

Police Evidence Control Section Performance Audit

The audit was conducted due to the importance of preventing theft or tampering of evidence which can impact ongoing investigations and criminal cases and can ultimately lead to a loss of public confidence and possible agency liability. The fieldwork for this audit was performed from February 2019 to December 2019, but the release of the report was delayed due to the coronavirus pandemic. The audit found that the Long Beach Police Department (LBPd) needs to improve security over property and evidence by limiting personnel with access to these items, better utilizing physical security measures at storage locations, and performing effective inventory management.



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Report Highlights

Long Beach Police Department's Evidence Control Section Performance Audit October 2020



With over 300,000 property and evidence items to maintain, the Long Beach Police Department's Evidence Control Section is charged with the intake, storage, and disposition of these items. They include high-risk items such as guns, drugs, and money. Due to the importance of maintaining the integrity of evidence tied to active criminal cases and returning property to its' rightful owner or finder, the City needs to ensure that proper, clear controls are in place and followed consistently.

Main Audit Takeaway: The Long Beach Police Department's Evidence Control Section needs to improve security over property and evidence items by 1) implementing physical security measures at storage locations, 2) limiting personnel with access to these items, and 3) performing effective inventory management. These overall actions would reduce the risk of theft or tampering, which could result in missing items or impact ongoing investigations and criminal cases. Leaving these risks unaddressed could ultimately lead to a loss of public confidence and possible agency liability.

Process

Key Findings

Examples:



Items are retrieved daily from Patrol Divisions by property clerks and taken to a property warehouse for processing into the electronic inventory system.



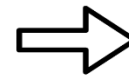
Items are stored in a property warehouse and are moved or checked out as needed for an investigation, testing or court.



After requirements are met, items undergo disposition, which includes return to an owner/finder, destruction, sale at an auction, or money deposit into the City's bank account.

Security:

Necessary security measures are not in place to safeguard all property and evidence including high-risk items such as guns, drugs and money.



No security alarm system at the main warehouse.

Access:

Too many people have access to property and evidence items.



15 individuals with access should not have access and 15 other individuals have more access than is necessary.

Inventories:

Inventory counts of property and evidence items do not examine all property warehouse storage areas on a regular basis.



191 high-risk items are not accounted for in inventory.

Dispositions:

Dispositions based on established thresholds are not performed as often as needed.



Only 8 money dispositions were performed a year when they should be performed monthly.

CITY AUDITOR'S RECOMMENDATIONS:

- Install and activate a security alarm system at the main warehouse to detect any unauthorized access.
- Remove access to warehouses and evidence rooms at field divisions from personnel who do not work within the Evidence Control Section.
- Create a schedule to perform an inventory of high-risk items on an annual basis.
- Set realistic thresholds, either based on time limitations or quantity of items, by which dispositions should be performed.

THE DEPARTMENT AGREED WITH MOST RECOMMENDATIONS AND NOTED IMPLEMENTATION STATUSES:

- A security alarm was installed at the main storage warehouse.
- Access to warehouses and evidence rooms has been limited to appropriate employees and select supervisors.
- The Department is working to ensure all storage areas are examined and that all high-risk items are accounted for in the inventory. They are also seeking to hire a Quality Assurance Manager to maintain inventory.
- A new policy will be implemented to assist with reducing appropriate inventory of items and will set a standard disposition schedule that is consistent with the statute of limitations.

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Executive Summary

ECS has over 300,000 items of property and evidence in its inventory.

The Long Beach Police Department (LBPd) Evidence Control Section (ECS) is responsible for the intake, storage, and disposition of all property received by the LBPd to be held as crime scene evidence, seized goods, prisoner's personal property, found property, or stored for safekeeping. ECS retrieves property and evidence from LBPd field divisions, stores it at two warehouses, and disposes of it as needed. The property and evidence in the custody of ECS includes firearms, drugs, money, and other miscellaneous items and totals over 300,000 items.

Federal and State regulations are captured by IAPE and POST standards.

Property and evidence operations are regulated at the Federal and State levels, which are incorporated into key documents released by two industry standards-setting and best practice bodies: International Association for Property and Evidence (IAPE) and the California Commission on Peace Officers Standards and Training (POST). POST states that "the failure to manage the evidence and property function can affect the successful prosecution of criminal violators, resulting in agency liability or loss of public confidence."¹ The organization responsible for this function must mitigate the inherent risks of theft or tampering with property and evidence.

This audit reviewed the adequacy of ECS' controls surrounding property and evidence compared to industry standards and best practices. It did not examine how property and evidence are handled by officers or other personnel prior to submission to ECS. The main audit findings relate to the physical security of the ECS warehouses, the number of personnel with access to the items, and the accuracy of the items in the inventory.

Additional security measures are needed at both ECS warehouses. And access needs to be more limited.

- Non-ECS personnel, non-LBPd City employees, LBPd employees who have been transferred out of ECS, non-City personnel, and one unknown person all have access rights to areas that contain property and evidence. This presents a significant security risk that needs prompt corrective action. Access should be limited to only ECS personnel.
- The two warehouses used to store the property and evidence either lack a security alarm, have non-functioning cameras, need more security cameras, or need to retain video footage for a longer period of time.
- The frequency of inventory counts is insufficient to ensure that all items are accounted for cyclically.

Additionally, there are findings related to policies, staffing, and organizational placement.

- ECS policies are not comprehensive and not up to date.
- Sworn personnel are assigned to ECS when best practice recommends civilian personnel for this function.
- ECS is currently housed under the Investigations Bureau and this placement can create potential conflicts of interest.

We would like to thank LBPd management and staff for their collaboration, assistance, and cooperation during this audit.

¹ Foreword of California Commission on Peace Officer Standards and Training (POST).

I. Background

LBPD Evidence Control Section

The Evidence Control Section (ECS) is responsible for the intake, storage, and disposition of all property received by the LBPD to be held as crime scene evidence, seized goods, prisoner's personal property, found property, or stored for safekeeping. ECS falls under the Forensic Science Services Division in the Investigations Bureau. ECS staffing fluctuated from eight full-time employees and one part-time employee to eleven full-time employees and one part-time employee during 2019.

Regulations and Best Practices

The responsibility of intaking, storing, and disposing of property and evidence is regulated at the Federal and State levels. These regulations are best incorporated into key documents released by two industry standards-setting and best practice bodies: International Association for Property and Evidence (IAPE) and the California Commission on Peace Officers Standards and Training (POST). The two primary guidance documents that include all legal references and recommended best practices are the *IAPE Professional Standards* and the *POST Evidence & Property Management Guide*.

Failure to follow industry standards and best practices can affect successful criminal prosecution, causing loss of public confidence.

The main goal of these standards and best practices is to ensure secure and efficient management of the property and evidence function. Failure to do so “can affect the successful prosecution of criminal violators, resulting in agency liability or loss of public confidence.”² Therefore, ECS “has a fiduciary and legal obligation to store and protect items of property and evidence in its custody, and equally important, an obligation to legally restore property to the rightful owner as soon as practical or dispose of the property in a legal manner.”³ Some of the topics covered by these standards and best practices include staffing, policies, documentation, storage facilities, security, and inventories.

ECS Policies and Procedures

There are two documents used to outline the policies and procedures for ECS. The first is the *Evidence Control Section Manual*, which is a 14-page portion of the LBPD Policy Manual. The other document is the *Property and Supply Clerk Duties and Responsibilities*.

The *Evidence Control Section Manual* is broken into the following major categories:

- 8.3.1 – Dispositions of Property and Evidence
- 8.3.2 – Release of Property/Evidence

² Foreword of California Commission on Peace Officer Standards and Training (POST).

³ Introduction of California Commission on Peace Officer Standards and Training (POST).

- 8.3.3 – Property/Evidence Check-Out & Return
- 8.3.4 – Drug Destruction
- 8.3.5 – Impounding of Property
- 8.3.6 – Firearms – Evidence
- 8.3.7 – Found Firearms
- 8.3.8 – Firearms – Safekeeping
- 8.3.9 – Prisoner’s Property
- 8.3.10 – Found Property Belonging to Department
- 8.3.11 – Bicycles

The *Property and Supply Clerk Duties and Responsibilities* contains lists of duties for Property Clerks (all levels), including daily pickup and transportation responsibilities, entering incoming property and evidence, disposition of different types of items, and detailed information on the handling of firearms.

Although there are certain parts of both documents that echo similar policies and procedures (e.g., destruction of drugs and disposition of property/evidence), the policies and procedures held within each document are generally different and cover different duties and responsibilities that fall under ECS jurisdiction.

Key Responsibilities of ECS

Intake

Intake is the process by which property and evidence comes under ECS jurisdiction. Other LBPd employees, such as patrol officers or detectives, collect property and evidence in the course of responding to calls and conducting investigations. These employees hand over collected property and evidence to ECS, along with complete documentation describing the items and including the associated case number. ECS’s first contact with property and evidence occurs when ECS staff retrieves the items from field division evidence lockers. At this point, the items have been packaged and labeled by the other LBPd employees. To that end, the retrieval of property and evidence from the evidence lockers represents the point in which the custody or responsibility for the items transfers from the submitting officers to ECS employees.

