



CITY OF WINSTON-SALEM
POLICE DEPARTMENT
REPORT ON COMPLIANCE WITH
EVIDENCE MANAGEMENT POLICIES
FOLLOW-UP

For the Month Ended June 30, 2021

Submitted by:
Office of Performance and Accountability
Internal Audit Division
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Background of the Evidence Management Compliance Audit

In Fiscal Year 2018, Internal Audit performed a compliance audit concentrated on the Evidence Management (EM) inventory content as of August 31, 2017 and on operations and transactions occurring between March 1, 2017 and August 31, 2017. Emphasis was placed on compliance requirements established by departmental policies and regulations. Inventory items and transactions were examined using representative sampling methods (based on percentages of the overall population). Per the Internal Audit Division's Follow-up Program Policy, a follow-up audit is performed for any Audit with findings considered to be significant. The following findings and recommendations were included in the Evidence Management Compliance Audit in Fiscal Year 2018:

Finding 1 – Found property is being stored past the required disposal date.

GO 4.11 (XII.A.10) requires found property remaining unclaimed more than 180 days be disposed of automatically. Nine instances were noted where found property remained unclaimed for longer than 180 days. Improved processes over property eligible for disposal may provide assurances that found property would be disposed of in a timely manner. Current property retention practices can contribute to overcrowding of storage areas.

Recommendation: It is recommended that EM disposes of found property remaining unclaimed for longer than 180 days.

Finding 2 – Owner notification processes were not followed.

SOP 2.20 requires that an owner notification letter: is generated on the day the property becomes eligible for release and/or on the day the property disposition form is processed; be mailed via certified mail when associated with evidence which is either a firearm, money, or a vehicle; and includes the vehicle description, the violation that the owner/driver was charged with, and the incident and PR numbers if applicable. SOP 2.20 also requires that a documented attempt to notify owners of evidence/property is performed before an item can be destroyed, sold at an auction, or otherwise disposed. The following were found to be noncompliant with SOP 2.20:

- One instance where the owner notification letter was not generated on the day the property became eligible.
- One instance where owner notification attempts were not documented.
- Four instances where the owner notification letter was not mailed via certified mail.
- One instance where the owner notification letter did not include the vehicle and violation information.

Recommendation: It is recommended that EM ensures the owner notification letter is: generated on the day the property becomes eligible; providing all the information required by the SOP; mailed via certified mail where applicable; and documented for notification attempts.

Concerning safekeeping property, SOP 3.10 requires that the processing employee requests a letter be generated to the owner upon receipt, unless the storing/case officer has requested a specific time frame that the property must be held. This time period must not exceed ten days. One instance was found where the owner notification letter was not generated and sent to the owner of a safekeeping property

item. If the owner, after receiving the letter, fails to claim the property within thirty days from the date of the letter, the property is eligible to be destroyed (SOP 3.10); however, letters need to be first generated and sent to the owner before the subsequent disposition process can begin. Consequently, notification processes can indirectly contribute to overcrowding of storage areas.

Recommendation: It is recommended that EM ensures letters are generated and sent to the owners of safekeeping property.

Finding 3 – Padlock seal requirements were not met.

GO 4.11 (IV.A.2A) requires that all firearms are “marked” by attaching a padlock seal to the trigger guard and that the unique number on the padlock seal is documented on the firearm supplement. One instance was noted where a firearm had no padlock seal attached to the trigger guard and therefore the associated firearm supplement did not contain a padlock seal number. Marking and documenting high-value, high-profile evidence/property serves as an integral part of a tracking system.

Recommendation: It is recommended for all firearms to have a padlock seal attached to the trigger guard and that EM documents the padlock seal number on all firearm supplements.

Finding 4 – Property classification was inaccurate.

