD will continue to require case review and the disposition of evidence to meet the goal of a 1:1 purge ratio. Staff agrees there should be a review of all cases over 5 years to determine if monies should remain in the Trust Fund or be released. This “one time” review will be clearly documented in the case file/property and evidence control sheet for audit trail purposes.**

#### **Current Management Response/Status of Recommendations 30 - 31 (Implemented)**

**The Fresno Police Departments staff acknowledges the importance of proper management of evidence, this is why the department has written policy that provides direction to the proper disposition of money. Without an extensive investigative background it is hard to recognize the complexity of most crime investigations. One must take into account DNA**

evidence, Best Evidence Rules, Case Law, and the Constitution, these considerations are all taken into account every time a piece of evidence is released. The final decision to release money must rest with the investigator who is responsible for the prosecution of the case. A written policy of “shall” could create problems down the road with appeals. FPD will continue to encourage case review and the disposition of evidence to meet the goal of a 1:1 purge ratio. The PECS unit implemented review of all money cases over 5 years old in an attempt to update and finish the disposition of the case.

## B. Firearms

### Officers’ Booking of Firearms

PD’s SO 12.04 states: “The firearm shall be unloaded prior to placing it in an evidence locker. The firearm shall not be concealed or packaged but shall be placed in the locker in plain view.....The firearm shall be labeled with a completed property tag. The tag shall be attached with the string tied tightly to the trigger guard so that it does not dangle loosely. When the firearm has a magazine or clip, the magazine or clip shall be unloaded and placed back into the firearm prior to being booked.”

PECS PM Section 8.5 states: “...Always check to assure the weapon is not loaded. If a Property Tech feels a gun is loaded or is a safety hazard, they will immediately secure the temporary locker and call the Armory supervisor to make arrangements for removal of the weapon from the locker.”

Internal Audit observed the booking of firearms (handguns and long guns – rifles, shotguns, etc.) at offsite locations and HQ. All guns were in plain view when the lockers were opened. Internal Audit noted the Property Technicians checked the guns upon removal from the temporary lockers to ensure they were not loaded.

PD’s SO 12.04 also states: “A firearm and associated equipment (i.e. ammunition, holster, and case), shall be booked together on one page of the PER.....When more than one firearm is to be booked, a separate page of the PER is required for each firearm and its associated equipment.” Internal Audit witnessed the booking of ammunition in an envelope and a box versus with the firearm.

Internal Audit reviewed and analyzed Booking Corrections Forms related to Firearms for the period of August 2005 to March 2006. Internal Audit noted three reported incidents of improperly booked firearms (more than one gun per page of the PER; no hang tag on the gun case, etc).

### **Audit Recommendation:**

32. See Recommendations 6, 7 and 11 above.

## **Management Response To Recommendation 32**

**FPD staff acknowledges the importance of ensuring that all employees comply with policies and procedures as they relate to property and evidence. To ensure this, the PECS supervisor periodically reviews policies and procedures manuals. As a result of these periodic reviews, the PECS supervisor had modified policy SO 26 to read:**

*(1) The PECS Supervisor or Senior Property Tech will review the problem and contact the person who booked the item to make arrangements to have the item booked properly.*

*(2) The error will be documented on the correction required form letter and routed to the member's supervisor.*

*(3) If the PECS Supervisor or Senior Property Tech is unable to speak with the person who booked the property, a day shift member shall be sent to immediately correct the problem.*

**These policy modifications have been addressed by the PECS supervisor who sent changes to the policy review officer. The PECS supervisor is waiting for this policy to be reviewed and become operational. This will eliminate the issues related to documentation of booking errors. The PECS supervisor will continue to monitor items received and check that proper documentation exists for the item.**

## **Current Management Response/Status of Recommendation 32 (Implemented)**

**All issues related were implemented.**

### **Packaging of Firearms for Storage**

Internal Audit observed the PTs packaging and securing firearms in special boxes with special ties to hold the firearms in place within the boxes. Internal Audit observed that the packaging of firearms and all other associated duties related to the PECS receiving firearms are performed in main duty areas and/or at the Property Technicians' desk. Other PECS staff (not involved in the packaging/securing and receipt of firearms) are present and work in these PECS's area. Internal Audit noted there is no separate receiving area for the Property Technicians to perform their duties with minimal or no other staff present in case a gun previously thought to be unloaded did have a jammed bullet that accidentally discharged.

All non Officer Involved Firearms are stored at an offsite storage location by category (critical versus non-critical and handguns versus long guns) in a locked storage area. Internal Audit observed the firearms stored at the offsite storage area. The guns stored dated from approximately 1993 to present.

