

CONSENT CALENDAR
January 18, 2011

To: Honorable Mayor and Members of the City Council
From: Ann-Marie Hogan, City Auditor
Subject: Property and Evidence Room POST Study: Follow-Up Audit

RECOMMENDATION

Request the City Manager to report back on or before July 19, 2011 on the implementation status of the City Auditor and California Commission on Peace Officer Standards and Training (POST) Study recommendations. Report back no later than every six months, thereafter, until fully implemented.

SUMMARY

In 2006, the California Commission on Peace Officer Standards and Training (POST) performed a management study of the Berkeley Police Department's (BPD) property and evidence function. Their report included 18 recommendations. In our follow up, we found that the BPD had fully implemented three (17%). Of the remaining recommendations, four (22%) had been partially implemented and eleven (61%) had not been implemented. Three recommendations were reported complete in December 2010.

FISCAL IMPACTS OF RECOMMENDATION

In calendar year 2009, the Property and Evidence Room unit processed over 9,000 items. This included narcotics evidence with an estimated street value of more than \$1,500,000, and currency totaling more than \$310,000. Inadequately managed property rooms can lead to a financial loss, as well as a loss of public confidence.

RATIONALE FOR RECOMMENDATION

Implementing the recommendations will help protect the City's reputation and ensure the integrity of evidence.

FUTURE ACTIONS

A second audit reporting on the sub-objectives of this audit will be issued in spring of 2011.

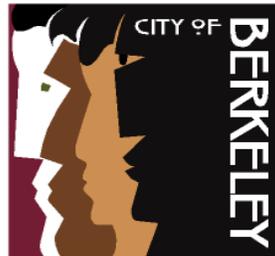
CONTACT PERSON

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Attachments:

- 1: Property and Evidence Room POST Study: Follow-Up Audit

City of Berkeley



Property and Evidence Room POST Study: Follow-Up Report

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Presented to Council January 18, 2011

Property and Evidence Room POST Study: Follow-Up Report

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I. Audit Objectives and Results

Determine the implementation status of the recommendations made by the California Commission on Peace Officer Standards and Training (POST) in their October 27, 2006 report.¹

Department made changes that are key to the credibility of the evidence function.

The Berkeley Police Department (Department) had implemented three (17%) of the eighteen POST study recommendations. The Department completed an inventory of narcotics evidence² and transferred the responsibility for handling narcotics from the Special Enforcement Unit to the Property and Evidence Room Unit. The transfer enhances the integrity of the property and evidence system by providing the necessary checks and balances.

The Department had partially implemented four (22%) of the remaining recommendations. Eleven (61%) remained outstanding. Fully addressing these recommendations will help the Department ensure the integrity of their processes and the property they manage.

II. Background

In 2006, former Police Chief Doug Hambleton requested that the California Commission on Police Officer Standards and Training (POST) perform a management study of the property and evidence room. He requested the study in an effort to address control and operational weaknesses. The study focused on the Department's narcotics evidence procedures and included a general review of the property and evidence management system.

The POST consultant met with staff, visited storage facilities, and reviewed documentation. He organized his report into the following components:

1. Organizational Considerations
2. Documentation
3. Storage Facilities
4. Property and Evidence Handling Procedures
5. Audits and Inventories
6. Property Disposition / Purging

The study resulted in 18 recommendations.

¹ The sub-objectives for this audit will be presented in a separate report that will be issued in spring 2011. The sub-objectives are 1) note any deficiencies that come to the auditor's attention; and 2) determine if access to the property room was updated as a result of staff changes.

² All items were accounted for and no discrepancies were noted.

The Police Review Commission (PRC) reviewed the recommendations and stated that they “are a good first step toward regaining control and providing accountability.”

III. Finding and Recommendation

Finding 1: Resolve Concerns Identified in the POST Study

Of the eighteen POST recommendations, three (17%) had been implemented, four (22%) had been partially implemented, and eleven (61%) had not been implemented. Some recommendations are more important in terms of risk. Others are more difficult to implement due to space limitations.

Recommendations More Important in Terms of Risk

- *Require Third Party Random Audit at Narcotics Destruction Sites (not implemented).* Narcotics are often the target of property room thefts. Performing the audits helps reduce the risk of theft prior to destruction.
- *Alarm Property Storage Area with Motion Detectors (not implemented).* Storage areas hold narcotics, firearms, and cash. This evidence is the target of almost all thefts or attempted thefts.
- *Review the Audit Policy with Department Staff (not implemented).* Staff are not performing some of the required audits³. Audits help ensure the integrity of property and evidence.

Management of evidence is essential to the successful prosecution of criminals.

Recommendations Not Implemented Due to Space Limitations

- *Install Security Fence to Separate Department Property from Evidence⁴ (not implemented).* It appears there is not enough space in the property room to install the fence.
- *Store All Firearms in Boxes (not implemented).* The boxes are bulky and take too much room to store. The limited space in the property room makes it impractical to use the boxes.