Storage

Storage is the process in which ECS employees maintain security and care over the property and evidence under their jurisdiction. ECS must maintain proper controls over the inventory of items in their custody.

Disposition

Disposition is a term used to describe the eventual fate of property or evidence. Disposition can occur in the following ways: purge (destruction), auction, return to owner, return to finder, deposit to financial institution, or diversion to agency use.

Chain of Custody

According to the IAPE, chain of custody is defined as the “chronological documentation of the seizure, custody, control, transfer (temporary or permanent),

and disposition of evidence, either physical or electronic.” Proper maintenance of the chain of custody ensures that the property or evidence is always accounted for until a final determination is made on its disposition. If the chain of custody for a piece of evidence is broken or contains gaps, the integrity of the evidence can be challenged in court. Therefore, ECS must maintain property and evidence in a manner that keeps the chain of custody intact.

Types of Property and Evidence and Storage Locations

ECS has custody of over 300,000 items of property and evidence stored in ECS two warehouses.

During the audit, ECS was maintaining and storing over 300,000 items in their warehouses. Employees in ECS primarily work in one of two warehouses: the main warehouse and the secondary warehouse. The main warehouse is primarily used to house evidence and items of high-risk, including all money, drugs, and firearms, while the secondary warehouse is primarily used to house bulk items, bicycles, prisoner personal property, property for safekeeping, and found property.

Tiburon Software

ECS currently uses Tiburon as the property and evidence database and management system. This database is used primarily to track the intake, ongoing storage, and disposition of all property and evidence. ECS employees can inquire, enter, and modify property entries. Property clerks, however, do not have the ability to delete entries from Tiburon. Any requests to delete records must be made to the Records Supervisor in the Records Division. Tiburon tracks any edits made to items by date and by the badge number of the personnel making the edit. There is also a notes section available to make notes on items that may require explanation.

Potential Risks of Property and Evidence Operation

ECS must properly secure and manage property and evidence to mitigate risks of tampering and theft.

There are inherent risks associated with the security and management of police property and evidence. The two main risks that must be addressed are tampering and theft. Tampering and theft or loss can impact ongoing investigations and cases, as well as result in the loss of public trust and financial resources to both the City and Department.

Past incidents of theft or mismanagement in other law enforcement organizations underscore the importance of proper safeguarding of property and evidence to minimize or contain these inherent risks:

- In 2006, a former police sergeant on the Berkeley, CA police narcotics squad was sentenced to a year in prison for the theft of heroin and methamphetamine from the department’s evidence locker. A yearlong review by a subcommittee formed by the Police Review Commission resulted in these two findings (amongst others): 1) systems for auditing of drug evidence were not adequate to detect unauthorized removal of drugs from the evidence locker and 2) systems for tracking and monitoring the movement of assets (cash evidence) seized by police in drug and non-drug related cases are inadequate.

- In 2016, more than \$400,000 in cash, as well 60 guns and 4,000 pieces of drug evidence, could not be accounted for in the Braintree, MA Police Department evidence room. The department had a cluttered and disorganized evidence room that had not been audited for years. Although there had been requests for an audit and reports were received that some items listed as destroyed were still present in the room, no actions were taken. The offender was identified as the evidence officer.
- The Utah State Auditor's Office 2019 report highlighted shortcomings in how a number of Utah police departments store and manage evidence. The report was issued less than a year after an evidence technician at the Weber County Sherriff's Office was fired and later charged with evidence tampering as she was found high on methamphetamine while on duty.

A consultant with POST best summed up the potential risks:

“Nobody thinks their staff is going to steal or be dishonest. Just from experience, things go missing from evidence rooms and almost exclusively it is drugs, guns, and money. Systems need to be in place to protect the employees and the property from being stolen. This problem is frequent enough that it bears paying attention to. It is in their best interest to take the necessary precautions. Just because [employees] have had background checks it is naïve to think that they ever wouldn’t.”

Implementing stronger controls and more effective security measures not only protects the LBPD from fraud, but it also protects the employees from any potential investigations resulting from tampering or theft.

II. Findings & Recommendations

Finding #1 *Physical access to locations used to store property and evidence is not limited to only necessary personnel.*

Property and evidence in the custody of ECS is stored in two different types of locations. ECS personnel first take custody of the items at field division locker rooms and then transport the items to one of the storage warehouses.

Security measures at the field divisions and the warehouses should be designed to only allow necessary personnel to access the property and evidence. The only LBPB personnel with necessary access would be the 12 employees of ECS. This principle has been established by:

- POST Guideline 1.3 states that access must be limited to essential property and evidence personnel only.
- IAPE Standard 8.2 states that no one other than the property and evidence unit personnel should have keys or electronic access. All other persons who enter must always be documented in an Access Log and escorted.

Limiting access is paramount because, if items are determined to be missing or tampered with, any personnel with access will become a part of the ensuing investigation. It is, therefore, important that system administrators set up access rights that limit the individual to only the areas to which they are required.

Similarly, those tasked with the authority to grant and remove access rights should have the ability to identify the names and locations of all readers required for use by ECS. However, no one in LBPB or at RD Systems could create a full picture of access for the card readers. RD Systems is a private company used for the maintenance, repair, and programming of all readers used by the Long Beach Police Department and the City of Long Beach. In addition, based on our discussions with ECS, the access history reports are not reviewed.

Main and Secondary Warehouses

There are two warehouses that are used to store property and evidence. Together these warehouses housed over 300,000 items during 2019. Although some items can be considered high-risk due to their value or purpose, such as drugs, firearms, or money, all items are important to safeguard because they are either evidence in a crime or the property of a citizen or prisoner.

Access cards, access codes, and physical keys control access to the warehouses. Locks and card readers are located at the entrances as well as

at sections and rooms within the warehouses that need additional security, such as the gun room, safe room, and drug cages.

Unassisted Entry to ECS Area of Main Warehouse

15 individuals who have access to the main ECS warehouse should not gain access without ECS personnel's knowledge and approval.

To gain unassisted entry to the property and evidence items within the warehouses, one must possess the following: 1) either a physical key to one of the entrances or card access to the entrances and knowledge of a security code, and 2) card access to other doors that lead to sections of the warehouses. We found that the physical keys were provided and limited to appropriate personnel; however, card access to certain sections of the warehouse are granted to more personnel than necessary.

As shown in Figure 1, 15 non-ECS personnel have unassisted access to the main warehouse, which contains most items (75%) in general storage areas and high-risk items (drugs, firearms, and money) in secured areas.

Figure 1.
Personnel with Unassisted Access to ECS Area of Main Warehouse

	ECS Personnel	Crime Lab Personnel	Forensic Science Services Administrator
# of personnel	12	14	1
Should they have this access?	Yes	No	No
Do they have this access?	Yes	Yes	Yes
Did they access during 2018?	Yes	Yes	Yes

The main warehouse is a shared space for the entire Forensic Services Division, which includes ECS and the Crime Laboratory (Crime Lab). In mid-2018, a decision was made by the Forensic Science Services Administrator (the head of the division) to grant all Crime Lab personnel access to the ECS portion of the main warehouse through card readers. With this change, Crime Lab personnel can access nearly all areas of the main warehouse without the need of ECS assistance or knowledge.

Crime Lab personnel were previously required to sign the warehouse's attendance log when gaining access to ECS areas, but this practice is no longer necessary since they can enter without notification to ECS. Crime Lab employees can also access the ECS portion of the warehouse through shared bathrooms within the building. To perform forensics shooting tests on certain weapons, Crime Lab personnel occasionally need access to the ECS area of the warehouse to reach the Shooting Test Area, which is accessible only through ECS. However, these tests could be performed while ECS employees are on-duty and can allow access to Crime Lab personnel.

As for the access granted to the administrator, IAPE Standard 8.2 states that the administrator who has oversight of the property unit should not have independent, unescorted access into the property room and/or storage areas. Any staff without responsibilities directly tied to managing property and evidence on a consistent basis should not have access to these areas.

Assisted Access to ECS Area of Main Warehouse

There are additional personnel, including non-City personnel, who also have access but do not need their own access to the ECS area of the main warehouse. While these individuals cannot gain entry to the warehouse without assistance, once they are inside they can access items (including some high-risk items) and additionally secured areas. While these individuals may be temporarily assigned to ECS or may need to visit ECS periodically, permanent ECS employees should always be aware of the areas of the warehouse to which these individuals are gaining access. Furthermore, their access rights should be more limited than the rights given to permanent ECS employees.

The ECS portion of the main warehouse contains a general storage area, which includes firearms stored on open shelves and other sections and rooms that have additional security, such as the gun room, safe room, and drug cages. IAPE Standard 11.4 states that firearms should be stored separately from general evidence items in a location with enhanced security to ensure that, when general storage access is granted, these high-risk items are not unintentionally accessible to non-property personnel. However, since some firearms are stored on open shelves in the general storage area, anyone with general access can get to these items.