## **Audit Recommendations:**

33. See Recommendations 11 and 20.
34. The PECS Supervisor and PD Management should research and address the current and future issues of employees receiving and processing into PRIMUS P & E at their respective work stations where other formal duties and/or breaks may be taken that could possibly adversely impact PECS staff.

### **Management Response To Recommendations 33 & 34**

**FPD management agrees with the audit recommendation that the current PECS section lacks adequate space, and to continue to work towards the building of a new Property and Evidence storage facility capable of meeting all of the PEC section's needs. FPD staff also acknowledges the importance of ensuring that all employees comply with policies and procedures as they relate to property and evidence. To ensure this, the PECS supervisor periodically reviews policies and procedures manuals. As a result of these periodic reviews, the PECS supervisor had modified policy SO 26 to read:**

*(1) The PECS Supervisor or Senior Property Tech will review the problem and contact the person who booked the item to make arrangements to have the item booked properly.*

*(2) The error will be documented on the correction required form letter and routed to the member's supervisor.*

*(3) If the PECS Supervisor or Senior Property Tech is unable to speak with the person who booked the property, a day shift member shall be sent to immediately correct the problem.*

**These policy modifications have been addressed by the PECS supervisor who sent changes to the policy review officer. The PECS supervisor is waiting for this policy to be reviewed and become operational. This will eliminate the issues related to documentation of booking errors. The PECS supervisor will continue to monitor items received and check that proper documentation exists for the item.**

**The PECS supervisor will continue to monitor the duties of the property technicians and make assignments accordingly.**

### **Current Management Response/Status of Recommendations 33 - 34 (Implemented)**

**All issues related were implemented.**

#### **Officer Involved Shooting (OIS) Firearms**

OIS firearms may be booked in a temporary locker at either an offsite location or at HQ but are stored in the PECS Vault at HQ. At the time of this audit, there were 81 OIS firearms stored in

the Vault. The oldest firearm secured was from 1999. Currently, the PECS and/or the PD do not have a formal (written) Policy and Procedure for Officers-Involved firearms to document the procedures and length of storage time and disposition of these firearms post Detectives' review.

#### **Audit Recommendation:**

35. PD Management should develop and implement a formalized (written) policy and procedure related to OIS firearms secured in the PECS Vault to include, but not limited to, established time period for review of OIS cases, documentation of such review, and disposition of OIS firearms after proper and timely review by Department investigators/detectives.

#### **Management Response To Recommendation 35**

**The Fresno Police Departments management defines Officer Involved Shootings (OIS) weapons in the same category as Critical Evidence-Firearms; policies regarding the release of OIS firearms fall within the same. The release of OIS firearms is the responsibility of the Homicide detective assigned to the case with the approval of the District Attorney's Office. During an OIS investigation, three individual investigations are occurring within the Fresno Police Department: a criminal investigation; an internal investigation; and a civil liabilities investigation. Any one of these investigators could, and often does, stop the release of an OIS weapon pending the possibility of prosecution, litigation, or Department discipline. At the same time, the District Attorney's Office is also conducting a separate investigation into the legalities of the incident. The likelihood of an OIS weapon being held for ten to fifteen years is probable. The fact that the oldest OIS weapon discovered by the audit is from 1999 is testimonial that the system is working very efficiently.**

#### **Current Management Response/Status of Recommendation 35 (Implemented)**

**Formalized policy was implemented and added to the PECS Manual.**

#### **Final Disposition of Firearms**

Detectives must review all firearm cases to determine whether the firearm may be released to the owner or must be destroyed. Upon the Detectives' written disposition, firearms are prepared for destruction and taken to a vendor who completely destroys firearms to prevent use of the firearm or any component of the firearm.

PD SO 12.05 states: "All firearm dispositions will be coordinated by the CIB firearms clerk. Prior to release, an Authorization for Release Form shall be signed by the CIB Commander or a designee."

- On March 31, 2006, Internal Audit witnessed the total destruction of 34 firearms (hand guns and long guns) released for destruction by the Detectives. On April 26 – 27, 2006, Internal Audit witnessed the release of hand guns to owners. Internal reviewed all

paperwork associated with release of firearms and found the paperwork to be in compliance with SO 12.05.

Neither the PECS Supervisor nor the City's Purchasing Manager could provide a contract, a Purchase Order, etc., for the destruction of firearms by the outside vendor. There was no payment history to the outside vendor for the destruction of firearms.

