



**City of Clarksville**  
**Internal Audit Report**  
**Clarksville Police Department Evidence Room Audit**  
**March 29, 2019**

**Background:**

The Clarksville Police Department (CPD) evidence room is responsible for maintaining the integrity of the evidentiary chain of custody, as well as safeguarding of property within their purview. This responsibility extends from the time property is received through subsequent disposal and includes ensuring property is properly secured, stored, and readily retrievable. CPD is accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA), whose standards give specific guidelines on evidence and property control. In addition to CALEA standards, there is also a CPD General Order which outlines policies related to evidence.

**Audit Objectives and Scope:**

The objectives of the audit were to:

- Evaluate whether internal inspections and audits are performed in accordance with CALEA standards
- Determine the adequacy of internal controls over the evidence disposal process
- Assess compliance with laws, policies, and procedures regarding storage of cash within the evidence room
- Evaluate whether high risk items are stored in accordance with applicable policies and procedures

The scope of the audit considered processes within the evidence room for handling evidence from receipt to disposition, focusing on areas of CALEA required audits, evidence disposal process, cash held in the evidence room, and storage of high risk items, from December 1, 2015 through October 31, 2018. The following areas were specifically excluded from the scope of this audit: evidence collection techniques, adequacy of evidence in relation to legal proceedings, and drug fund handling procedures outside of the storage of cash in the evidence room.

**Audit Results:**

**Finding 1. Disposal Process Needs Improvement**

**Observation:**

General Order (GO) E-28 is the CPD policy that governs the property and evidence disposal process. Lack of adherence to timelines of property disposal, assignment of review dates as evidence is entered into the system, and reporting of evidence lists and destructions are areas where the evidence room is non-compliant with GO E-28.

Prior to the audit, evidence was marked as destroyed while it was actually awaiting destruction. Additionally, no comparison was performed of items that were due to be destroyed with what is actually destroyed, and some items awaiting destruction are stored in open containers.

Issues noted above were mainly caused by management prioritizing resources on items that still have evidentiary value. Additionally, evidence room personnel were unfamiliar with some requirements of GO E-28.

**Recommendations:**

Management should:

- Assign review dates as evidence is entered into the system.
- Coordinate with the City IT department and/or the software vendor to create reports allowing management to search for evidence by type, evidence room location, and age.
- Consider revising GO E-28 to establish a threshold that initiates destruction on a particular type of evidence and require that two people be present at each destruction.
- Consider working with the Montgomery County court system to create and distribute a case disposition report at specified intervals to aid in timely disposal of evidence.

Management has already begun to address the following recommendations, which were discussed during the audit:

Observation (continued):	Recommendations (continued):
<p>Observations noted above lead to backlogs of older evidence items. Backlogs of evidence not only consume additional staff and space resources to clear at a later date, but also create a greater opportunity for misappropriation, theft, and fraud. This threat is exacerbated by the lack of tracking and open storage of some items.</p>	<ul style="list-style-type: none"> <li>● Create a “Pending Destruction” status to differentiate between evidence awaiting destruction and evidence that was already destroyed.</li> <li>● Require that all evidence remain sealed until immediately prior to its destruction.</li> <li>● Require a reconciliation of items to be destroyed by comparing a list of items pending destruction per the evidence software with actual items in the pending destruction area of the evidence room.</li> </ul>

Management Comments:
<p><a href="#">Assign review dates as evidence is entered into the system.</a>  <i>In the implementation of our General Order on 12/10/2008 we set unrealistic review dates for our department, our Record Management System, and District Attorney’s standard operating procedure of settling cases without Officer’s knowledge.</i></p> <p><i>General Order has been revised. First Misdemeanor and Felonies will no longer be directed to be reviewed 6 months and 2 years accordingly. These will be addressed in our biannual Evidence List review by Officer.</i></p> <p><i>We have been deficient in the fact that we haven’t sent a list out since 2017. March 15<sup>th</sup> this process will start again. All the lists will be distributed through the Operational Deputy Chief. Once the Officer has reviewed it, their chain of command will also review it. This will be an improvement over the previous process because now the Supervisor(s) will be involved in the process instead of Evidence Staff dealing directly with the Officer. This should greatly improve accountability.</i></p> <p><a href="#">Coordinate with the City IT department and/or the software vendor to create reports allowing management to search for evidence by type, evidence room location, and age.</a>  <i>The Record Management System may already contain such reports and we will be working with our IT staff for training on such reports. There have been some discovered already.</i></p> <p><a href="#">Consider revising GO E-28 to establish a threshold that initiates destruction on a particular type of evidence and require that two people be present at each destruction.</a>  <i>Two people present is the standard procedure already, but the General Order has been revised. Also, they will start generating a report for the Chief of Police in reference to Destruction Dates and it will be documented who was present.</i></p> <p><a href="#">Consider working with the Montgomery County court system to create and distribute a case disposition report at specified intervals to aid in timely disposal of evidence.</a>  <i>This isn’t feasible. However, with the biannual review Officer(s) will be required to review the free website of court records that Montgomery County Court System has set up. This will allow the Officers to review their cases at no expense to the Department.</i></p> <p><a href="#">Require that all evidence remain sealed until immediately prior to its destruction.</a>  <i>This is the new procedure. It was only being done with ammunition but not anymore. Also separate areas have been designated to house these items pending destruction.</i></p> <p><a href="#">Require a reconciliation of items to be destroyed by comparing a list of items pending destruction per the evidence software with actual items in the pending destruction area of the evidence room.</a>  <i>This is the new procedure. It will be provided to the Chief of Police upon completion in a destruction report.</i></p>