There are 15 employees (Groups A, B and C in Figure 2) that have assisted access to the general storage area, giving them access to some firearms. Of those 15, nine (Groups A and B) have further access to some warehouse areas under additional security, which are the money room, gun room, and one of the drug cages. Access history records showed that some of the additionally secured areas were accessed by these personnel throughout 2018.

Figure 2.
Personnel with Assisted Access to ECS Area of Main Warehouse

	Group A – 2 individuals	Group B – 7 individuals	Group C – 6 individuals
Grouping and # of personnel	2 light duty officers	6 LBPD Personnel: four officers and two technology personnel	2 LBPD Personnel: one officer and one clerk
		1 RD Systems employee	2 Maintenance Personnel
			1 RD Systems employee
			1 Unknown person (could not be identified by LBPD or RD Systems)
General Storage Area			
Should they have this access?	No	No	No
Do they have this access?	Yes	Yes	Yes
Did they access during 2018?	Yes	Yes	Yes
Additionally Secured Areas			
Should they have this access?	No	No	No
Do they have this access?	Yes	Yes	No
Did they access during 2018?	Yes	Yes	No

Although the use of light duty officers is a generally accepted practice it does raise some issues. According to industry experts, light duty officers should not have complete access on their own and that they should work alongside permanent employees. Their access to and interactions with evidence should be limited.

Three of the above employees from Figure 2 had transferred to another part of LBPD or were removed from temporary assignment in ECS prior to the audit but still had access rights. IAPE Standard 8.6 states that access codes to the warehouses should always be changed with any resignation, termination, retirement or transfer of ECS personnel. It is important for access to be consistent with current assignments.

Unassisted Access to Secondary Warehouse

The secondary warehouse has similar issues with access granted to non-ECS personnel, as shown in Figure 3 below. This warehouse is equipped with an alarm that must be deactivated upon entrance. Only Forensic Science Services personnel have knowledge of this alarm code. Due to their holding of physical keys, the non-ECS personnel with unassisted access to the secondary warehouse are the Forensic Science Services Administrator and 3 Crime Lab personnel. Crime Lab personnel should only be allowed access while ECS employees are on-duty and can allow access to them.

Figure 3.
Personnel with Unassisted Access to Secondary Warehouse

	ECS Personnel	Crime Lab Personnel	Forensic Science Services Administrator
# of personnel	12	3	1
Should they have this access?	Yes	No	No
Do they have this access?	Yes	Yes	Yes
Did they access during 2018?	Yes	No	No

Assisted Access to Secondary Warehouse

There are a total of 19 non-ECS, including non-City personnel, who also have access to the secondary warehouse. While these individuals cannot gain entry to the warehouse without assistance, once they are inside they can access items. A breakdown of these personnel can be seen listed in Figure 4 on the next page.

Figure 4.
Personnel with Assisted Access to Secondary Warehouse

	Group A – 1 individual	Group B – 18 individuals
Grouping and # of personnel	1 light duty officer	3 LBPD Personnel - 1 officers and 2 technology personnel
		11 RD Systems employees
		2 Maintenance Personnel
		2 Public Works Personnel
Should they have this access?	No	No
Do they have this access?	Yes	Yes
Did they access during 2018?	Yes	Yes

Field Patrol Divisions

Patrol Division evidence locker rooms can be accessed by personnel who could tamper with the evidence.

Before property and evidence is brought to the warehouses, it is temporarily stored in evidence locker rooms at LBPD's four patrol divisions. For the North, East, and West Patrol Divisions, the items are packaged in one room ("packaging area") and submitted into one-way lockers that can only be opened in the adjacent "evidence locker room." Current access rights to the evidence locker rooms at the North, East and West Patrol Divisions present a security risk that needs to be addressed.

For the South Patrol Division (Public Safety Building), there is only one room used for both the packaging and storage of items. For this division, the lockers are closed and locked once property and evidence are placed inside, with only ECS personnel possessing the keys to open them. For this reason, no risk is identified at the South Patrol Division.

Access to Evidence Locker Rooms at North, East and West Divisions

Card reader access is required to gain unassisted entry into the evidence locker rooms at the North, East, and West Patrol Divisions. Individuals with such card access rights can enter through the vehicle gates, the entrances into the division buildings, and the evidence locker rooms.

North and West Patrol Divisions

The access card readers for the evidence locker rooms at the North and West Patrol Divisions are contained within the same access rights as the ones used for the property warehouses. In addition to the 12 ECS personnel, a total of 24 non-ECS personnel can access these evidence locker rooms, as shown in Figure 5 on the next page. However, as with the main and secondary warehouses, no personnel outside of ECS should have access to the evidence locker rooms.

One non-ECS personnel accessed the North patrol division evidence locker room twice in 2018.

Figure 5.
Personnel with Access to the Evidence Locker Rooms at
the North and West Patrol Divisions

	ECS Personnel	Crime Lab Personnel	Forensic Science Services Administrator	Other LBPDP*	RD Systems
# of personnel	12	14	1	8	1
Should they have this access?	Yes	No	No	No	No
Do they have this access?	Yes	Yes	Yes	Yes	Yes
Did they access during 2018?	Yes	No	No	Yes	No

*Four police officers, two police officers previously on light duty, and two technology staff members.

East Patrol Division

The East Patrol Division has no access right specifically used for the evidence locker room. The card reader for the evidence locker room is categorized together with other card readers in the building. As a result, there are personnel with access to the East Patrol Division that are then indirectly granted access to the evidence locker card reader as well. At the East Patrol Division, outside of ECS staff, there are 62 personnel from different City departments and the security contractor that have access rights to the evidence locker room, as shown in Figure 6 below.

Figure 6.
Personnel with Access to the Evidence Locker Room at the East Patrol Division

	ECS Personnel	Other LBPDP*	Public Works	Financial Mgmt.	Tech. & Innovation	City Attorney	RD Systems	Unknown
# of personnel	10**	8	17	14	10	1	10	2
Should they have this access?	Yes	No	No	No	No	No	No	No
Do they have this access?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Did they access during 2018?	Yes	No	No	No	No	No	No	No

*Three police officers and five LBPDP civilian employees.

** There are two less employees listed on this due to Sgt. Lewis not needing to perform daily pickups as part of his responsibilities and the part-time ECS employee not having this access.

Recommendations:

- 1.1 Gain an understanding of all card readers and access rights in the warehouses and field divisions.**
- 1.2 Create access rights specifically tailored towards each ECS employee. Restrict high-risk areas as necessary.**
- 1.3 Secure all firearms behind enhanced security measures beyond that of the general storage area.**

- 1.4 Remove access to warehouses and evidence rooms at field divisions from personnel who do not work within ECS.**
- 1.5 Create policies and procedures calling for regular review of access rights. Include review and possibly revision of access rights each time someone leaves employment of ECS.**

Finding #2

The ability to detect unauthorized access to and activity within the warehouses, through security alarms and cameras, is hindered.

Two common ways to detect unauthorized individuals entering the warehouse or the tampering of stored items are:

- Security alarm systems that notify police dispatch if an unauthorized entry has been made or attempted.
- Security cameras that can view and record footage of the actions of the individuals on the premises, before and after they enter the warehouses.

These types of security measures are established as best practice and as required by law:

- IAPE Standard 8.7 states that all storage areas should be alarmed and monitored on a 24-hour basis.
- IAPE Standard 8.9 states that security camera footage should be stored for a period of years so that it is available to investigators should it be discovered that evidence is missing.
- POST Guideline 3.6 states that security camera footage should be stored for a minimum of one year in accordance with Government Code 34090.6.

Security Alarms

There is no security alarm at the main warehouse. LBPD would not be notified at the time of an unauthorized forced entry.

There is no security alarm used at the main warehouse. LBPD explained that an alarm was previously used at this location, but it did not function properly and was triggered frequently. Therefore, the department deactivated the alarm when functionality issues could not be addressed. Without an alarm, the department would not be notified immediately of an unauthorized attempted entry or actual forced entry.

Security Cameras

Security cameras are not capturing all activity inside the warehouses. Footage is not kept long enough to comply with government code.

Both warehouses are under the same camera system, which is used throughout the department and other city locations. Two types of issues with the cameras were identified by the audit:

- Security camera footage is only kept by the department for 30 days, which is significantly shorter than the one-year period required by State law, and even shorter than the multiple years suggested by IAPE. The security camera footage is not routinely reviewed; the footage is only viewed if a reason to look at it arises, which may include a missing item. However, an item may not be noticed as missing or tampered with until over 30 days past the time it went missing or was corrupted. By this

time, there would be no video footage of possible theft or tampering. Furthermore, by not complying with government code, it is possible that LBPd would be vulnerable during litigation to questions on its practice of deleting video footage after 30 days.