**Audit Recommendation:**

36. The PECS Supervisor should coordinate with the PD Business Manager to ensure that, at a minimum, a memorandum of understanding is obtained from the vendor providing firearm destruction services to the PD for reference and audit trail purposes.

**Management Response To Recommendation 36**

**The Fresno Police Department management acknowledges the importance of maintaining documentation of services provided to the City for future reference. At the time of the audit, no contract records were kept within the Property and Evidence chain of command. As a result of the audit, a request was made to all service providers and all have complied with providing documentation of services they perform for the department. The Fresno Police Department currently has on file, in the Training Commander's office, a proposal of understanding that formalizes the agreement with our firearms destruction facility. If not originals, copies will be maintained by the Business Office.**

**Current Management Response/Status of Recommendation 36 (Implemented)**

**A letter of agreement was secured from the vendor and is on file.**

**C. Narcotics**

**Officer Booking of Narcotics**

Internal Audit observed and documented the removal of drugs from the PECS's temporary booking lockers. Internal Audit reviewed and analyzed Booking Corrections Forms related to Narcotics. Internal Audit noted seven reported incidents of improper booking of narcotics (i.e. Narcotics booked at a temporary offsite location versus HQ and Improper packaging/envelope) in accordance with PECS and Police policies and procedures by six Officers.

**Audit Recommendation:**

37. See Recommendations 6, 7, 8 and 9 above.

**Management Response To Recommendation 37**

**FPD staff acknowledges the importance of ensuring that all employees comply with policies and procedures as they relate to property and evidence. To ensure this, the PECS**

**supervisor periodically reviews policies and procedures manuals., As a result of these periodic reviews, the PECS supervisor had modified policy SO 26 to read:**

*(1) The PECS Supervisor or Senior Property Tech will review the problem and contact the person who booked the item to make arrangements to have the item booked properly.*

*(2) The error will be documented on the correction required form letter and routed to the member's supervisor.*

*(3) If the PECS Supervisor or Senior Property Tech is unable to speak with the person who booked the property, a day shift member shall be sent to immediately correct the problem.*

**These policy modifications have been addressed by the PECS supervisor who sent changes to the policy review officer. The PECS supervisor is waiting for this policy to be reviewed and become operational. This will eliminate the issues related to documentation of booking errors. The PECS supervisor will continue to monitor items received and check that proper documentation exists for the item.**

#### **Current Management Response/Status of Recommendation 37 (Implemented)**

**The policy was changed and has been implemented.**

#### **Initial Narcotic Analysis**

The PD's SO 01.01 states: ".....Property or evidence shall not be stored in a member's desk, locker, vehicle or any other container at any time."

Internal Audit observed and documented the evidentiary drug analysis testing performed by the Court/Prosecution Liaison Community Service Officer (CSO). The CSO had 11 envelopes of possible evidentiary narcotics to test. Three out of the 11 envelopes had booking errors and one envelope required additional testing to determine the type of narcotic (if the drug was a narcotic).

The PECS requires all evidentiary drugs to be returned to PECS on or before 1500 each day for receipt into PRIMUS and proper storage. Internal Audit was informed by the CSO that on rare occasions, evidentiary drugs have been placed in a personal locker for testing after 1500 due to responding to a court subpoena.

#### **Audit Recommendations:**

38. The PECS Supervisor and staff should ensure all drugs checked out for drug testing are returned to PECS each day in time to be properly secured. If necessary, the drugs can be obtained the next day to complete testing. Under no circumstances should any drugs be placed and locked in an employee's locker.

**(This issue was immediately addressed by the PECS Supervisor to the Sergeant of the Court/ Prosecution Liaison Section. Employees who receive drugs for testing were instructed and agreed not to keep drugs in their personal lockers but to return the drugs each day to the PECS.)**

39. The PECS Staff in conjunction with the CSO's testing drugs should ensure the Booking Officer is notified immediately to make corrections for any/all drug booking errors and that these Booking issues are reported for subsequent training purposes.