GO 4.11 (XII.A.7) requires that if the owner is unknown, the property is classified as “found” property versus “safekeeping.” Two items with unknown owners were incorrectly classified as “safekeeping;” one of these was a controlled substance (marijuana). A separate instance was noted where a controlled substance (heroin) with a known owner was classified as “safekeeping.” GO 4.11 (XII.B.4) defines safekeeping property as releasable to the owner; therefore, seized controlled substances should not be classified as “safekeeping.” Efficient disposal of property requires accurate property classification processes.

Recommendation: It is recommended that EM confirms the proper classification of property.

Finding 5 – Biological contaminated evidence was not labeled properly.

GO 4.11 (V.G.1) requires all evidence contaminated with blood or other biological fluids to be clearly labeled with a biohazard contamination label. Eight instances were found where biological contaminated evidence was not labeled with a biohazard contamination label. Serious diseases may be transmitted by biological material, even dried blood, semen, or saliva. Therefore, clearly labelling evidence may help avoid transmission of diseases by lessening opportunities for exposure from evidence contaminated with biological matter or fluids.

Recommendation: It is recommended that EM ensures all biologically contaminated evidence is clearly labeled with a biohazard contamination label.

Finding 6 – Required signatures and initials were not obtained when property was released to and returned by an officer.

SOP 3.00 requires that when releasing property to an officer for investigation purposes, the releasing employee initials within the “Released By” section of the PR. The SOP also requires that when property is returned by an officer, the EM employee initials within the “Returned to” section of the PR. It further requires that all property releases are witnessed by a second employee. Four instances were noted where

the EM Specialist did not initial the 'Released By' or 'Returned To' portions of the PR and two instances were noted where property releases were not witnessed by a second employee.

Recommendation: When property is released to and returned by an officer, it is recommended EM ensures PRs have all required signatures and initials.

Finding 7 – Arson related property was improperly stored.

GO 4.11 (V.E.2D) requires that the storage of flammable property from arson related incidents have the evidence cans sealed with three separate pieces of evidence tape across the lid seam attached at the 2, 6, and 10 o'clock positions. Two instances of arson related property had just two pieces of tape across the lid seam. As evidence may be contaminated and/or lost by exposure to the atmosphere, it must be sealed in an airtight container.

Recommendation: It is recommended that EM ensures arson related property is sealed with three separate pieces of evidence tape across the lid seam.

Finding 8 – Expungement orders were not properly completed.

When an expungement order is received, SOP 3.70 requires all identifying information be removed from the original stored Property Supplement with the use of correction fluid/tape. The SOP also requires that a copy of the PR is attached to the expungement order. Three instances were found where expungement orders were not properly completed. One instance was found where all identifying information was not removed from the document. Two instances were found where copies of the PR were not attached. Incomplete removal of expungement records may allow for a person who was granted a pardon of innocence to be negatively affected and for both EM and the City to be in violation of a court order.

Recommendation: It is recommended that EM confirms expungement orders are being properly completed.

Finding 9 – Bank deposit slips were not initialed.

SOP 2.30 requires that prepared bank deposit slips are delivered with the money to the EM Supervisor for verification. Upon receipt of the deposit, the supervisor verifies the deposit and initials both copies of the deposit slip. Two deposit slips were found without the supervisor's initials. When deposit records are not verified by a supervisor or other employee designated by management, there is an increased risk of error, misstatement, and misappropriation of funds.

Recommendation: It is recommended that EM ensures the supervisor initials all deposit slips.

Finding 10 – PR folder did not contain a copy of the released check.

SOP 2.30 requires that the release of checks and cash process includes placing a copy of the released check in each related PR folder. One instance was noted where a copy of the check was not included in the PR folder.

Recommendation: To maintain proper record keeping when money is released to an owner via check, EM must place a copy of the check in each related PR folder.

Finding 11 – *PR was not signed by EM Specialist.*

SOP 2.00 requires the EM employee receiving and reviewing processed property to sign the PR to confirm accuracy. One instance was noted where the EM Specialist did not sign the PR. Improved processes over PR review may provide assurances that documentation is accurate.

Recommendation: It is recommended that EM ensures that PRs are signed by an EM Specialist.

