



UNITED STATES CAPITOL POLICE OFFICE OF INSPECTOR GENERAL

Performance Audit of USCP Controls Over Evidence

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UNITED STATES CAPITOL POLICE
WASHINGTON, DC 20003



INSPECTOR GENERAL

PREFACE

The Office of Inspector General (OIG) prepared this report pursuant to the Inspector General Act of 1978, as amended. It is one of a series of audits, reviews, and investigative and special reports OIG prepares periodically as part of its oversight responsibility with respect to the United States Capitol Police (USCP) to identify and prevent fraud, waste, abuse, and mismanagement.

This report is the result of an assessment of the strengths and weaknesses of the office or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and review of applicable documents.

We developed our recommendations based on the best knowledge available to OIG and discussed the draft with those responsible for implementation. It is my hope that the recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to those contributing to the preparation of this report.

A handwritten signature in black ink that reads "Fay F. Ropella".

Fay F. Ropella, CPA, CFE
Inspector General

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TABLE OF CONTENTS

	<u>Page</u>
Abbreviations and Acronyms	iii
Executive Summary	1
Background	2
Objective, Scope, and Methodology	4
Results	6
Internal Controls Need Improvement	6
Noncompliance with Standard Operating Procedures	12
Opportunities to use Resources in a More Efficient and Effective Manner	15
Appendices	19
Appendix A – List of Recommendations	20
Appendix B – Department Comments	22

Abbreviations and Acronyms

Commission on Accreditation for Law Enforcement Agencies	CALEA
Chief Administrative Officer	CAO
Chief of Police	Chief
Contraband for Destruction	CFD
Central Complaint Number	CCN
Crime Scene Examination Section	CSES
Crime Scene Search	CSS
Crime Scene Search Officer	CSSO
Calendar Year	CY
Drug Enforcement Administration	DEA
Federal Bureau of Investigation	FBI
Fiscal Year	FY
Government Accountability Office	GAO
Hazardous Incident Response Division	HIRD
Hazardous Materials Response Team	HMRT
International Association of Property and Evidence	IAPE
Metropolitan Police Department	MPD
Office of Inspector General	OIG
Office of Policy and Management Systems	OPOL
Office of Professional Responsibility	OPR
Patrol Mobile Response Division	PMRD
Report of Investigation	ROI
Standard Operating Procedure	SOP
Security Services Bureau	SSB
United States Capitol Police	USCP or the Department

EXECUTIVE SUMMARY

The United States Capitol Police (USCP or the Department) maintains a Crime Scene Search (CSS) Unit, which is responsible for collecting, receiving, identifying, processing, documenting, preserving, securing, transferring, and disposing of physical evidence obtained from crime scenes within the jurisdiction of USCP.

In a memorandum dated July 3, 2013, the Chief of Police requested that the Office of Inspector General (OIG) conduct an audit of controls over evidence because the CSS Unit mixed physical evidence from multiple cases. That incident allowed the defense attorney to question the evidence, weakening the prosecution's case.

The objectives of this audit were to determine if the Department (1) had adequate internal controls to ensure the integrity of evidence and (2) complied with applicable laws, regulations, and guidance pertaining to management and operation of its program. The audit scope included controls, processes, and operations during Fiscal Years (FYs) 2013 and 2014.

Overall, the Department needs to improve internal controls for ensuring the integrity of physical evidence collected, secured, and processed. While CSS manually accumulates data regarding receipt and disposition of evidence in log books, it would be time consuming and burdensome for CSS to assemble a composite listing of all physical evidence secured in the CSS Unit within a timely manner. CSS did not have guidance to provide criteria for determining which log book should be used. The only comprehensive and up-to-date list that CSS maintained was for "drug evidence." OIG used the drug evidence list to conduct a physical count of CSS drug evidence and noted no exceptions. Department officials indicated that they were reviewing whether its current property management inventory system could log evidence and produce a composite list of physical evidence for inspections and audits.

During an October 9, 2014, walkthrough of the CSS Safe Room, we noted items—such as a bulletproof vest, a bicycle tire, and a rape kit—that would not be included during either an inspection or audit. Although OIG did not find any exceptions while conducting a 100-percent count of drug evidence, the lack of a complete list of items in the CSS Safe Room could allow abuse and theft to go undetected.

Although USCP guidance, Standard Operating Procedure (SOP) [REDACTED] dated March 1, 2004, requires "routine" inspections, the SOP does not provide for a frequency or specific instructions on conducting inspections. CSS did not have underlying documentation for guidance to support the routine inspection or audit results. In addition, CSS did not have documentation that supported transfer and destruction of contraband ammunition transferred to the USCP Firing Range as best practices require. SOP No. [REDACTED] dated November 1, 2012, does not specifically discuss destruction of ammunition. According to Department officials there is a draft SOP that should address and provide specific instructions for transfer and destruction of ammunition.

USCP also needs to improve physical security of evidence. For example, CSS did not regularly review the [REDACTED] as required. As a result, unauthorized individuals had access to areas where evidence was stored. During the audit, the Department immediately corrected this weakness and removed the names of unauthorized individuals with access to the Lab and Safe Room.