### **Management Response To Recommendations 38 & 39**

**FPD staff acknowledges that when small amounts of narcotic substances are used for drug testing or court testimony they need to be secured. Such substances will be placed in a locker under the control of the PECS supervisor, in the same fashion as any critical evidence. To address this issue, the PECS supervisor has assigned a locker within the evidence room for the sole purpose of securing such evidence. The CLO supervisor and PECS supervisors also identified a need for a secure container for this evidence when being transported to and from court. The CSO assigned to test narcotics was issued such a container to address this issue. Booking errors will continue to be documented on correction notices with the PECS supervisor handling the repeat offenders.**

### **Current Management Response/Status of Recommendations 38 & 39 (Implemented)**

**The PECS supervisor has assigned a locker within the evidence room for the sole purpose of securing such evidence. The Prosecution and PECS supervisors also identified a need for a secure container for this evidence when being transported to and from court. The CSO assigned to test narcotics was issued such a container to address this possible issue. Booking errors will continue to be documented on correction notices with the PECS supervisor handling the repeat offenders.**

### **Storage of Narcotics**

Internal Audit toured the narcotic temporary booking site and permanent storage location. All narcotics are stored in a secured room with camera monitoring of the door only. Access into the room is limited to PECS's personnel only and Sign-In is required by non PECS's employees accompanied by PECS's personnel.

During the hours of 0600 to 1800 there is automatic ventilation of the narcotic room. The PECS's staff reported that work related duties in the narcotic room are limited due to the drug odors. Internal Audit noted that approximately 10 to 20 minutes is the maximum time an individual can spend in the Narcotics room at any given time.

Internal Audit researched narcotic storage regulations. California Code of Regulations section 66261.4 (g) (3) (B) (1) states: "Conditionally exempt controlled substances shall be stored in an area: with ventilation approved by the local fire department,...." The Fire Department was contacted and is scheduled to inspect the PECS Warehouse in September 2006.

### **Audit Recommendation:**

40. The PECS Supervisor should work with the Fresno Fire Department to ensure ventilation in the narcotic storage area is in compliance with California Code of Regulations section 66261.4 (g) (3) (B) (1) to ensure proper storage of the narcotics and the health and safety of the PECS staff.

### **Management Response To Recommendation 40**

**The Fresno Police Department management agrees that the health and safety of the PECS staff is imperative to the success of the PECS mission. The PECS narcotics room was designed and constructed by the City of Fresno to be in compliance with all rules and regulations set forth by the California Code. The narcotics room has an automatic ventilation system that runs during business hours with an overriding switch to turn on during off hours. This currently meets the requirements of the California Code of Regulations. The management of the Fresno Police Department also agrees with the audit findings that all City of Fresno buildings should be in compliance with the laws and regulations. The Fire Department has been contacted and given all the storage locations for property and evidence. A request has been made to inspect all evidence storage facilities to ensure compliance with all laws and regulations.**

### **Current Management Response/Status of Recommendation 40 (Implemented)**

**The narcotic room has an automatic ventilation system that runs during business hours with an overriding switch to turn on during off hours. This currently meets the requirements of the California Code of Regulations. The management of the Fresno Police Department also agrees with the audit findings that all City of Fresno buildings should be in compliance with the laws and regulations. The Fire Department has been contacted and completed an inspection. This inspection is currently being reviewed and staffed for implementation.**

### **Narcotics “Out To” Other Agencies**

Internal Audit obtained information and observed how Drugs are released to Fresno Police Detectives, other individuals (DEA Agent) or entities (Court) temporarily or for retention (possibly permanently). Internal Audit reviewed original PERs showing the Chain of Custody for narcotics to detectives for court or a reverse sting operation. Internal Audit observed the transfer and Chain of Custody documentation for narcotics from a Fresno Police Detective to a DEA agent.

Internal Audit requested confirmation of 22 bar-coded items (one of which was narcotics) signed out by a Detective to take to court. Per the PECS staff, the PRIMUS Report “Out to Court” means the Detective signed the P & E out to Court but it is not known whether the Court will retain the P & E whereas the “Retained in Court” Report means the Court has retained the P & E. The Court indicated disposal of the one narcotic item although the PECS System had not been updated to show the P & E was retained in Court and/or destroyed by the Court.

## **Audit Recommendation:**

41. See Recommendations 13 and 14.

### **Management Response To Recommendation 41**

**The PECS supervisor will request the accounting of property that has been temporarily transferred for processing to an allied agency and which will be returned to the Department (i.e., out at the DOJ lab). In the case of the Department releasing property to another agency, and for which it does not expect its return, no such request for accounting will be made. It is the opinion of Department staff that once property and evidence is released and out of FPD control, there is no lawful authority or responsibility to track its movement, unless and until it once again is returned to our system and we become responsible for its safekeeping. There is no liability associated with not doing so. Attempting to keep tracking records on property that is no longer in our control is not feasible. The PECS supervisor will continue to monitor the PRIMUS records to ensure that PECS personnel are updating the PRIMUS system in a timely manner.**

### **Current Management Response/Status of Recommendation 41 (Implemented)**

**The PECS supervisor recently completed an audit of items out at FRL and has included this in the audit reports for CALEA. The PECS supervisor will continue to monitor the PRIMUS records to ensure that PECS personnel are updating the PRIMUS system in a timely manner.**

### **Destruction of Narcotics**

Internal Audit observed, obtained information and documented all processes related to narcotics destruction: a) Identification and storage for destruction; b) Narcotic Officer's testing of drugs prior to destruction; c) Transportation of narcotics to destruction site and actual destruction; and d) Records retention post destruction.