Finding 12 – *Property was held by an officer past the 60-day limit.*

SOP 3.00 states that case officers may check out property assigned to them for investigation purposes for a maximum of 60 days. One instance was noted where property was released to an officer for more than 60 days. Improved processes over property removal may provide assurances that evidence is returned in a timely manner.

Recommendation: It is recommended that EM utilizes controls that confirm property released to officers is limited to a maximum of 60 days.

Finding 13 – *EM does not retain a notarized copy of the Escheat Fund submission packet.*

SOP 3.40 requires that once an online submission packet has been completed a printed version of the Escheat Fund submission packet is to be notarized by a certified notary public and retained in EM. Currently, a notarized copy of the Escheat Fund submission packet is not being retained in EM.

Recommendation: It is recommended that EM ensures that a notarized copy of the Escheat Fund submission packet is maintained for audit purposes.

Finding 14 – *Officers are not signing the Log Out sheet.*

SOP 1.10 requires completion of an entry on the Log Out sheet any time an officer drops a package into the temporary storage vault. The EM Specialist is required to record the PR numbers onto the Log Out sheet as the officer drops the package into the vault. When completed, the EM Specialist and the officer are required to sign the Log Out sheet as witnesses. Officers are not signing the Log Out sheet after dropping packages into the temporary storage vault. Without the EM Specialist and the officer both signing the Log Out sheet, there is no way to verify that dual access control guidelines are being recognized; sound internal control procedures include avoiding the perception that one person is left alone with the evidence/property.

Recommendation: It is recommended that EM confirms the officer and the EM specialist are both signing the Log Out sheet as witnesses.

Finding 15 – *A Firearm Property folder was missing the ATF Request for Tracing Firearms.*

SOP 2.00 requires the assigned EM Specialist files firearm trace results in the corresponding Firearm Property folder for future reference and dissemination. One instance was noted where the ATF Request for Tracing Firearms was missing.

Recommendation: It is recommended that EM ensures specialists complete and include the ATF Request for Tracing Firearms into the corresponding Firearm Property folder.

Overview of Evidence Management Operations

The EM Section of the Winston-Salem Police Department (WSPD) is responsible for maintaining the security, integrity, and chain of custody of all property coming into their possession in accordance with state laws and departmental policies and procedures. Under the direction of the EM Supervisor, personnel are responsible for receiving, storing, releasing, and disposing of evidence and property. Inventory includes items such as: firearms, jewelry, money, drugs, DNA evidence, and items found or confiscated.

Evidence and property are stored by type in either a holdover lot (off premises) or at the Alexander R. Beaty Public Safety Training and Support Center (Beaty).

Management of evidence includes: a) storage security of evidence; b) processing requests for evidence testing (use at trial, authorized viewing, etc.); c) preparing evidence for a forensic lab, court, or other investigative purposes (test firing, computer forensics, etc.); and d) disposal of evidence. EM also securely stores found and safekeeping property and researches ownership in order to return or dispose of the property in accordance with policies and procedures; this property may include firearms, jewelry, money, drugs, and paperwork.

Chain of custody documentation includes the Property Supplement (PS) and any notations made in the records management system, Superior Records Management System (RMS). This chain of custody documentation further serves as the primary inventory records used by EM staff. The first record or PS is a hard copy paper form that accompanies all evidence/property. The PS describes required information about each item and is completed by law enforcement personnel who are storing and packaging the evidence/property.

The second form of documentation is RMS. EM personnel use the PS as a source document to record pertinent information into the Property/Evidence (P/E) module of RMS. During evidence/property intake, each item is assigned a Property Report (PR) number, a storage room, and a bin location. EM staff affix a bar code to the package and record the PR number on the PS.