- Security cameras at both warehouses were not all functioning properly.
 - One of the security cameras in the main warehouse's safe room was blurry. The camera specifically points towards the safes that are in the room. LBPd was notified of this during the audit when it was observed; however, during another observation 55 days later by the audit team, the problem still was not fixed. An employee could remove money from a safe without the camera being able to properly capture the person in the act or identify the items that were removed.
 - A blind spot was observed in the secondary warehouse. There is one area in the warehouse that is not captured by the security cameras. This area is where dispositions are performed, which includes items being sorted for auction or destruction. There is a risk that employees could take possession of items without a camera capturing it.

Recommendations:

- 2.1 Install and activate a functioning security alarm system at the main warehouse to detect any unauthorized access. Provide adequate training to staff to operate the system.**
- 2.2 Keep camera footage for at least one year to comply with government code.**
- 2.3 Install an additional security camera or reposition existing cameras in the secondary warehouse to get full coverage. At a minimum, the disposition activity should be moved to an area covered by existing cameras.**
- 2.4 Regularly inspect cameras and camera feeds, especially those located in high-risk areas (i.e. safe room, drug cages, gun room). Submit work orders for any non-functioning cameras and ensure that repair items are fixed quickly.**

Finding #3

Inventories currently performed over property and evidence are not sufficient to examine all storage areas in the warehouses on a cyclical basis.

POST indicates that performing inventories is one of the key controls to ensure the safekeeping and chain of custody of property and evidence. The IAPE states that agencies that conduct regular inventories are far less likely to experience an internal loss of property or evidence. Law enforcement best practices and standards surrounding such inventories are:

- POST Guideline 5.2 states that inventories should be conducted:
 - On an annual basis where the inventory is started and completed in its entirety at the end of the year and all items in the storage facility are accounted for and verified, OR
 - On a perpetual basis where the facility is sectioned off at the beginning of a year, and each section is inventoried throughout the year until the entire facility and its contents are accounted for and verified by year's end.
- IAPE Standard 15.1 states that an inventory should be conducted annually. However, in agencies where the size of the inventory is so large as to prohibit the complete inventory at one time, a plan should be developed which requires an inventory of specific locations on a scheduled basis. Additionally, the inventory of firearms, drugs, and money should be done more often. It is suggested that these are accounted for several times within a year.

ECS has over 300,000 items of property and evidence in their possession, all of which need to be inventoried. That means ECS has about 27,000 items to each of its full-time employees.

ECS is not performing inventories on enough items each year.

The ECS warehouses are separated and labeled in sections, each of which contains a type of item (e.g. firearm or miscellaneous) and can consist of a few to hundreds of items depending on the size of the section and its contents. The ECS warehouses contain about 2,800 sections between them. Based on documentation received and staff interviews, ECS performs some inventories on a consistent basis.

Three drug sections, three money sections, and three firearm sections are randomly chosen to be inventoried monthly. Items for auction are also inventoried regularly. Other "spot checks" are performed as staff time permits. ECS does not have a schedule that plans out the frequency of inventories to cover the total items in their custody. While we do recognize that performing a comprehensive inventory of over 300,000 items in one attempt is not possible, a schedule should be created to set a guideline for how all items can be inventoried.

Due to the inherent risk presented by high-risk items, a separate inventory schedule should exist to allow ECS to fully inventory all high-risk items on an annual basis. Currently, ECS is performing inventories of high-risk items more frequently, but these inventories would not cover all high-risk items within one year. Additionally, inventories are not being conducted on a large volume of sections to cover the universe of ECS items in a year's time.

Of 12 benchmarked agencies that perform inventories, eight have performed a comprehensive inventory either in the last four years or of their high-risk items on an annual basis. While the benchmark average ratio of total items (20,000) to each full-time employee is less than that of ECS, all items need to be inventoried, especially those that are high-risk.

Recommendations:

- 3.1 Create a schedule to perform an inventory of high-risk items on an annual basis.**
- 3.2 Determine an inventory schedule to review all items over a fixed cycle.**

Finding #4

Although the audit found that the tested inventory sample was substantially accurate, there were misplaced or “unable to locate” items found in the sample.

Part of our audit procedures was to perform our own inventory of items in custody of ECS. With over 300,000 items total, a sample of property and evidence was chosen to be reviewed. A judgmental sample was chosen that covered major categories of property and evidence in the storage areas across both warehouses. The inventory conducted during the audit tested for both completeness and accuracy.

The audit sampling testwork examined 619 items and found that 97% (601/619) were in the correct location. Fourteen (14) of the 18 items that were not located immediately were considered as “extras” from the sections reviewed, meaning that they were incorrectly shelved at that location. The other four items were “missing” from the sections reviewed, meaning that they were incorrectly shelved elsewhere in the warehouse or potentially missing. Six of the extras and three of the missing items were pieces of drug evidence, the rest were miscellaneous or bulk items. All extra and missing items were accounted for and re-located by the next day.

Unable to Locate (UTL) Items

In cases where these aforementioned “extra” and “missing” items are unable to be located after an immediate search, an ECS supervisor would make the determination to then classify these items as “unable to locate” (UTL). The Tiburon management system has the ability to track and separately pull a report on all current items in UTL status.

A Tiburon system report indicated that, at the end of 2018, there were 1,549 items in UTL status, of which 191 items were pieces of drug or money evidence (12.3% of the total). This means that ECS had identified the items as “missing” but had not been able to locate them to confirm their whereabouts. In the benchmark analysis, all 12 police departments indicated that they had UTL items, as it is expected within the industry that items may be misplaced especially in consideration of the amount of items held by police departments. But the difference between ECS and the benchmarked departments was that none of them indicated that they had any high-risk (firearms, drugs, and money) items as UTL. They stated that if a high-risk item was UTL, it would be immediately researched until located.

About 0.50% of items in the inventory are “unable to locate.” Some of the items are high-risk.

Having UTL items is an industry accepted practice because of the constant movement of items and the number of items held by various agencies. However, due to the differences in size and classification procedures among law enforcement agencies, there is no standardized ratio for UTL items to total inventory. But an industry expert we consulted recommended that UTL items be generally held to around 0.25% of total inventory items. In comparison, ECS’s UTL items consisted of about 0.50% of total inventory items.

Recommendations:

- 4.1 Investigate all currently outstanding UTL items and determine the status of those items.**
- 4.2 Investigate the location of high-risk UTL items (firearms, drugs, and money) immediately upon identification.**
- 4.3 Codify in policies the steps necessary to determine and address UTL items as well as set ECS's tolerance level for UTL items to 0.25% or less.**

Finding #5

ECS is not effectively monitoring the status of items outside their custody or needing correction.

Checked-out Items

Tracking of property and evidence items is important when items temporarily leave the custody of ECS. Items are commonly checked out of the warehouses to a detective or to court when an item has relevance to an active case. Items can also be checked out to an officer for correction of documentation or to forensics personnel for testing. Chain of custody is tracked in the Tiburon system for these items. The audit team verified that the Tiburon system identifies all item activity, including the dates of item receipt/data entry/check-out/disposition, badge number for the employee completing entry or changes, correction notes, and status. A digital signature is also obtained from the person checking out an item.

When items are checked out, the responsibility for chain of custody falls into the hands of the entity or person assuming responsibility of the item. It is important, however, for ECS to monitor records on checked-out items to ensure either their eventual return to ECS or their disposal status. For example, if certain items are sent out for forensics testing (e.g., blood), there is a chance that the entire sample is used during the testing. In this case the final status of this item would have to be communicated back to ECS.

Staff can no longer run a report to see all items that are checked-out. This limits their ability to follow-up on these items.

Checked-out items had previously been monitored by ECS through a system report generated from Tiburon that tabulated and listed all checked-out items, who was in possession of them, and how long they had been checked out. However, ECS personnel are no longer able to create an accurate report from the system. The employee responsible for running the report left ECS and staff are unable to replicate the report created by the former employee. Instead, staff are now tracking checked-out items manually. We were able to review 24 records of checked out items for a point in time in July 2019.

How often to follow-up on checked-out items is an ECS procedural decision. ECS policies state that follow-up should occur once every 7 days but review of the manual tracking sheets showed that it took a median of 49 days for follow-up to occur and that notes on follow-up were inconsistent. Staff stated follow-up is done on items checked out past 30 days and is performed once a week. However, of 13 reports that should have been followed up on, only 8 had received any follow up. Furthermore, due to the manual tracking method, we were unable to verify that sheets contained all checked-out items.

Officer Corrections

The audit also homed in on a specific category of items called “officer corrections.” If an item is brought to ECS with incomplete documentation or improper packaging, a request is sent to the police officer who had originally packaged the item to correct the mistake before it can be permanently stored

by ECS. The item is kept in a temporary storage location until corrected. When the officer is correcting the item, it is checked out into their custody.

Officer correction items are also tracked manually. Previously, ECS analyzed trends and statistics on officer correction items; however, staff stated this is no longer performed due to the lack of need. However, monitoring can help identify patterns with specific police officers and types of errors that could require corrective action.

Officer corrections on documentation were needed on 11% of items we reviewed. These corrections create more work for ECS personnel.