Prior to actual narcotic destruction, Narcotic Officers must test a sample of the drugs to ensure the narcotic to be destroyed is the narcotic booked. Internal Audit observed Nik Kits for officer's testing were initially not available but were obtained. A sufficient number of Kits for a random sample of each type of drug in all the Drug Burn boxes was not available but was sufficient to cover the sample size to be tested.

- On March 30, 2006, Internal Audit witnessed the actual destruction of boxes containing 1,362 narcotic items (weighing 260 pounds) released for destruction by the Detectives and swampan sample tested by the Narcotic's Officers.

Internal Audit reviewed all documentation related to the destruction of narcotics in compliance with PECS and PD policies and procedures and other laws and regulations. Internal Audit noted all processes related to narcotic destruction were appropriately conducted with one exception.

The Paperwork transported with a Narcotics shipment does not contain the Emergency Contact information, as required by 22 CCR 66261.4 (g) (3) (C) (f).

**Audit Recommendations:**

- 42. PD Management should obtain or execute, at a minimum, a memorandum of understanding from the vendor who provides narcotic destruction services and assesses charges to the PD for reference and audit trail purposes.
- 43. The PECS Supervisor should develop and implement an Emergency Contact Form to be included in the Drug Burn packet. The Form should accompany the drug shipment to the Drug Burn Facility for compliance with 22 CCR 66261.4 (C) (2) (f).

**Management Response To Recommendations 42 & 43**

**The Fresno Police Department management acknowledges the importance of maintaining documentation of services provided to the City for future reference. The Fresno Police Department currently obtains a letter of agreement to destroy every time an individual destruction occurs. This letter is received by the PECS supervisor prior to destruction taking place and is retained in his office. An emergency contact form has been added to the Drug Burn packet to ensure compliance with 22CCR 66261.4 (c)(2)(f)**

**Current Management Response/Status of Recommendations 42 & 43 (Implemented)**

**The Fresno Police Department currently obtains a letter of agreement to destroy every time an individual destruction occurs which is the contract. This contract is received by the PECS supervisor prior to destruction taking place and is retained in his office. An emergency contact form has been added to the Drug Burn packet to insure compliance, with 22CCR 66261.4 (c)(2)(f).**

**D. DNA/Biological Evidence**

**Receipt of DNA/Biological Evidence**

Occupational Safety & Health Administration (OSHA) Section 1010.1030 (b) Definitions defines Regulated Waste as: “.....items that are caked with dried blood or other potentially infectious materials and are capable of releasing these material during handling.....” Under Definitions, OSHA defines Universal Waste as:”.....all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.” Section (d) (3) (ii) states: “The employer shall ensure that the employee uses appropriate personal protective equipment.....”

Blood and urine samples are booked at one designated offsite booking location or HQ. Blood and Urine samples (not related to a specific offense) may be initially collected from a suspect/victim at numerous locations (e.g. hospitals) and then booked into HQ. All Blood and

Urine sample containers are to be placed in plastic sealable bags for additional protection of handlers.

The assigned PT will collect the Blood and Urine samples and takes these items to their desk to receive into PRIMUS and the PECS. The plastic bags with the samples are then placed into a special container for pick-up by the Lab for testing. Other P & E that may contain DNA is properly packaged by the Booking Officers if dry. These P & E items are placed either in a special storage refrigerator or a dry storage area after receipt into PRIMUS and the PECS. Internal Audit noted the PTs do not always wear protective equipment when handling DNA/Biological evidence.

The PTs indicated it is very rare that a plastic bag leaks or the sample was not properly secured within the container prior to placing in the plastic bag. The PTs did indicate on rare occasions the Booking Officers have not placed the Blood/Urine specimen in a protective plastic bag.

#### **Audit Recommendations:**

44. All PECS staff should comply with the U. S. Department of Labor Occupational Safety and Health Administration Standard 1910.1030 Section (d) (3) (ii) by wearing gloves and a mask when handling/destroying DNA/Biological evidence at all times.
45. Primary containers with blood and urine evidence that are not placed in a plastic sealable bag for protection of all internal and external personnel should be reported on the Booking Corrections Forms for statistical reporting and subsequent training purposes.