Managers Responsible: Chief of Police Al Ansley and Administrative Deputy Chief Mike Parr  
 Administrative Deputy Chief Parr is the Department's Evidence Custodian. However, with his pending retirement, and Sergeant Terry Minton's pending retirement also, Lt. Bryan Adams will be the manager responsible for ensuring that the issues are resolved.

**Estimated Completion Date: March 19, 2019**

**Finding 2. Processes for Cash Held in Evidence Room Need Improvement**

<b>Observation:</b>	<b>Recommendations:</b>
<p>TCA 6-56-111 requires deposit of municipal funds within three working days.</p> <p>CPD has no documented process for determining what cash is required to be held as evidence and what cash could be deposited. Cash sampled included evidence from cases that had been adjudicated previously, which is likely due to issues with the evidence management and disposal process discussed in finding one.</p> <p>Lack of a process for determining and documenting whether cash is required as evidence, combined with disposal issues, may lead to an excessive amount of potentially unnecessary cash in the evidence room. Similarly to disposal issues, this leads to consumption of staff resources to clear backlogs of cash and increases the risk of fraud.</p>	<p>Management should:</p> <ul style="list-style-type: none"> <li>• Mandate that officers review the current cash held in evidence for case dispositions that have already occurred, and implement disposal process recommendations discussed in finding one.</li> <li>• Establish a process for officers to determine and document whether cash should be held as evidence or deposited. In this process, it is essential that CPD create guidelines for when retaining physical cash is necessary and provide support from supervisors to officers to aid in this determination.</li> </ul>

**Management Comments:**

Mandate that officers review the current cash held in evidence for case dispositions that have already occurred, and implement disposal process recommendations discussed in finding one.

*March 15<sup>th</sup> Evidence List will go out requiring Officers to review all pending evidence. For any cash that is pending, they will document the need to retain because it has an evidentiary value on the new form created. Any cash that is being held with an unknown status will be reassigned to a Detective to follow up on for an owner or whether it needs to be turned over to the State of Tennessee.*

Establish a process for officers to determine and document whether cash should be held as evidence or deposited. In this process, it is essential that CPD create guidelines for when retaining physical cash is necessary and provide support from supervisors to officers to aid in this determination.

*Created an Appendix Currency Log / Evidence Approval. This form will require two Officers to count the money. It will also require that the Officers provide an explanation to the Evidence Custodian (Administrative Deputy Chief) on why the Currency needs to be retained as evidence instead of being deposited into the appropriate account with City Finance. General Order E-28 has been revised to clarify this procedure.*

Managers Responsible: Chief of Police Al Ansley and Administrative Deputy Chief Mike Parr  
 Administrative Deputy Chief Parr is the Department's Evidence Custodian. However, with his pending retirement, and Sergeant Terry Minton's pending retirement also, Lt. Bryan Adams will be the manager responsible for ensuring that the issues are resolved.

**Estimated Completion Date: March 19, 2019**

**Other Recommendations:**

The International Association for Property and Evidence is an organization which provides a set of professional standards related to property and evidence management. While CPD has not adopted these standards and compliance is not required, the standards include best practices, including implementing an annual inventory of all items within the evidence room and expanding video surveillance to additional areas such as the officer's viewing room, which may enhance evidence room operations.

**Management Comments:**

*Sgt. Gill has pulled and reviewed the standards of the International Association for Property and Evidence. He found that we are following the best practices of the 84 standards. It would be a third Accreditation for our agency, and an additional cost of \$5,000 a year to achieve the Accreditation. This doesn't include the cost of training, file maintenance for documenting the compliance with the standards, and the time of the Officer/Employee it would require. This might be something our Agency pursues at a later date, but not at this time. I feel that CALEA Accreditation is more important, and our efforts would be better spent addressing our mistakes and issues with our current General Order and procedures.*

Manager Responsible: Chief of Police Al Ansley

**Estimated Completion Date: March 7, 2019**