Scope of Audit Procedures Performed

The purpose of the follow-up audit is to assess corrective action taken toward issues identified in the EM Compliance Audit. The follow-up audit concentrated on assessing controls over evidence processing and storage and to evaluate the accuracy and completeness of the evidence database occurring for the month-ended June 30, 2021. The audit scope was restricted to those areas relating to issues found during the prior audit. Inventory items and transactions were examined using representative sampling methods (based on percentages of the overall population and number of items with exceptions found during the prior audit). The following were selected for testing: 40 property reports, 35 disposal transactions, and 5 release of property to officers' transactions. Further procedures included interviewing management.

The audit procedures focused on the following objectives:

- Have appropriate steps been taken to ensure found property is not being stored past the required disposal date in order to comply with GO 4.11 (XII.A.10)?

- Have appropriate steps been taken to ensure owner notification processes are followed in order to comply with SOP 2.20?
- Have appropriate steps been taken to ensure firearm padlock seal requirements meet GO 4.11 (IV.A.2A)?
- Does property classification meet the GO 4.11 (XII.A.7) requirements?
- Have appropriate steps been taken to ensure biological contaminated evidence is properly labeled to meet compliance with GO 4.11 (V.G.1)?
- Does property that is released to and returned by officers meet SOP 3.00 requirements?
- Have appropriate steps been taken to ensure arson related property is properly stored per GO 4.11 (V.E.2D)?
- Do expungement orders meet SOP 3.70 requirements?
- Do Bank deposit slips meet SOP 2.30 requirements?
- Have appropriate steps been taken to ensure the process of releasing check and cash includes placing a copy of the released check in a related PR folder per SOP 2.30?
- Have appropriate steps been taken to ensure PRs are signed by an EM Specialist per SOP 2.00?
- Does EM use controls that confirm property released to officers is limited to a maximum of 60 days per SOP 3.00?
- Has EM ensured that EM SOP 3.40 reflects changes regarding new form requirements such as no longer requiring retention of a notarized copy of the Escheat Fund submission packet?
- Does EM confirm that the officer and the EM specialist are both signing the log out sheet as witnesses per SOP 1.10?
- Does EM ensure specialists complete and include the ATF Request for Tracing Firearms results into the corresponding firearm property folder for seized firearms per SOP 2.00?

Corrective Actions Implemented

The following findings from the Fiscal Year 2018 Evidence Management Compliance Audit have been corrected and removed:

- *Padlock seal requirements were not met*
- *Property classification was inaccurate*
- *Expungement orders were not properly completed*
- *Bank deposit slips were not initialed*
- *PR folder did not contain a copy of the released check*
- *PR was not signed by EM Specialist*
- *EM does not retain a notarized copy of the Escheat Fund submission packet*

- *Officers are not signing the Log Out sheet*
- *A Firearm Property folder was missing the ATF Request for Tracing Firearms*

Follow-up Findings and Recommendations

Internal Audit noted a few instances of continued non-compliance with the department's policies and regulations. A significant improvement has been noted with the controls over evidence processing and storage and the accuracy and completeness of the evidence database. All personnel have been instructed on information that is expected to be included within the evidence database. The following findings have been reinstated from the Fiscal Year 2018 audit:

1. Fourteen instances (100%) were noted where found property remained unclaimed for longer than 180 days; the prior audit found nine instances (64.3%).

GO 4.11 (XII.A.10) requires found property remaining unclaimed more than 180 days be disposed of automatically. Fourteen instances were noted where found property remained unclaimed for longer than 180 days. Improved processes over property eligible for disposal may provide assurances that found property would be disposed of in a timely manner. Current property retention practices can contribute to overcrowding of storage areas. It is recommended that EM disposes of found property remaining unclaimed for longer than 180 days.

Management Response: As noted in our initial response in 2018, it can be a challenge to dispose of items in "real time" due to the Section's growing inventory. Over the past five years, Evidence Management (EM) has averaged 29,381 new, incoming items annually with a disposal rate of 21,561 items annually. This rate of disposal is the highest in our Section's history. A formal proposal requesting two additional employees to assist solely with destroys was submitted to both the Chief of the Winston-Salem Police Department and the Sheriff of the Forsyth County Sheriff's Office in 2020 and 2021.