#### **Management Response To Recommendations 44 & 45**

**FPD staff agrees that any evidence item that meets the criteria under OSHA Section 1010.1030(b) as Regulated Waste, should be handled as outlined by State law and OSHA regulations. During the audit, PECS personnel were observed handling the cardboard boxes that contain possible regulated waste without latex gloves, for the purpose of updating the PRIMUS system. At no time do FPD employees handle any regulated waste without the use of latex gloves. All PECS employees have received mandated training in the handling and storage of regulated waste. When an obvious rupture has occurred within the protective housings within the cardboard box, it is easily observed from the outside, and latex gloves will be donned for the protection of the involved PECS member.**

#### **Current Management Response/Status of Recommendations 44 & 45 (Implemented)**

**FPD staff agrees that any evidence item that meets the criteria under OSHA Section 1010.1030(b) as Regulated Waste, should be handled as outlined by State Law and OSHA regulations. During the audit, PECS personnel were observed handling the cardboard boxes that contain possible regulated waste without latex gloves, for the purpose of updating the PRIMUS system. At no time do FPD employees handle any regulated waste without the use of latex gloves. It is the opinion of the police department staff that the cardboard boxes that make up the outer housing of the possible regulated waste do not fall**

**into the category of regulated waste. Common sense dictates that if an obvious rupture has occurred within the protective housings within the cardboard box which will be easily observed from the outside, that latex glove's would be donned for the protection of the involved PECS member. All PECS employees have received mandated training in the handling and storage of regulated waste.**

#### Storage of DNA/Biological Evidence

The PECS has three refrigerators at two separate locations for DNA/Biological evidence. There is one dry storage area for DNA/Biological evidence. The PECS Supervisor informed Internal Audit that DNA/Biological evidence is stored in a refrigerated setting based upon guidelines set forth in the PECS's PM section 12.2 or at least for two years and then moved and stored in a dry setting. According to the PECS Supervisor, the Courts and Detectives are requiring this type of evidence to be held longer if not indefinitely due to DNA testing. Therefore, storage space requirements for DNA/Biological Evidence are and will increase based upon the Detectives' current pattern to HOLD the evidence longer.

Internal Audit noted in their contacts with other California PECS that storage of this type of evidence is problematic due to the volume and length of time requested to be held.

Internal Audit performed research of applicable laws and/or standards related to DNA Property and Evidence Storage. Internal Audit obtained information on the Post Conviction DNA Testing Law (SB1342) which recommends Frozen storage temperatures be at or below -10 degrees Centigrade (14 degrees Fahrenheit) and Room storage temperature be between 15.5 – 24 degrees Centigrade (60 – 75 degrees Fahrenheit). Humidity in the storage areas should not exceed 60 percent relative humidity. Internal Audit noted one PT recorded the temperature at an offsite Cold Storage area to be 30 – 35 degrees Fahrenheit. The temperature for the Dry Storage area is not monitored.

#### **Audit Recommendation:**

46. The PECS Staff should read and record all refrigerator temperatures to ensure storage temperatures are within the recommended temperature guidelines and to recognize a possible system failure. These records/temperature logs should then be retained in accordance with PD records retention policies and procedures and/or any applicable laws and regulations, as well as for audit trail purposes.

#### **Management Response To Recommendation 46**

**The Fresno Police Department's management agrees that all temperatures within the refrigerators should be monitored. For the past 7 years, the refrigeration systems have been monitored by Sonitol for security. Part of this monitoring is to ensure correct temperatures within the systems. On several occasions in the past, Sonitol has alerted the PECS supervisor to degree changes, and potential problems have been avoided. It is the opinion of the FPD staff that by duplication of a service that is already contracted for and conducted by a service provider, we would be creating a procedure that would be**

**detrimental to the efficiency of the PECS division. The fact that potential problems have been identified by Sonitrol and addressed in the past validates the system as being effective and efficient.**

#### **Current Management Response/Status of Recommendation 46 (Partially Implemented)**

**The Fresno Police Department's management agrees that all temperatures within the refrigerators should be monitored, which is why for the past 7 years the refrigeration systems have been monitored by Sonitrol for security. Part of this monitoring is to ensure correct temperatures within the systems, on several occasions in the past Sonitrol has alerted the PECS supervisor to degree changes and potential problems have been avoided. It is the opinion of the FPD staff that by duplication of a service that is already contracted for, and conducted by a service provider, we would be creating a procedure that would be detrimental to the efficiency of the PECS division. The fact that potential problems have been identified by Sonitrol and address in the past validates the system as being effective and efficient. An alarm system was placed on the cold box located at the corporation yard to protect against any type of a temperature change.**

#### **Release of DNA/Biological Evidence**

Blood and Urine samples are collected by the Lab from PECS Monday through Friday. Per the PECS staff, blood and urine samples are never returned to PECS but destroyed by the Lab. Internal Audit noted approximately 60 samples (blood, urine, etc) collected from a person's body on the list of 461 P & E items Out to FRL.

