



**Program Evaluation and Audit**

**METRO TRANSIT POLICE  
DEPARTMENT:**

**PROPERTY ROOM INVENTORY**

March 26, 2007

# INTRODUCTION

## Background

The Metro Transit Police Department's (MTPD) vision is "to as closely as possible, achieve a transit system free from crime and disorder". In the course of their day to day police work, officers take property and evidence into departmental custody on a daily basis. The MTPD follows established laws, regulations and the department's policies and procedures for the handling of property and evidence.

A MTPD Lieutenant has oversight responsibilities for the Property and Evidence Unit (PEU) of the MTPD. The PEU staff consists of two MTPD support staff members who also provide several other support functions for the larger department.

The PEU staff is responsible for the property room inventory. As of November 2006 the MTPD property room inventory listed 8,731 pieces of property and evidence and 3,815 videotapes.

Property typically taken into police custody by the MTPD can be categorized as follows:

- *Evidence*: Any property that comes into custody of a police department employee that may tend to prove or disprove the commission of a crime, or the identity of a suspect, pursuant to an official criminal investigation.
- *Non Evidence*: Property of no evidentiary value that comes into the custody of a police department employee, that is not a part of a criminal investigation, and whose rightful owner may or may not be known to the finder or the department. Property of no evidentiary value is inventoried for safekeeping and will be returned to the rightful owner. If this property is not claimed within a reasonable period of time, it will be disposed of.

Firearms and felony level narcotics are inventoried with the local agency having jurisdiction. The Bomb Squad is contacted for removal of explosives. Small amounts of fireworks may be kept in the property room until the next business day only.

In order to establish the "chain of custody" for a piece of evidence to be admissible in court, it must be proven that someone was responsible for, and can testify to the security of the evidence from the time it was seized until the time it is presented to the court. The PEU of the MTPD is responsible for establishing the "chain of custody" and ensuring the security of the evidence once it is received by MTPD staff.

The MTPD property room, although inventoried from within the department and at times by external agencies, has not previously been identified for an inventory review by Program Evaluation and Audit until this year.

## Scope

In December 2006, Program Evaluation and Audit performed an audit of the MTPD property and evidence room. The audit included confirmation of property and evidence inventory, documentation of property and evidence, and a review of compliance with established property and evidence policies and procedures.

## Methodology

Program Evaluation and Audit tested the accuracy of the PEU's inventory records by randomly selecting and physically reviewing a sample of the property and evidence room inventory. Two inventories are maintained by the PEU, one of video tapes and one of property and evidence. To assess the accuracy, timeliness and completeness of the evidence and property room overall, the following activities were performed:

- A sample size was selected based on having a confidence level of 99% and an expected error rate of 1%.

	<u>Population</u>	<u>Sample Size</u>
Property and evidence	8,731	613
Videotapes	3,815	550

- Property inventory forms were reviewed to confirm "chain of custody".
- PEU staff was interviewed.
- Policies and procedure manual were reviewed.
- International Association for Property and Evidence standards were reviewed.

## Assurances

This review was conducted in conformance with *Government Auditing Standards* and the *Standards for the Professional Practice of Internal Auditing* of the Institute of Internal Auditors. Findings are reported to auditee, senior management, the Regional Administrator and the Audit Committee of the Council.

## OBSERVATIONS

In 2005 a staffing change occurred in the PEU. The newly assigned staff member began an effort to identify and implement changes to the PEU policies and procedures to ensure the integrity of the “chain of custody” within the MTPD. The PEU staff reviewed standards developed by the International Association for Property and Evidence Inc., an organization whose objective is to provide education and training related to all aspects of the handling, storage, maintenance and disposal of law enforcement held property and evidence. In August 2005 a new policy and procedure manual was written to provide guidance to officers and PEU staff.

Prior to 2006, both PEU staff and MTPD investigators had access to the property and evidence room, making it difficult to maintain control over the inventory. PEU staff recommended last year that access be restricted to PEU staff only and MTPD leadership accepted the recommendation. Current access is restricted to PEU staff only.

***1. Six of 613 property and evidence inventory items sampled were either missing or missing paperwork.***

Program Evaluation and Audit was unable to locate 2 of 613 items on the property and evidence inventory. Those items were:

<u>Description</u>	<u>Case Date</u>
Spray paint can and bags	11/28/2003
Liquor Sample	7/28/2004

In addition, paperwork was missing for 4 items on the property and evidence inventory. Those items were:

- 1 safekeeping item listed as destroyed 4/15/2003
- 1 safekeeping item listed as destroyed 4/25/2006
- 1 evidence item destroyed after case dismissed 2/10/2003
- 1 evidence item destroyed after guilty plea 11/6/2003

Review of the details pertaining to the missing items and the related cases revealed that the items should have been destroyed because they were no longer pertinent to an active case.