³ “Audits,” as referred to by POST, appear to be the same as “inspections,” as described in Department policy (General Order P-65), and should not be confused with audits conducted by an independent agency, such as the City Auditor’s Office.

⁴ Department supplies, e.g., paper, toner, and pens, are also stored in the property room. The intent of the POST recommendation is to ensure that supplies are not commingled with evidence.

City Manager's Response to Finding

Agree

Recommendation and City Manager Response

- 1.1 The Department should implement the outstanding POST recommendations, or implement an alternative that resolves the concerns.

Agree; see Appendix C for details.

IV. Fiscal Impact

A loss of public confidence cannot be measured in dollars.

The Property and Evidence Room processed over 9,000 items of property and evidence in calendar year 2009. This includes narcotics evidence with an estimated street value of more than \$1,500,000 and currency totaling more than \$310,000.

Inadequately managed property rooms can further harm victims whose cases are dependent on the integrity of the evidence. It can also lead to a financial loss and a loss of public confidence.

V. Conclusion

The property and evidence function is a critical element in the successful prosecution of criminals. The Berkeley Police Department has made some progress towards implementing the POST study recommendations. Implementing the remaining recommendations will help protect the City's reputation and ensure the integrity of the evidence. If some recommendations are determined not to be feasible because of limited capacity, alternative action that fully resolves the concerns identified should be taken.

Appendix A

Scope and Methodology

This audit focused on the implementation status of the October 2006, POST study recommendations. Survey work and fieldwork were performed between February 2010 and May 2010. The audit objective was met by:

- Reviewing the California Commission on Peace Officer Standards and Training (POST) management study.
- Performing a limited review of the property / evidence management guide.
- Reviewing procedures, documentation, and forms related to the management of property and evidence.
- Reviewing best practices and other guidance for property and evidence management.
- Discussions with employees involved with property & evidence management.
- Performing walkthroughs of the property storage areas.

Fieldwork did not include a detailed review of laws applicable to the handling and management of property and evidence.

We conducted this performance audit in accordance with *Generally Accepted Government Auditing Standards (GAGAS)*. Those standards require that we plan and perform our audit to obtain sufficient and appropriate evidence that provides a reasonable basis for our findings and conclusions, based on our audit objectives. We believe that the evidence obtained provides reasonable basis for our findings and conclusions, based on our audit objectives.

This performance audit was initiated by the Auditor's Office and scheduled as part of the fiscal year 2010 Audit Plan presented to Council on June 23, 2009.

Appendix B

Outstanding POST Study Recommendations at the Completion of Audit Fieldwork

The following table identifies each outstanding POST study recommendation with City Auditor comments to assist the Department in addressing the concern.

	Outstanding POST Recommendations	Status (as of May 2010)	City Auditor Comments
1	Review and Update the Documentation System	Partially Implemented	Issue the revised general order and ensure that staff is clear on the requirements and procedures. Provide training as needed.
2	Develop a Right of Refusal Form ⁵	Partially Implemented	Develop and implement a right-of-refusal form for all evidence. Examples available at www.iape.org .
3	Provide Updated Training to All Employees Who Book Evidence	Partially Implemented	Provide department-wide training in conjunction with the issuance of a new packaging manual (see # 9 below).
4	Conduct a Complete Inventory of All Firearms	Partially Implemented	Perform annual firearms inventories in conjunction with annual purges. Account for the firearms that remain in storage.
5	Provide Appropriate Training to Better Utilize the Department's Automated Computer System	Not implemented	Move forward with the scheduled training plan once the new records management software is installed.
6	Alarm the Property Storage Areas with Motion Detectors	Not implemented	Install motion detectors in storage areas containing high-risk items (narcotics, firearms, and cash).
7	Place a Security Rod Through the Ventilation Duct in the Main Property Room	Not implemented	If not cost prohibitive and/or time consuming, consider installing the rod.

⁵ Form used to notify an officer that property or evidence was not packaged according to policy. The officer is sent this correction form detailing the problems and corrections to be made. The officer is responsible for reporting to the Property Room Unit and making the corrections.

	Outstanding POST Recommendations	Status (as of May 2010)	City Auditor Comments
8	Install a Security Fence to Separate Department Property from Evidence	Not implemented	As an alternative, consider removing supplies from property room and using the space to store evidence.
9	Create an Evidence Packaging Manual to Standardize Packaging for Evidence of Like Size and Type	Not implemented	Develop a standardized packaging manual with pictures. Examples available at www.iape.org .
10	Review Evidence Policies and Procedures Annually	Not implemented	Review procedures annually and make updates as necessary. Procedures should include the general order, ad hoc desk procedures, and the packaging manual (see #9 above).
11	Store All Firearms in Boxes	Not implemented	As an alternative, consider firearm pouches with hanging hooks. These take less room and store more efficiently. For long guns, design shelving to keep the guns in a secure, upright position. Examples available at www.iape.org .
12	Separate Found Property and Property Taken for Safekeeping	Not implemented	Clearly label the shelves used to store found / safekeeping shelves. Include policies for storing found / safekeeping property in a desktop procedures manual.
13	Review the Audit Policy with Department Staff	Not implemented	Perform audits and inspections as described in the General Order and / or POST Management Guide. Ensure staff required to perform the duties understand the full scope of both audits and inspections.
14	Re-establish and Implement an Inventory Policy	Not implemented	Develop an inventory policy. Perform an inventory of firearms, high-value items/cash, and narcotics on an annual basis. This can be staggered throughout the year, e.g., firearms inventory in March, narcotics inventory in June, and so on.

