



City of San Antonio

Agenda Memorandum

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Agenda Item Number: 4

Agenda Date: June 11, 2024

In Control: Audit Committee

DEPARTMENT: Office of the City Auditor

DEPARTMENT HEAD: Kevin Barthold

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Acceptance of the Office of the City Auditor Report AU23-029 Audit of SAPD Property and Evidence Room.

SUMMARY:

Determine if chain of custody and evidence preservation controls are adequate for the San Antonio Police Department (SAPD) Property & Evidence Facilities.

BACKGROUND INFORMATION:

Background

The Property & Evidence Room (Property Room) has custodial responsibility for all property and evidence impounded by the San Antonio Police Department (SAPD), San Antonio Airport Police, San Antonio Park Police, and Texas Department of Public Safety (DPS) Troopers in special cases. Impounded property is classified as evidence, found property, or personal property. The Property

Room uses FileOnQ software to track the location of all items coming into and leaving their possession in order to maintain a chain of custody. The types of items stored in the Property Room include, but are not limited to:

- Narcotics
- Firearms, BB/pellet guns, bullets/casings, etc.
- Currency
- Jewelry
- Biological evidence (blood samples, DNA swabs, hair, etc.)
- Computers, laptops, tablets, cell phones and accessories
- Soft goods (bedding, curtains, towels, clothing, purses, wallets, cases for electronics etc.)
- Miscellaneous household furnishings (televisions, doors, BBQ pits, furniture, video game equipment, power and manual tools, etc.)
- Weapons other than firearms (sticks, bladed weapons, archery equipment, etc.)
- Bicycles, scooters, and other mobility devices (electric and manual)
- Suitcases, bags, backpacks (often with personal contents inside)
- Vape pens, lighters, tobacco pipes, drug paraphernalia, etc.
- Video Gambling Devices (8-liners)

Personal and found property are returned to owners or their agents whenever possible. Each month, personal or found property that has been in the possession of the Property Room for at least 90 days is either sold, given to charity, put into use by SAPD personnel, or destroyed.

Evidence can only be purged after the statute of limitations has elapsed and there is no longer any need for the evidence. The statute of limitations can be a very long time – in some cases until the death of the suspect/convicted person, which might be 40 years or more. Property Room personnel may not dispose of evidentiary items without the authorization of the assigned follow-up units. Consequently, the Property Room is continually adding more evidence items than it is disposing.

Scope & Methodology

The scope period was 10 years for trending analysis; fiscal years 2022 and 2023 (partial year) for tests of management reports and charitable giving; all FileOnQ data as of Sept 18, 2023.

We interviewed personnel at all levels, toured the facility, and reviewed Standard Operating Procedures (SOPs) and the SAPD General Manual. We assessed internal controls including user access controls; badge access controls; inventory controls; physical security controls; controls over narcotics, cash and jewelry, and guns; environmental controls; and physical safety. In addition, as part of our testing procedures we examined the following areas: trending of intake vs outflow, chain of custody, badge access, FileOnQ user access, SAPD compliance with statutory testing requirements for sexual assault nurse examiner (SANE) kits, SAPD reviews/audits of inventory and pre-destruction inventories, wiping of memory for various media types prior to disposal/sale/donation, and quantification of inventory with lithium-ion batteries.

Conclusion

Overall, Property Room chain of custody and evidence preservation controls are adequate and

working as intended. The Property Room is well-organized and provides adequate physical security of its contents, including extra security for high-risk items such as firearms, cash, jewelry, and narcotics. Biological evidence (blood samples, DNA contaminated items, etc.) is kept in a temperature and humidity-controlled room or appliances. Plant-based narcotics are dried to prevent growth of bacteria and fungus. Property Room personnel ensure that their inventory control and chain of evidence system (FileOnQ) remains complete and accurate. Management ensures regular reviews and tests of inventory are conducted of high-risk items as well as prior to the destruction of guns and narcotics to prevent theft.

While the Property Room is being managed effectively, we noted a few areas in which it could enhance its operations, such as addressing the storage of hazardous materials (lithium-ion batteries), business continuity of operations and disaster recovery planning, and computer user access control. We also noted that SAPD follow-up units are not consistently submitting sexual assault nurse examination (SANE) kits to the lab for testing within 30 days as required by statute.

Management agreed with the recommendations and developed positive corrective action plans.

ISSUE:

This item is presented for acceptance by the Audit Committee.

FISCAL IMPACT:

NA

ALTERNATIVES:

NA

RECOMMENDATION:

Staff recommends acceptance of this audit report.