Detectives may request other P & E items that may contain or are thought to contain DNA/Biological to be sent to the Lab for testing. Internal Audit noted approximately 400 other types of items with potential DNA evidence on the list of 461 P & E items "Out To" the Lab.

#### **Audit Recommendation:**

47. The PECS Supervisor should request and obtain, on at least an annual basis, confirmation for all Fresno PD's P & E older than five years that were noted as "Out To" the Lab for control and accountability purposes.

#### **Management Response To Recommendation 47**

**The PECS supervisor will request the accounting of property that has been temporarily transferred for processing to an allied agency and which will be returned to the Department (i.e., out at the DOJ lab). In the case of the Department releasing property to another agency, and for which it does not expect its return, no such request for accounting will be made. It is the opinion of Department staff that once property and evidence is released and out of FPD control, there is no lawful authority or responsibility to track its movement, unless and until it once again is returned to our system and we become responsible for its safekeeping. There is no liability associated with not doing so. Attempting to keep tracking records on property that is no longer in our control is not**

**feasible. The PECS supervisor will continue to monitor the PRIMUS records to ensure that PECS personnel are updating the PRIMUS system in a timely manner.**

#### **Current Management Response/Status of Recommendation 47 (Implemented)**

**The PECS supervisor recently completed an audit of items out at FRL and has include this in the audit reports for CALEA. The PECS supervisor will continue to monitor the PRIMUS records to ensure that PECS personnel are updating the PRIMUS system in a timely manner.**

#### **Destruction/Disposal of DNA/Biological Evidence**

OSHA Standard 1910.1030 Section (d) (4) (iii) (b) states: “Regulated waste shall be placed in containers which are closable.....”

Upon receipt of the Detectives’ review and written disposition status to destroy DNA/Biological evidence, the PECS staff will locate the evidence in storage and verify all PERs and packaging information prior to transporting the evidence to HQ. The DNA/Biological evidence (deemed a Biohazard) is placed in special, properly marked containers. All biohazard disposable containers are not closable or constructed to contain all contents during the handling, storage, transport, etc.

These containers are picked up by a Biohazard vendor for proper disposal in accordance with all laws and regulations. Internal Audit witnessed the pick-up of these biohazard containers by the vendor but did not witness the actual destruction of the biohazard evidence.

#### **Audit Recommendation:**

48. PD Management should ensure that all containers for regulated waste are in accordance with OSHA 1910.1030 Section (d) (4) (iii) (B), and to ensure the health and safety of all PD/PECS staff.

#### **Management Response To Recommendation 48**

**It is the opinion of the FPD staff that the PECS section does currently comply with all regulated waste containers and will continue to do so.**

#### **Current Management Response/Status of Recommendation 48 (Not Implemented)**

**It is the opinion of the FPD staff that the PECS section does currently complies with all regulated waste containers and will continue to do so.**

## **Finding 8 - Inventory of Property and Evidence**

### **A. Inventory of Property and Evidence Upon Transfer of Property and Evidence Supervisor**

The current PECS Supervisor assumed the PECS duty in February 2005. Upon assuming the PECS Supervisor's duties, the Sergeant conducted an inventory of all Firearms, Money and Narcotics. All other inventory under the control of the PECS was not inventoried upon transfer of the PECS Supervisor.

### **B. Periodic Inventory of Property and Evidence under the Control of the PECS**

Objective two in the PECS's PM states "Complete a unit inventory with PRIMUS with 100% success in location/tracking.

The Consultant's (Latta) audit report of October 2001 recommended the PECS conduct a complete inventory of all P & E in their possession. According to the PECS Supervisor, it would be physically impossible to conduct a complete inventory without closing the PECS for one to two weeks for the staff to perform the inventory, which is not feasible since Officers book P & E daily.

Further, the PECS Supervisor stated he has inquired of other PECSs about the size of Fresno whether they have or do conduct a periodic complete inventory of P & E in their possession. The Supervisor indicated no other PECSs conducts or has conducted a complete inventory of P & E items in their possession.