The paperwork that was missing included one item from 2006. The rest of the items were from a period of time prior to the MTPD strengthening its controls on the property and evidence room. Since the paperwork that is missing was for a nominal value safekeeping item the “chain of custody” of evidence was not impacted. While we would ideally wish to have no missing property, evidence or records we believe that this isolated incident is not indicative of a systemic control problem.

**2. *Six of 550 items on the videotape inventory were either missing or missing paperwork.***

Program Evaluation and Audit was unable to find 5 of 550 items on the videotape inventory. Those videotapes were from the following dates:

12/30/2002

07/10/2005

07/27/2005

10/06/2005

12/23/2005

Paperwork was missing for a video tape dated 07/02/2002.

The missing video tapes are indicative of a control problem that did exist within the MTPD PEU. This issue was of concern to the staff of the PEU and they brought this issue before the Chief of Police and implemented changes resulting in improved control of the property and evidence room. As of the beginning of 2006 MTPD investigators were restricted from accessing the property and evidence room. Access is now limited to PEU staff which total three individuals.

**3. *A video tape was copied and released to the County Attorney's Office without proper documentation.***

During the inventory a request was made by a county attorney for a better copy of a video. This video was not among the inventory items sampled. PEU staff retrieved the video and found that the investigator had not indicated on the chain of possession log that a copy had been made, nor had anyone from the county attorney's office signed for a copy. PEU staff indicated that this was not an isolated incident, raising concerns about the integrity of data and records related to the items in the property and evidence room.

**4. *MTPD Property Room space is overly full, and poses a safety risk.***

MTPD is utilizing two rooms for storage of property and evidence. One room is for evidence and videotapes and the other room is for safekeeping of found items. Appendix A shows pictures of the two rooms. There is insufficient space to store property and evidence. The current configuration of the rooms includes storage of property on the floors of the rooms, boxes stacked upon boxes and property balanced on other property.

There is a significant risk that evidence could be dropped and damaged due to the inadequate storage space. A significant amount of property and evidence is being stored on the floor, which creates additional risks of damage to property in cases of frost or water on the floor.

With overcrowded storage space, the potential exists for difficulty in locating evidence. This was found to be a problem during the physical inventory. There were several items that were not found initially that required additional searching through the piles of evidence to be located and retrieved. Prompt availability of evidence can be critical to a criminal case and it could be affected by the overcrowded conditions of the MTPD Property Room.

Further, the safety of PEU staff could be endangered by the current overcrowding of the two rooms. The staff currently climbs up the shelving or stands on top of boxes and other items to retrieve items from the upper shelves. This poses a significant risk of injury.

The property rooms do not have either sprinklers or fire extinguishers. In order to protect against damage to the evidence the property rooms should, at a minimum, have fire extinguishers, if not some type of fire suppression system.

***5. Destruction and disposal of property and evidence does not occur on a timely basis.***

The PEU staff is behind on destruction and disposal of property and evidence. In the months prior to the inventory, the MTPD was in the process of filling vacancies in its support staff ranks. As a result of the staffing shortage destruction and disposal of property was delayed.

The timely and appropriate disposition of evidence is extremely important to the efficient management of evidence and the integrity of evidence security. It is common for police property rooms to retain evidence for indefinite periods. An overcrowded property room slows down the routine operations involving evidence location and retrieval.

There is no established process in place to trigger the disposal of evidence other than items kept for safekeeping, which are set to be disposed after 30 days. The MTPD rotates investigators every six months so it is currently not feasible to have the investigators notify PEU staff when evidence is no longer needed.

***6. There is no schedule for a periodic inventory of the property room***

The PEU policies and procedures do not address periodic inventories of the property room. The International Association for Property and Evidence standards recommend that an inventory be conducted on an annual basis. The PEU staff currently has plans to reorganize the property rooms and store property and evidence by case number. As a part of this reorganization the staff intends to confirm each item to the inventory. The PEU staff anticipates completing the reorganization by July 2007.

## CONCLUSION

The overall controls and processes in place for the property and evidence rooms are adequate to provide reasonable assurance of integrity of the “chain of custody”. A member of the PEU staff has completed a three day property and evidence management training course. She has been working to improve processing and organization of property and evidence.

However, the preservation of evidence is a key factor in investigating crime. The property and evidence room space currently does not provide adequate storage space for the property and evidence inventory and will not meet future needs. The overcrowding of the property and evidence rooms creates both an occupational safety risk and the potential for evidence being damaged as a result of inadequate storage space.

## RECOMMENDATIONS

Program Evaluation and Audit recommendations are categorized according to the level of risk they pose for the Council. The categories are:

- **Essential** – Steps must be taken to avoid the emergence of critical risks to the Council or to add great value to the Council and its programs. Essential recommendations are tracked through the Audit Database and status is reported twice annually to the Council’s Audit Committee.
- **Significant** – Adds value to programs or initiatives of the Council, but is not necessary to avoid major control risks or other critical risk exposures. Significant recommendations are also tracked with status reports to the Council’s Audit Committee.
- **Considerations** – Recommendation would be beneficial, but may be subject to being set aside in favor of higher priority activities for the Council, or may require collaboration with another program area or division. Considerations are not tracked or reported. Their implementation is solely at the hands of management.
- **Verbal Recommendation** – An issue was found that bears mentioning, but is not sufficient to constitute a control risk or other repercussions to warrant inclusion in the written report. Verbal recommendations are documented in the file, but are not tracked or reported regularly.