	Outstanding POST Recommendations	Status (as of May 2010)	City Auditor Comments
15	Require Third Party Random Audit at Narcotics Destruction Sites.	Not implemented	As an alternative, require someone from outside of the Property & Evidence Unit chain of command to perform audits during purges. This should include going to the destruction site to confirm the boxes of purged evidence were destroyed. Ensure that Property & Evidence Unit staff are properly trained and informed of procedures for conducting narcotics purges.

Appendix C

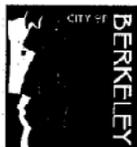
City Manager Report on Action Taken Since Completion of Audit Fieldwork

1. Review and Update the Documentation System: The relevant general order is currently being updated and will be reviewed by the Executive command staff prior to being issued. Staff are participating in the review and revision of the current General Order and are being made aware of changes to policy and procedures. It will not be issued until the new Records Management System is in place. Review should be completed by January 2012.
2. Develop a Right of Refusal Form: A right of refusal form that includes a correct-by date will be made available to Property Room Staff by January 30, 2011.
3. Provide updated training to all employees who book evidence: We are currently transitioning to a new evidence booking procedure and all employees who book evidence are being trained. This is scheduled to be completed by April 30, 2011.
4. Conduct a complete inventory of all firearms: We plan to conduct an inventory of all property, which includes firearms. This will be a major undertaking because of the amount of evidence stored in the property room. A preliminary completion date will be May 31, 2011.
5. Provide appropriate training to better utilize the Department's Automated Computer System: The training is currently in progress and scheduled to be completed by January 31, 2011.
6. Alarm the property storage areas with motion detectors: We will seek out bids from alarm vendors no later than May 31, 2011.
7. Place a security rod through the ventilation duct in the main property room: We will determine the feasibility of installing a rod by June 30, 2011.
8. Install a security fence to separate department property from evidence: Alternatively, we are converting the office connected to the property room into a storage area specifically for departmental supplies. This area is clearly removed from the storage space used for evidence. The conversion is expected to be completed by June 30, 2011. In the interim, we are ordering fewer supplies and have purged a great deal of evidence, allowing for more space overall.

9. Create an evidence packaging manual to standardize packaging for evidence of like size and type: We will create a standardized packaging manual by February 2011.
10. Review evidence policies and procedures annually: Agree. Regular reviews and updates will take place annually after the new policies and procedures are issued, and the new Records Management Computer System is operational.
11. Store all firearms in boxes: As noted in the report, there is not sufficient space. We will explore alternatives such as pouches. This should be completed by April 30, 2011.
12. Separate found property and property taken for safekeeping: As of December 6, 2010, we separated found/safekeeping property. With the exception of firearms, all found property and property held for safekeeping are kept in a single location with labeled shelving units.
13. Review the audit policy with Department staff: As mentioned in recommendation #4, there will be a complete inventory of the property room. Effective September 19, 2010, I have implemented a new division – Professional Standards Unit. Part of the duties is to conduct regular and systematic audits and inspections.
14. Re-establish and implement an inventory policy: Agree; a policy has been implemented.
15. Require third-party random audit at narcotics destruction sites: Agree; current policy is to require a third-party random audit at narcotics destruction sites.

Appendix D

Berkeley Police Department's Accomplishments Letter



BERKELEY POLICE DEPARTMENT MEMORANDUM



To: Ann-Marie Hogan, City Auditor Date: December 6, 2010
From: Michael K. Meehan, Chief of Police *MKM*
Subject: **Property and Evidence Room Management Study Follow Up Report**

The Berkeley Police Department would like to thank the City Auditor and her staff for their efforts in conducting the Property and Evidence Room Management Study Follow Up audit. We requested the City Auditor to review our controls and procedures in these areas to determine the implementation status of the recommendations made by the California Commission on Peace Officer Standards and Training (POST).

In our responses, you will note that we have implemented, or are in the process of implementing, the audit recommendations including:

- Implement outstanding POST recommendations, or implement an alternative that addresses the concern.
 - Separation of supplies and evidence has begun by reduction of supplies on hand and will be completed by physically relocating supplies to the current office space.
 - Separation of found property and items held for safekeeping has been accomplished by labeling shelves and relocating evidence to other storage shelves
 - Improvements in the security have begun with replacement of all door locks and obtaining quotes for access hardening in vents, surveillance cameras and motion detectors.
 - Improvements in evidence packaging have begun with the purchase of clear plastic bags, scale and curriculum development for training of employees who book property.
 - Development of a Right of Refusal form.

Thank you again for conducting the Berkeley Police Department Property and Evidence Room Management Study Follow Up audit.