2. One instance (25%) was noted where the owner notification letter was not generated on the day the property became eligible; the prior audit noted one instance (8.3%).

SOP 2.20 requires that an owner notification letter is generated on the day the property becomes eligible for release and/or on the day the property disposition form is processed. One instance where the owner notification letter was not generated on the day the property became eligible was found.

It is recommended that EM ensures the owner notification letter is generated on the day the property becomes eligible.

Management Response: PR#2110712-An owner notification letter was generated a week after this firearm was received by the EM Section. I do not have an explanation as to why this letter was not generated on the date it was received by EM personnel. As this property was stored as "safekeeping," owner notification letters should have been generated the day it was entered into the Records Management System by EM personnel.

3. *Two instances (20%) were noted where biological contaminated evidence was not labeled with a biohazard contamination label; the prior audit found eight instances (40%).*

GO 4.11 (V.G.1) requires all evidence contaminated with blood or other biological fluids to be clearly labeled with a biohazard contamination label. Two instances were found where biological contaminated evidence was not labeled with a biohazard contamination label. Serious diseases may be transmitted by biological material, even dried blood, semen, or saliva. Therefore, clearly labelling evidence may help avoid transmission of diseases by lessening opportunities for exposure from evidence contaminated with biological matter or fluids. It is recommended that EM ensures all biologically contaminated evidence is clearly labeled with a biohazard contamination label.

Management Response:

PR# 2112782 - A biohazardous material sticker has now been affixed to the outer package.

PR# 2113155 - A biohazardous material sticker has now been affixed to the outer package.

Evidence Management staff will continue to remind personnel of the storage procedures for biological evidence.

4. *One instance (20%) was noted where the EM Specialist did not initial the 'Released By' portion of the PR; the prior audit found one instance (4.2%).*

SOP 3.00 requires that when releasing property to an officer for investigation purposes, the releasing EM employee initials within the "Released By" section of the PR. It further requires that all property releases are witnessed by a second employee. One instance was noted where the releasing EM Specialist did not initial the 'Released By' portion of the PR. When property is released to and returned by an officer, it is recommended EM ensures PRs have all required signatures and initials.

Management Response: PR# 1931455-EM personnel did not sign in the "Released By" field on the Chain of Custody paperwork. Chain of Custody is the "backbone" to EM procedures; EM personnel should take every effort to ensure each Chain of Custody transaction is handled appropriately and thoroughly.

5. *Three instances (60%) were noted where arson related properties had just two pieces of tape across the lid seam; the prior audit found two instances (50%).*

GO 4.11 (V.E.2D) requires that the storage of flammable property from arson related incidents have the evidence cans sealed with three separate pieces of evidence tape across the lid seam attached at the 2, 6, and 10 o'clock positions. Three arson related properties had just two pieces of tape across the lid seam. As evidence may be contaminated and/or lost by exposure to the atmosphere, it must be sealed in an airtight container. It is recommended that EM ensures arson related property is sealed with three separate pieces of evidence tape across the lid seam.

Management Response: Evidence Management personnel understand the specific requirements for storing arson evidence. Evidence Management staff will continue to remind those storing arson evidence of such requirements and set aside incorrect packages for correction by the storing officer.

6. Four instances (100%) were noted where property was released to an officer for more than 60 days; the prior audit found one instance (5%).

SOP 3.00 states that case officers may check out property assigned to them for investigation purposes for a maximum of 60 days. Four instances were noted where property was released to an officer for more than 60 days. Improved processes over property removal may provide assurances that evidence is returned in a timely manner. It is recommended that EM utilizes controls that confirm property released to officers is limited to a maximum of 60 days.

Management Response: Currently a report is completed each month that highlights all property checked out for more than 60 days. After an item has been out for more than 60 days, the assigned Police Evidence Specialist sends periodic emails to the Officer requesting updates on the status of the item.

Respectfully submitted,


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