Since ECS does not monitor all officer corrections, we tried different methods to determine the volume of these errors. We were able to review officer correction manual tracking sheets for a point in time in July 2019. At that time, there were 28 outstanding officer correction reports. In addition, we reviewed incoming evidence logs from a sample of eight days in 2018. Items requiring correction are noted on these logs. One-hundred (100) of the 905 (11%) total items were officer correction items.

While officer corrections are inevitable with the amount of clerical work necessary to document information on property reports and evidence logs, they can unnecessarily increase the workload of ECS to notify personnel of the corrections and monitor their status. Additionally, courts may bring in to question a piece of evidence if department policies are not followed. Officers are trained on proper documentation and packaging during the academy at the beginning of their time with the department. Any additional training on this topic is performed by their commanding officer or their field training officer (FTO).

Recommendations:

- 5.1 Create a system report to properly monitor checked-out items in Tiburon. Refine follow-up process and timing in policy.**
- 5.2 Track officer corrections to identify trends in repeat issues and repeat officers.**
- 5.3 Ensure that corrections are completed in a timely manner.**
- 5.4 Provide refresher trainings to officers as needed.**

Finding #6

Some types of property and evidence disposition need better controls to prevent misappropriation.

A disposition is the purging of police property and evidence. Disposition is defined by both IAPE and POST to include:

- Destruction of evidence and property,
- The counting and eventual transfer of money to a financial institution,
- Sale at auction,
- Returning of items to owners/finders,
- Conversion to agency use, and
- Donations.

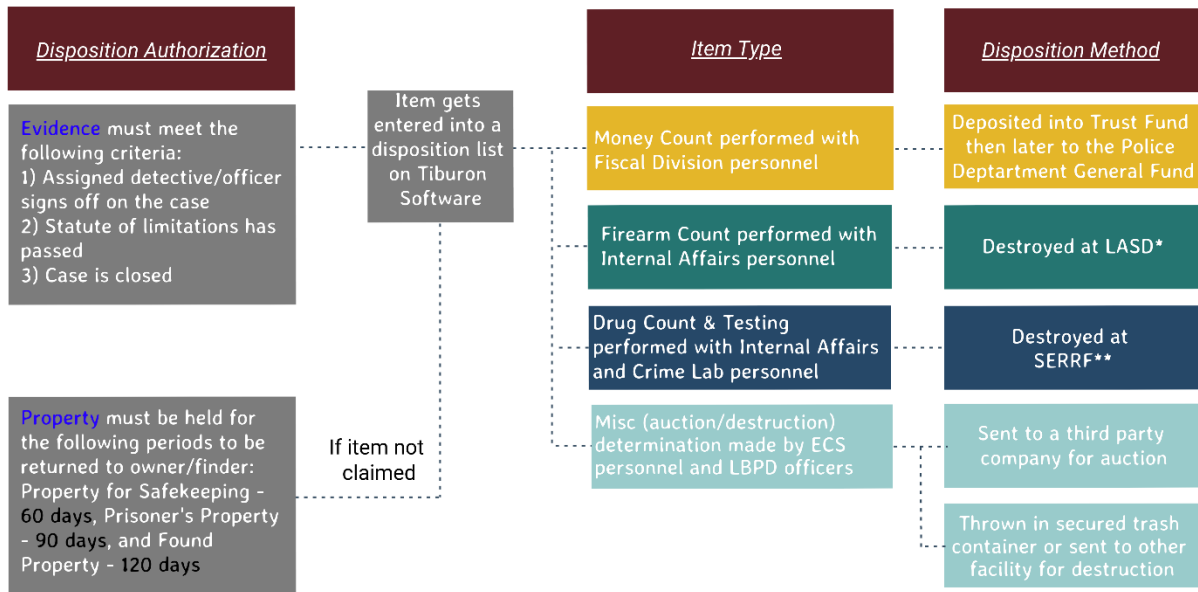
ECS performs dispositions for different types of items on an as-needed basis. IAPE Standard 14.1 states that “there is no procedure more important to keeping the inventory of a property room at a manageable level than an effective on-going purging program.” The warehouses should not have an inventory of items that are no longer needed. Holding excess items can lead to additional and unnecessary storage space and staffing needs at ECS.

Although the items being prepared for disposition are no longer needed by the Department, there is a risk that they could be misappropriated by City personnel for personal use or gain. Some items are high-risk, such as firearms, drugs, and money, while other items can be high valued, such as cell phones or other electronics, jewelry, and items in near-new condition. Both IAPE and POST have separate recommendations on the dispositions of firearms, drugs, and money and these along with the destruction and auction of miscellaneous and high valued items were examined during the course of the audit. Interviews with ECS personnel revealed that dispositions by conversion to agency use and donations do not occur in LBPB.

Dispositions cannot be performed on no-longer needed items until detective approval. This can be a prolonged process, resulting in unnecessary inventory.

Disposition is allowed for items when either a specified period has elapsed (e.g., 90 days for prisoner’s property) or all legal and departmental mandates (e.g., statute of limitations) have been completed. The start of the disposition process for evidence includes gaining approval from the assigned detective or officer, as seen in Figure 7 on the next page. They must sign-off to approve disposition within Tiburon. ECS has stated that getting this permission can be difficult and, as a result, there are very old items that can be removed from the inventory. There are items in the inventory that date back to 1969, with 25% of items over 10 years old. ECS believes that an automated tool would be valuable to better facilitate this process by providing reminders to detectives to sign-off on items.

Figure 7.
Disposition Process Overview



* - Los Angeles Sheriff's Department

** - Southeast Resource Recovery Facility

Upon meeting the requirements or time periods listed in Figure 7 above, items enter a disposition list where they will sit until a threshold is met that will trigger the disposition process. To that end, it is imperative that ECS establish clear thresholds for the disposition process to occur. Per IAPE, “thresholds make all parties in the destruction process accountable and ensure that the process occurs before the [item] becomes a target of theft.” Thresholds can be based upon the calendar (e.g., twice per year) or based on quantity (e.g., every 300 items). ECS has established thresholds for evidence and for unclaimed property. We found that not all ECS-established thresholds on dispositions were met, as seen in Figure 8 below.

Figure 8.
Evidence and Unclaimed Property Thresholds for Disposition

	ECS Threshold	Current Practice	Threshold Met?
Firearms	Perform every 300 firearms.	300 firearms taken to Sheriff's Office at a time.	✓
Drugs	Perform once a year.	Not performed in 2019.	✗
Money	Perform 12 times a year (once a month).	From 2014 to 2018, an average of 8 dispositions were performed a year.	✗
Miscellaneous	As time and staffing permits.	Performed twice in 2019.	N/A

The total monetary value of all items in dispositions is not known since firearms, drugs, and some miscellaneous items are destroyed, but the department generates some revenue on other dispositions. Auctions of miscellaneous items brought in an average of \$22,375 a year from 2014 to 2018, with a total for the five-year period at just under \$112,000. In the same period, from 2014 to 2018, an average of \$134,264 per year was transferred to the general fund (GF) from money dispositions, with a total for the five-year period of over \$671,000. See Figure 9 below for the amount deposited per year. It is important to protect all items from misappropriation so that potentially harmful or illegal items are not released back into the public and that LBPD can benefit from the funds generated by these items.

Figure 9.
Revenue Generated from Money Counts and Auctions for
the Police Department General Fund from 2014-2018

<i>Year</i>	2014	2015	2016	2017	2018	Total	<i>Average</i>
Money Count	\$ 186,112	\$ 115,771	\$ 57,642 ⁴	\$ 182,529	\$ 129,268	\$ 671,322	<i>\$ 134,264</i>
Auction	\$ 23,357	\$ 13,764	\$ 30,069	\$ 21,787	\$ 22,900	\$ 111,876	<i>\$ 22,375</i>
Total	\$ 209,469	\$ 129,535	\$ 87,711	\$ 204,316	\$ 152,168	\$ 783,198	<i>\$ 156,640</i>

Money Count and Disposition

All money, whether property or evidence, is stored in the safe room of the main warehouse until it is eligible for disposition. ECS works with the LBPD Fiscal Division to perform money counts periodically throughout the year. Money that is counted is deposited into a trust fund where it must be held for three years before transferring to the general fund. This money is held for three years in accordance with Government Code 50050, et seq., which states that impounded currencies are eligible for transfer after three years and “after notice if not claimed or if no verified complaint is filed and served”.

IAPE Standard 10.7 states that an agency needs to establish a policy that defines the process in which inactive money is to be transferred from the property room as well as a threshold for the transfer to occur. The threshold may be based upon the calendar (e.g. weekly or monthly) or upon quantity (e.g. every \$2,000). While ECS does have a policy, it is not always followed. The policy states that the money count should be performed twelve times per year (once a month), but there was only an average of eight counts performed each year from 2014-2018.