### **C. Property Evidence Control Section's Inventory Process**

The PECS Supervisor indicated he instituted the process of inventorying different shelves at different storage locations on a quarterly basis. Copies of the Inventory Summaries for July and October 2005 were obtained and reviewed. The detail findings showed the following types of issues:

- Initially, P & E could not be located but was later found.
- All P & E was not scanned during the inventory process.
- Property and Evidence had been released to another Agency or the Owner.
- PRIMUS was not always updated.
- P & E was not in the recorded location.

The PECS Supervisor indicated inventory of the Narcotics storage area requires all envelopes be inventoried at one time. Inventory of the narcotic storage area is; a) Very time consuming; and b) Staff is not able to stay in the area for prolonged periods due to the drug odors.

### **Audit Recommendation:**

49. The PECS Supervisor and staff should, at a minimum, reconcile the number and category of evidence items at each storage site to the total number of evidence items recorded in PRIMUS on a quarterly basis. All significant variances/discrepancies noted as a result of

the reconciliation should be resolved immediately and the records/PRIMUS adjusted accordingly.

### **Management Response To Recommendation 49**

**The Management of the Fresno Police Department agrees that periodic supervisory audits of the PRIMUS system may be beneficial to supplement the many check-and-balance systems already in place. The PECS supervisor has implemented a reconciliation system to ensure accuracy of all evidence received and will continue to monitor with the annual inventory report.**

### **Current Management Response/Status of Recommendation 49 (Not Implemented)**

**The Management of the Fresno Police Department agrees that periodic supervisory audits of the PRIMUS system may be beneficial to supplement the many check and balance systems already in place. The PECS supervisor tied to implement a reconciliation system but found the process to be very labor intensive and not worth the time spent to do so. This was caused by the different parameters that are found with the current PRIMUS system.**

#### **D. Format of Storage Locations in PRIMUS**

The PECS's PM Section 7.3 B states: "The final location shall consist of 4 lines: 1) Building; 2) Room; 3) Shelf; and 4) Box.....Room.....There are several choices that will match the drop down box used by PRIMUS.....Or Write in the room number (ex: E06, etc)."

Internal Audit noted that Room Numbers typed in by the PECS personnel are not entered in accordance with Policy. A query of PRIMUS for the number of evidence items stored in room number A90 shows 1,754 items, but a query using room number A-90 (with a dash) shows an additional 1,194 items for an actual total of 2,949 items stored in that room.

Internal Audit inquired and was informed that the number and category of evidence items at each storage site is not periodically reconciled to the total number of evidence items recorded in PRIMUS. Evidence items are secure and recorded but depending on the room number format used when entering data to PRIMUS, the possibility exists to exclude or understate the total number of evidence items under the PECS's control.

#### **Audit Recommendation:**

50. The PECS Supervisor should contact the PRIMUS vendor and discuss the feasibility and cost of adding the room numbers to the room drop down menu for improved accuracy and accountability. If the modification is cost prohibitive, the PECS Supervisor should instruct and monitor the staff's inputting of storage room locations on an ongoing basis.

**(Internal Audit discussed the room number finding with PECS's management and PECS' management took immediate action. The room numbers of the offsite storage site were added to the room drop down menu.)**

### **Management Response To Recommendation 50**

During the audit, this issue was discussed with the PECS supervisor, who took immediate action and added both types of room numbers (example, A90, A-90) to the drop-down menus in PRIMUS. Although this is not perceived to be an issue, because all PECS personnel are aware that both entries need to be made to get an accurate reading, it was easily completed without cost to the Department.

### **Current Management Response/Status of Recommendation 50 (Implemented)**

During the audit this issue was discussed with the PECS supervisor, who took immediate action and added both types of room numbers (example: A90, A-90) to the drop down menu's in PRIMUS. Although this is not perceived to be an issue because all PECS personnel are aware that both entries need to be made to get an accurate reading, it was easily completed without cost to the department.

### **Finding 9 - Implementation of Previous Audit Recommendations**

Internal Audit obtained and reviewed prior audits conducted by Fresno Police Department personnel; a P & E Consultant; and for the Police Department's Commission on Accreditation for Law Enforcement Agencies (CALEA) Accreditation. Internal Audit conducted a follow-up on most of the recommendations. Internal Audit noted that most but not all of the recommendations were implemented. The PD determined some of the recommendations were either not practicable or feasible to implement. Internal Audit has addressed prior audit recommendations not implemented, but still considered appropriate, throughout this report.