1. **The MTPD should work with Transit’s Safety Division to identify ways to make the property and evidence rooms less crowded and safer for PEU staff. (Essential)**

The overcrowded property rooms create an occupational safety risk for Property and Evidence Unit staff. The current practice of climbing over evidence and climbing up shelves to reach evidence endangers the safety of PEU staff. Metro Transits Rail and Bus Safety Division has experienced safety specialists familiar with OSHA requirements. They can help to determine what changes should be made to ensure that the evidence is accessible and staff minimize their risk of potential injury from storing and retrieving materials.

*Management Response: We agree with this recommendation. To that end the property and evidence room was recently inspected by two safety specialists from Metro Transit Safety Division. They made recommendations that included the proper use of space heaters and the use of an approved ladder or similar device to access items on shelves above eye level. Remodeling and expansion of the evidence room is planned and the Safety Department will be consulted in the planning for the new set-up and their recommendations implemented. Further, this report addresses the lack of fire extinguishers or other fire suppression devices in the property evidence room. Two fire extinguishers have been procured and installed.*



**2. Metro Transit should identify additional space for storage of property and evidence so that all necessary items can be stored in a way that they can be easily located and retrieved. (Essential)**

The collection and preservation of evidence is one of the most important aspects of the investigation of a crime. The current space utilized for the property rooms is inadequate to ensure that evidence is preserved. Property and evidence should be stored in such a manner that it is readily accessible by PEU staff, is elevated off the floor and is not stacked upon other evidence. With the projected increases in Metro Transit ridership and the addition of the Central Corridor light rail line it is imperative that additional space is identified and used to store and preserve property and evidence.

The current MTPD police station space is highly utilized. There is a space between the property and evidence room and the safekeeping room that is currently being used as a K-9 kennel. This space would appear to be a logical location for expansion of the property and evidence room. However, MTPD management should consult with Metro Transit facilities management staff to determine where evidence can be stored in suitable conditions that are secure, safe and large enough to allow for storage that can still be easily accessed by PEU staff.

*Management response: We completely agree with this recommendation. John Bryan of the Facilities and Engineering staff has been contacted and has inspected the facility to determine the feasibility of expanding the evidence room into the open bay currently used to house a kennel, estimate the costs involved in the project, and identify any available resources. This project will also include the expansion of the Transit Police Supervisor's office. A cost estimate will allow for inclusion on the Capitol Improvements Projects (CIP) list and to identify a specific timeline for completing the project.*

*The overcrowding issue is also being addressed by the establishment of a procedure to dispose of items that no longer need to be stored, particularly safekeeping items longer than 30 days.*

**3. MTPD staff should perform a complete inventory of the property and evidence room on an annual basis. (Significant)**

In order to ensure the "chain of custody" the MTPD staff should conduct periodic inventories of the property and evidence rooms. The inventory process can be done either all at one time or can be broken into smaller reviews within a year as long as all items are inventoried within the one year timeframe.

*Management Response: The Metro Transit Police Department will establish a policy and practice of performing a complete inventory of the property and evidence room on an annual basis and whenever a change in personnel is made that changes the primary responsibility for the property and evidence unit. A new records management system will go on-line later this year. All evidence will be barcoded which will improve inventory control and facilitate the annual inventory.*

#### **4. MTPD investigators should be held accountable for failing to record distribution of copies of evidence. (Consideration)**

There have been a number of incidents when video recordings have been copied and released to other police departments or county attorney offices without proper documentation. The investigator is supposed to have the person receiving the copy sign the property inventory form and they are to indicate on the chain of possession log how many copies were made and where they were distributed to. In pressing cases, such as a homicide investigation, it is understood that there may not be time to get the signatures of those receiving the copies.

Once copies are released to other jurisdictions the MTPD does not have control over the videos. This can cause a significant amount of embarrassment if the other jurisdictions release the tapes to the media and the MTPD is unaware that the tape had been copied.

*Management Response: We agree with this recommendation and have taken steps in the past two years to tighten controls on evidence and videos as documented in this report. To further address this recommendation the Metro Transit Police Department has established the following procedure regarding the release of evidence and/or videos:*

- 1) The release of evidence, videos, taped statements, and safekeeping items including copies of videos and taped statements shall be the sole responsibility of the Property and Evidence Unit (PEU) staff when practical.*
- 2) When an emergency need arises and items must be released without PEU staff present the officer, investigator, or supervisor releasing the item is directed to document the release and procure the signature of the person receiving the item on the chain of possession log on the Property Inventory Form.*

Appendix A  
Property and Evidence Room View 1





Property and Evidence Room View 2





Safekeeping Room View 1





Safekeeping Room View 2