There are some controls in place at ECS that help to prevent theft during the money count, such as having two or more people perform the count and verification of cash and coin, as well as performing it in a room monitored with

⁴ The audit did not include a test of the reason(s) for the lower amount deposited from money counts in 2016. Given our understanding of the money count procedures, there could be multiple reasons for the lower deposit amount compared to the prior and proceeding years: less money collected or seized from investigations and other operations, fewer money counts performed, or more money needing to be returned as cases are closed.

security cameras. However, there are also some existing controls that must be improved.

- When a discrepancy between the counted currency and the amount on the property report is found, the latter is assumed to be a mistake. Discrepancies are noted on the paperwork for each money count, but these are not tracked over time. Since it is not possible to determine the cause of the discrepancies during the count, it would be helpful to track and identify any patterns over time. LBPDP Fiscal Division indicated that they are considering implementing this improvement to address the control weakness.
- LBPDP Fiscal Division personnel stated that their primary role in the money count process is to help count the money, and that they are not there to look out for or initiate other internal controls in the process, such as observing envelopes to identify possible tampering. Cash handling and cash count controls training for Fiscal Division employees would be valuable to help ensure all needed controls are in place.

Miscellaneous Property and Evidence Dispositions

Property and evidence that are not firearms, drugs, or money are disposed of together. These items can either be destroyed (thrown away, melted down, shredded, etc.) or auctioned if they are deemed to have monetary value. Though the detectives or officers make the determination as to whether an item can undergo disposition, ECS staff makes the final decision on the outcome of these miscellaneous items.

The miscellaneous dispositions are performed as needed, based on space availability in the warehouses and staff time. All items ready for disposition are taken to the secondary warehouse where the disposition takes place. There is usually a team of three to four ECS staff members present for the disposition. A couple of the staff members are assigned to sorting the items for destruction or auction, one staff member is assigned to updating the records in Tiburon, and another staff member may help either group or pull items from inventory to the disposition pile.

While there are multiple staff members performing the dispositions, they are working independently. At their discretion, the staff member removing the items from their packaging place them in the trash bin, in sorted bins for auction, or in piles for melting or shredding. Since multiple packages are opened and sorted at once, it is difficult to keep track of the final disposition of all items. With multiple processes occurring simultaneously, it is possible for a staff member to open an item and pocket it for personal use without the detection of other staff present.

Recommendations:

6.1 Set realistic thresholds, either based on the calendar or quantity,

by which dispositions should and can be performed.

- 6.2 Develop policy and approval mechanisms for detectives to give permission to dispose of items more quickly once they are no longer needed.**
- 6.3 Train Fiscal Division staff on cash count controls and proper evidence packaging so they would be able to identify issues.**
- 6.4 Institute a procedure during miscellaneous dispositions where one staff is observing as other staff are opening items.**

Finding #7

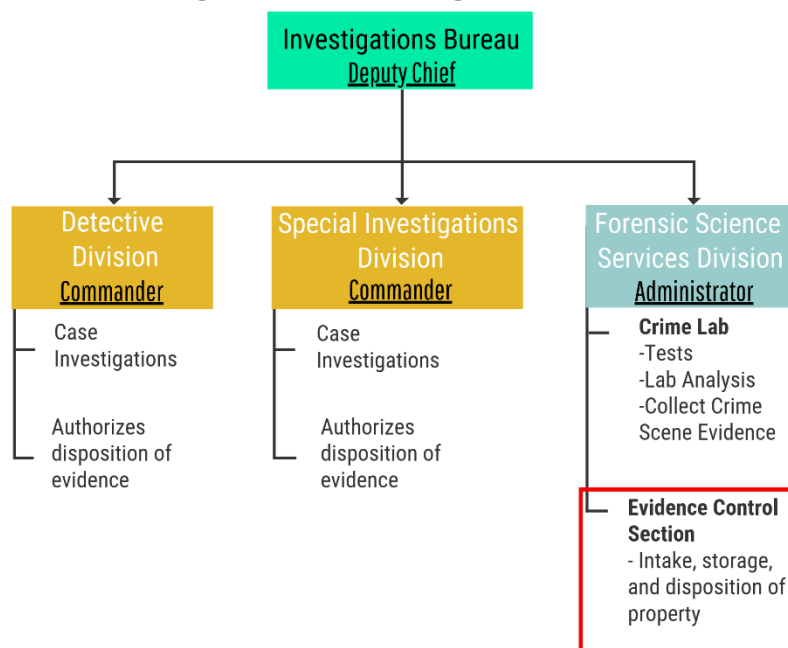
The organizational placement of ECS within the LBPB Investigations Bureau creates the potential for or the appearance of conflicts of interest.

The placement of ECS within the Investigations Bureau creates potential conflicts of interest.

POST Guideline 1.1 and IAPE Standard 1.10 advise that the property and evidence unit should be separated from police operational units, such as patrol or investigations. Best practices suggest that the property and evidence unit be placed in a neutral area within the law enforcement agency, such as a support or administrative bureau. This separation would minimize the potential for a conflict of interest from arising between personnel who collect property and evidence and those charged with storing and safeguarding it.

Furthermore, law enforcement agencies must recognize that there are elements of formal and informal control over managers who, in turn, can assert influence over their employees. As a result, if the property and evidence unit's reporting channel or chain of command is outside of police operations, the integrity and independence of both the investigative and evidence management processes are enhanced, minimizing the opportunity for or even the appearance of possible evidence tampering.

Figure 10.
Investigations Bureau Organizational Chart



ECS is operationally placed within the LBPB Investigations Bureau, as seen in Figure 10 above, which is contrary to these standards. The Investigations Bureau includes detective personnel that investigates drug, property, gang, and other crimes, and collects property, seized goods and crime scene evidence as part of those core duties. In addition, the detectives are responsible for authorizing the release (disposition) on property and evidence. On the other hand, the responsibility of ECS personnel is to maintain secure

custody and documentation of property and evidence, ensuring the safeguarding of these items and playing an important part in maintaining the integrity of law enforcement processes. However, the chain of command for ECS personnel and for detectives is ultimately the same, which could jeopardize the integrity and independence of the property and evidence function. Separating ECS from detectives enhances accountability.

Our benchmark research supports the standards established by POST and IAPE. We found that 82% (14/17) of the benchmarked police departments placed their property and evidence operations under a support or administrative unit within their organizations.

Recommendations:

- 7.1 Move ECS to the LBPD Administration Bureau or Support Bureau to avoid the potential for or the appearance of conflicts of interest.**

Finding #8

The staffing structure for ECS does not maximize the talents and training of assigned personnel, and does not optimize LBPB's ability to attract, retain, and advance the best qualified personnel.

IAPE Standard 1.7 establishes two principles related to staffing of a property and evidence operation: 1) staff should consist of civilian, rather than sworn, employees and 2) there should be advancement opportunities for the employees within that operation. In support of these principles, IAPE states that "advancement for civilian employees within the agency is important as a means to retain the best qualified personnel and attract those that are interested in property and evidence management as a career." Having sworn personnel assigned to this function, particularly at a supervisory or management level, could limit the professional development of civilian employees working in the property and evidence operation. Figure 11 below shows the positions within the ECS operation. The Police Sergeant, the top supervisory position, is a sworn position.

Figure 11.
ECS Positions with Duties and Responsibilities

<i>Position in LBPB</i>	<i>Internal Title at ECS</i>	<i>Duties and Responsibilities</i>
Police Sergeant (1)	Evidence Control Section Supervisor	Generally responsible for managing ECS. Approves high-level processes and decisions on property and evidence. The current Sergeant also has as-needed duties on the LBPB Dive Team.
Property & Supply Clerk II (1)	Property Clerk Supervisor	Supervises Property & Supply Clerk I's and assumes responsibility for day-to-day activities in ECS.
Property & Supply Clerk I (started with 6, ended with 9)	Lead Property Clerk	Assists and contributes to some supervisory duties and is "go-to" for clerks to address issues or answer questions.
	Property Clerk	Collects, transports, logs, audits, stores, and releases property and evidence.

Sworn Personnel in ECS

Conversely, sworn personnel could also perceive an assignment to the property and evidence function as career-limiting. In fact, IAPE Standard 1.7 cautions against having sworn personnel in this role because police officers "are generally not interested in an assignment working in a warehouse environment... The selection of the best-qualified person to become a property officer in an agency may be hampered if it is viewed upon as a 'career dead

end' with no obvious promotional opportunities.” This statement also supports assertions made by industry experts that civilians tend to have longer tenure in the property and evidence function, whereas sworn personnel could more likely perceive the assignment as short-term or career-limiting.

Furthermore, many police departments are facing expanding responsibilities with increasingly constrained public resources. It is not operationally or economically prudent to have a sworn police officer in a position with duties and requirements that a specially-trained civilian can equally or better perform. The International Association of Chiefs of Police's (IACP) Model Policy on Civilian Personnel, which the IACP encourages law enforcement agencies adopt as their own, recognized the need and benefit for police departments to maximize the number of “blue suits on the street”:

“The efficiency and effectiveness of law enforcement agencies is enhanced when sworn and non-sworn personnel are appropriately used to perform those functions that are best suited to their special knowledge, skills and abilities. Therefore, this agency shall employ civilians for selected functions that do not require the authority of a commissioned officer, thereby freeing sworn personnel for enforcement functions and capitalizing upon the talents of all employees.”

With the aim to maximize the “talents of all employees” in their police departments, the cities of Chicago, Los Angeles, New York City and San Jose reviewed all positions held by sworn personnel utilizing decision criteria like the one shown below to determine whether each position is best suited for a sworn employee or should be reassigned to a civilian employee.

1. Does the position require law enforcement powers (i.e. powers of arrest, use of force, or carrying a firearm)?
2. Does the position require a sworn officer because of a statute or regulation?
3. Does the position require the special skills, training, experience, or credibility of a sworn police officer?
4. Does the position require a sworn officer because a civilian union contract precludes a civilian from working in that capacity or for those designated hours?

A “No” answer to all four questions would mean that a specially-trained civilian should occupy the position in question. The audit applied these criteria in determining whether the ECS Supervisor position, currently held by a sworn police officer, should be civilianized.

The top supervisory role is performed by a Police Sergeant. Based on the information gathered on the ECS Supervisor position and applying the decision criteria listed above to the position, we could not find a reasonable justification

The City is better served with a civilian as the top ECS supervisor, and the assigned Police Sergeant returning to enforcement duties.

for a sworn police officer, let alone a Police Sergeant, to occupy the ECS Supervisor position. When asked, LBPB reasoned that a sworn officer is assigned to this position because they would have first-hand knowledge of the statute of limitations, the use of property and evidence in investigations, and department policies. However, these are skills or qualifications that a trained and experienced property and evidence professional would possess. Therefore, we determined that the reasons provided by LBPB are insufficient to support a “Yes” answer to any of Questions #1-4 of the decision criteria. Despite our communication of this to LBPB, when the Sergeant position became vacant in February 2020 during our audit process LBPB recruited for another Sergeant to fill the position.

This ECS supervisor position can and should be occupied by a civilian with relevant industry training, expertise and experience. As the costs associated with the salary and benefits of sworn officers are usually higher than those of civilian employees, civilianizing this position would result in overall cost savings. Furthermore, from an operational standpoint, the City cannot afford to assign a highly trained and experienced sworn police supervisor to the ECS, when Sergeants serve mission critical supervisory roles in patrol or other enforcement operations.

In addition to utilizing the decision criteria, we asked other police departments to determine how common it is for the top supervisory role in property and evidence to be occupied by a sworn employee. More than half (five of nine) of the agencies had a civilian in the top supervisor position. Industry experts strongly recommended civilianizing as many positions as possible.

Civilian Personnel in ECS

Lastly, LBPB expressed that having additional job classifications and associated grade levels could provide clear career growth avenues that would help in the effective administration of this operation. IAPE Standard 1.7 supports that notion. Currently, the ECS only has one job classification, the Property & Supply Clerk, with two grade levels. For this reason, LBPB management has utilized an internal designation of a “Lead” within the Property & Supply Clerk I grade to help better define hierarchy and supervision. Otherwise, there is not a separate supervisory classification. See Figure 11 for these positions and their duties and responsibilities.

If the LBPB were to reassign the Police Sergeant to enforcement duties appropriate to their position and training, LBPB must consider whether ECS can operate effectively with the remaining supervisory staff or create and fill a new civilian supervisor classification. Moreover, with recent additions to ECS personnel, LBPB should also consider establishing additional job classifications and associated grade levels to allow for an appropriate organization structure, proper supervision and career growth opportunities. Several ECS personnel have worked within the two grades of the Clerk position for long periods of time. Property & Supply Clerk I's have tenures ranging from less than one year to almost 16 years.

Recommendations:

- 8.1 Develop additional classifications and associated grade levels needed to better reflect the actual and desired organizational structure within ECS.**
- 8.2 Reassign the Police Sergeant to enforcement duties and consider creating a new civilian position or classification with overall supervision of ECS.**

Finding #9

ECS policies and procedures are not adequate in describing all duties and responsibilities as recommended by best practices and lack regular reviews and updates.

ECS uses the *Property and Supply Clerk Duties and Responsibilities* and the *Evidence Control Section Manual* (which is a sub-section of the *LCPD Police Department Manual*) as their general internal policies and procedures. While the *ECS Manual* and *Property and Supply Clerk Duties and Responsibilities* adequately cover some aspects recommended by both IAPE and POST to be included in a policies and procedures manual, there are other recommended policy and procedural components that are left out entirely. The two ECS documents, moreover, contain references to outdated practices and facilities.

ECS policies do not encompass POST's guide for property and evidence management.

POST provides an *Evidence & Property Self-Evaluation* which models their Management Guide and advises organizations in determining the policy areas to which their current policies and procedures are adhering and those policy areas that may require further work. In total, this POST guide outlines six major sections, 37 guidelines, and 218 sub-points to which the duties, policies, and procedures of an evidence and property warehouse operation should adhere.

The IAPE recommends that law enforcement agencies develop policies to "clarify and standardize the procedures for the submission, documentation, packaging, storage, movement, security, purging and disposition of property/evidence". Outlined in Figure 12 below are some sections, guidelines, and sub-points for recommended policies and our determination on how effectively ECS is meeting them.

**Figure 12.
Policy Review**

Category	POST Policy and Procedure Sub-Point	What do POST and IAPE Standards state?	What do ECS policies and procedures state?
Training	<ul style="list-style-type: none">Identify initial and an ongoing training plan for all personnel assigned to the evidence/property function ensuring they remain current in best practices, statutes, and regulations.	<i>POST Guideline 1.2</i> states that "to better manage agency risk and reduce liability, all evidence/property personnel should complete the POST Evidence and Property Management course as well as continuing education and training...Training can also be conducted in-house. All initial and ongoing training should be properly documented in staff training files."	There are certain procedures to "stay apprised of laws and regulations" and to attend California Association of Property and Evidence (CAPE) meetings but there is a lack of identification of an initial and ongoing training plan.

Category	POST Policy and Procedure Sub-Point	What do POST and IAPE Standards state?	What do ECS policies and procedures state?
Policy and Procedure Development	<ul style="list-style-type: none"> Establishment and ongoing maintenance of an operational manual outlining evidence/property policies and procedures 	<i>POST Guideline 1.6</i> recommends that all policies and procedures related to the evidence/property function should be reviewed on an annual basis.	There are no policies and procedures guiding regular review and development of policies and procedures.
Security	<ul style="list-style-type: none"> Policies on Facility Access Policies on Video surveillance system Policy defining all evidence/property facilities; access doors must be locked at all times to prevent unauthorized entry 	<i>IAPE Standard 8.1</i> recommends that there should be policies that define who has access to keys, access controls, key duplication, changing of locks or access codes with changes of personnel, access logs, after-hours procedures, and alarm testing.	Aside from one point on securing all doors, shelves, safes, and windows at the warehouses, there are no policies and procedures surrounding security.
Audits	<ul style="list-style-type: none"> Quarterly review of selected stored items and their corresponding completed property transactions, including special emphasis on sensitive items 	<i>POST Guideline 5.1</i> defines an audit to include “quarterly review of selected stored items and their corresponding completed property transactions, including special emphasis on sensitive items and review of packaged evidence seals for any evidence of tampering.” An audit should be designed to identify that standards and policies are being followed, that chain of custody processes are being utilized, that written documentation is appropriately maintained, that evidence/property location and status are validated, and that evidence/property are being disposed of according to policy.	In ECS, only location and status validations are performed as audits.
Inventories	<ul style="list-style-type: none"> A process and timeline to ensure accountability of all evidence and property items, and the schedule for the inventory process 	<i>POST Guideline 5.2</i> recommends conducting an inventory during the following conditions: when information is received suggesting a breach of system integrity, when there is a change of the agency head, when there is a change of evidence/property personnel, and on an annual basis/perpetual basis.	There are no policies and procedures on conditions that would trigger performing an inventory.

ECS policies are not reviewed and updated annually as suggested by best practices.

Per POST Guideline 2.6 and IAPE Standard 15.2, form, documents, and procedures should be updated on at least an annual basis to ensure that documented policies and procedures align with currently implemented practices, industry standards and best practices, and any applicable statutes and codes that govern the responsibilities of the ECS.

- There is no policy or procedure that would substantiate an annual forms and procedure review.
 - Parts of the Evidence Control Section Manual are outdated. It includes references to the Public Safety Building (where property was previously held until the main warehouse was leased out starting February 1, 2001). The document does not contain a specific last updated date.
 - The Property and Supply Clerk Duties and Responsibilities are dated November 18, 2009.

Recommendations:

- 9.1 Expand current policies and procedures to include all sections recommended by POST.**
- 9.2 Update current policies and procedures to more accurately reflect currently performed duties and responsibilities.**

III. Objective, Scope, and Methodology

The objective of this audit was to assess the adequacy of internal controls related to the accuracy and security of property and evidence. The audit scope covered property and evidence as it entered into the responsibility of the Evidence Control Section, which we determined to be the moment when the officers submit the property and evidence into the lockers at their respective field divisions. We did not examine how officers, or any other department personnel, handled property and evidence prior to submission to the Evidence Control Section. To achieve these objectives, we:

- Reviewed internal policies and procedures and manuals describing the required responsibilities of the ECS;
- Conducted interviews, observations, and ride-alongs with LBPD ECS personnel;
- Benchmarked against agencies in California and against similarly sized agencies in the United States;
- Reviewed IAPE and POST best practice guideline materials and conducted interviews with industry experts;
- Analyzed security access history logs and access rights obtained from security contractors; and
- Evaluated documentation received from ECS personnel, other PD personnel, and security contractors.

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

IV. Management Response

MANAGEMENT RESPONSE AND ACTION PLAN

Long Beach Police Department Evidence Control Section Performance Audit

No.	Recommendation	Priority	Page #	Agree or Disagree	Responsible Party	Action Plan / Explanation for Disagreement	Target Date for Implementation
1.1	Gain an understanding of all card readers and access rights in the warehouses and field divisions.	H	11	Agree	LBPD	This has been resolved. All card readers have been mapped.	March 25, 2020
1.2	Create access rights specifically tailored towards each ECS employee. Restrict high-risk areas as necessary.	H	11	Agree	LBPD	Property section will be combined into one facility next year and the security recommendations noted here will be incorporate into the design of the new space.	July 1, 2021
1.3	Secure all firearms behind enhanced security measures beyond that of the general storage area.	H	11	Agree	LBPD	The current facility and budget create obstacles for completing this before the move to the new facility. Creating a secure firearms storage will be incorporated into new building plans.	July, 2021
1.4	Remove access to warehouses and evidence rooms at field divisions from personnel who do not work within ECS.	H	12	Agree	LBPD	Completed, only ECS and FSSD supervisors have access.	March 25, 2020
1.5	Create policies and procedures calling for regular review of access rights. Include review and possibly revision of access rights each time someone leaves employment of ECS.	L	12	Agree	LBPD	Review of access rights has been added to the annual key inventory review.	April 1, 2020
2.1	Install and activate a functioning security alarm system at the main warehouse to detect any unauthorized access. Provide adequate training to staff to operate the system.	H	14	Agree	LBPD	Installed at 1400 Canal Avenue	March 1, 2020
2.2	Keep camera footage for at least one year to comply with government code.	M	14	Agree	LBPD	This is an ongoing concern related to City equipment not being able to meet records retention timelines. When new cameras are installed at new facility onsite DVR's will be added to ensure coverage.	July 1, 2021
2.3	Install an additional security camera or reposition existing cameras in the secondary warehouse to get full coverage. At a minimum, the disposition activity should be moved to an area covered by existing cameras.	M	14	Agree	LBPD	Contact with vendor made. Waiting for them to schedule an appointment to move the cameras.	October 1, 2020
2.4	Regularly inspect cameras and camera feeds, especially those located in high-risk areas (i.e. safe room, drug cages, gun room). Submit work orders for any non-functioning cameras and ensure that repair items are fixed quickly.	M	14	Agree	LBPD	Completed by vendor.	April 1, 2020

MANAGEMENT RESPONSE AND ACTION PLAN

Long Beach Police Department Evidence Control Section Performance Audit

No.	Recommendation	Priority	Page #	Agree or Disagree	Responsible Party	Action Plan / Explanation for Disagreement	Target Date for Implementation
3.1	Create a schedule to perform an inventory of high-risk items on an annual basis.	H	16	Agree	LBPD	The Department is moving to a Statute of Limitations, plus one standard to minimize the amount of inventory. Staff will work to develop a schedule to ensure all areas are audited in a specified time period. ECS will also seek to hire a Quality Assurance Manager for the purpose of maintaining the inventory.	July, 2021
3.2	Determine an inventory schedule to review all items over a fixed cycle.	M	16	Agree	LBPD	The Department is moving to a Statute of Limitations, plus one standard to minimize the amount of inventory. Staff will work to develop a schedule to ensure all areas are audited in a specified time period. ECS will also seek to hire a Quality Assurance Manager for the purpose of maintaining the inventory.	July, 2021
4.1	Investigate all currently outstanding UTL items and determine the status of those items.	M	18	Agree	LBPD	A new policy / procedure for the handling of UTL items will be issued. All items listed as UTL are in the process of being resolved and accounted for.	October 1, 2020
4.2	Investigate the location of high-risk UTL items (firearms, drugs, and money) immediately upon identification.	H	18	Agree	LBPD	A new policy / procedure for the handling of UTL items will be issued. All items listed as UTL are in the process of being resolved and accounted for.	October 1, 2020
4.3	Codify in policies the steps necessary to determine and address UTL items as well as set ECS's tolerance level for UTL items to 0.25% or less.	L	18	Agree	LBPD	Policies are currently being formalized and formatted.	October 1, 2020
5.1	Create a system report to properly monitor checked-out items in Tiburon. Refine follow-up process and timing in policy.	M	20	Agree	LBPD	The department is in the process of implementing a new RMS system. The current system is unable to assist with this task. The process will be automated in the new RMS system.	June 1, 2021
5.2	Track officer corrections to identify trends in repeat issues and repeat officers.	M	20	Agree	LBPD	Will develop a spreadsheet to track these trends. Will investigate if there is a way to track in the new RMS.	October 1, 2020
5.3	Ensure that corrections are completed in a timely manner.	M	20	Agree	LBPD	We will create a new procedure to issue a project that is assigned to the Division to ensure these are completed in a timely manner.	October 1, 2020
5.4	Provide refresher trainings to officers as needed.	L	20	Agree	LBPD	We already offer that service	
6.1	Set realistic thresholds, either based on the calendar or quantity, by which dispositions should and can be performed.	M	24	Agree	LBPD	We will implement statute plus 1 year policy that will assist with reducing the inventory and set a standard for destruction that is consistent with the statute of limitations	July, 2021
6.2	Develop policy and approval mechanisms for detectives to give permission to dispose of items more quickly once they are no longer needed.	M	25	Agree	LBPD	We will work with the group developing the new RMS to create the ability to dispose of evidence more expeditiously.	June 1, 2021

MANAGEMENT RESPONSE AND ACTION PLAN

Long Beach Police Department Evidence Control Section Performance Audit

No.	Recommendation	Priority	Page #	Agree or Disagree	Responsible Party	Action Plan / Explanation for Disagreement	Target Date for Implementation
6.3	Train Fiscal Division staff on cash count controls and proper evidence packaging so they would be able to identify issues.	H	25	Agree	LBDP	We will work with Financial Bureau to train the staff involved in money counting in recognizing broken seals on packaging and how to report suspicious packaging.	October 1, 2021
6.4	Institute a procedure during miscellaneous dispositions where one staff is observing as other staff are opening items.	H	25	Agree	LBDP	We will review the process to determine if simple procedural changes can be made to increase the number of people present when items are opened and placed into a disposition pile. Additionally the supervisor will conduct a spot audit of the video periodically.	
7.1	Move ECS to the LBDP Administration Bureau or Support Bureau to avoid the potential for or the appearance of conflicts of interest.	M	27	Disagree	LBDP	We disagree with the potential for conflict given the organizational structure of the department and the roles and responsibilities of ECS personnel.	
8.1	Develop additional classifications and associated grade levels needed to better reflect the actual and desired organizational structure within ECS.	M	31	Agree	LBDP	LBDP will work with HR to identify and implement additional grades with the property clerk classification.	FY2022
8.2	Reassign the Police Sergeant to enforcement duties and consider creating a new civilian position or classification with overall supervision of ECS.	M	31	Agree	LBDP	The budget for the police department is such that we must eliminate a position to gain a position. So the sergeant position would have to be eliminated to fund the new supervisor position. There will not be a net gain of another supervisor on the street. However, we will review this recommendation in light of the audit findings and recommend changes for the FY2022 budget.	
9.1	Expand current policies and procedures to include all sections recommended by POST.	L	34	Agree	LBDP	With the potential creation of additional grades within ECS, a training / standards position will be identified to ensure compliance with relevant best practices and industry standards.	FY2022
9.2	Update current policies and procedures to more accurately reflect currently performed duties and responsibilities.	L	34	Agree	LBDP	A new Procedures Manual is being developed and will be issued by the October 1, 2020 date.	October 1, 2020

Priority

H – High Priority - The recommendation pertains to a serious or materially significant audit finding or control weakness. Due to the seriousness or significance of the matter, immediate management attention and appropriate corrective action is warranted.

M – Medium Priority - The recommendation pertains to a moderately significant or potentially serious audit finding or control weakness. Reasonably prompt corrective action should be taken by management to address the matter. Recommendation should be implemented no later than six months.

L – Low Priority - The recommendation pertains to an audit finding or control weakness of relatively minor significance or concern. The timing of any corrective action is left to management's discretion.

Shaded areas - to be completed by the department



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