Testing revealed numerous instances of noncompliance with SOP No. [REDACTED] and SOP No. [REDACTED] June 29, 2001. For example, CSS did not consistently monitor case jacket completion for missing documents or consistently evaluate SOPs to reflect current procedures.

Ineffective controls, noncompliance with SOPs, and outdated guidance provide opportunities for misuse and theft of physical evidence CSS maintains. During our audit, for example, evidence from a stolen property case—a Nikon camera valued at approximately \$10,000 when new—was temporarily missing from the Safe Room. Upon conclusion of its investigation, the Department noted that the Officer did not follow procedures.

Opportunities may exist for the Department to use its resources in a more efficient and effective manner. For example, an electronic system to log and track evidence could save the Department about \$6,000 each year in labor costs.

To develop more efficient and effective controls over accountability of evidence to detect and prevent fraud, waste, abuse, and mismanagement, we recommend that USCP establish detailed written internal controls and processes as well as update its SOPs. Additionally, USCP should establish a consistent system of monitoring control procedures that will ensure compliance with applicable guidance and best practices. See Appendix A for a complete list of recommendations.

On March 10, 2015, OIG conducted an exit conference with Department officials and provided a draft report for comment. We incorporated the Department's comments as applicable and attached responses to the report in its entirety in Appendix B.

BACKGROUND

The United States Capitol Police (USCP or the Department) maintains the Crime Scene Search (CSS) Unit within the Patrol Mobile Response Division (PMRD), which is part of the Operational Services Bureau. CSS has seven Crime Scene Search Officers (CSSOs), one Sergeant, and eight auxiliary CSSOs. USCP trains and certifies sworn employees in the techniques of investigating and processing crime scenes according to USCP Directive [REDACTED] dated May 31, 2013. SOP No. [REDACTED] dated March 11, 2011, defines the role of CSS—collect, receive, identify, process, document, preserve, secure, transfer, and dispose of physical evidence obtained from crime scenes in USCP jurisdiction. With approval from the Watch Commander, CSS can assist

other agencies,² such as the Metropolitan Police Department (MPD), Supreme Court Police, and Amtrak Police when the other agency does not have a CSSO available to process a crime scene.

Once the responding officer determines an area a crime scene, USCP dispatches a CSSO. The CSSO documents his or her activities with forms such as the [REDACTED]. The CSSO is responsible for collecting and storing any tangible evidence discovered and/or contraband for destruction (CFD) in the designated CSS Safe Room inside the Evidence Lab. CSS stores all testing equipment and log books in the Evidence Lab.

The Department uses a set of paper-bound log books, as shown in Figure 1, to record evidence when it is received, transferred, and disposed. The evidence books consist of a USCP log, an MPD log, and a Safe Log. There are two editions of each to accommodate for the volume of data.

Depending on whether USCP or MPD will be responsible for long-term custody of an item, the CSSO determines which log book to record the evidence. CSS has no guidance or criteria for determining which log book is used. Specifically, the Safe Log contains both in and out movements. CSS transfers items recorded in the MPD log to the MPD evidence facility. USCP officers either find or confiscate CFD items (such as pocket knives, brass knuckles, and prohibited items) at various checkpoints. CSS officials periodically collect and store any CFD items before having them destroyed at a non-hazardous waste destruction facility.

Figure 1 - USCP Evidence Log Books



Source: OIG photograph.

Other USCP offices participate in the control activities over evidence. Representatives from the Office of Professional Responsibility (OPR) assist CSS in performing inventories of drug evidence twice each year, also a part of the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation process. The Office of Policy and Management Systems (OPOL) conducts an annual audit of evidence that MPD maintains. OPOL performs that audit as part of the CALEA accreditation process. OPR is also involved in the evidence controls by assisting CSS in the destruction of CFD. According to guidance, OPR visually inspects evidence marked for destruction ensuring proper documents, security, and transport to a destruction facility. In addition, external organizations such as the Drug Enforcement Administration (DEA) provide testing of drug evidence and provide CSS with a DEA Lab Number.

² [REDACTED] Directive, [REDACTED] May 2012, discusses the "Extended Jurisdiction zone" and coordinated requests.

On June 27, 2013, the Washington, D.C., District Court noted that USCP CSS personnel comingled evidence from two cases. The incident allowed the defense attorney to question the evidence, weakening the prosecution's case. As a result, in a memorandum dated July 3, 2013, the Chief of Police (Chief) requested that the Office of Inspector General (OIG) conduct an audit of controls over evidence.

OBJECTIVE, SCOPE, AND METHODOLOGY

OIG conducted this performance audit to determine if the Department (1) had adequate internal controls that ensured the integrity of evidence collected from crime scenes in USCP's jurisdiction and (2) complied with applicable laws, regulations, and guidance pertaining to management and operations of its program. Our scope for this audit included CSS controls, processes, and operations during Fiscal Years (FYs) 2013 and 2014. For CFD we used Calendar Year (CY) 2012 and CY 2013 data because CSS had not scheduled the CY 2014 CFD.

To accomplish our objectives, we interviewed CSS officials and reviewed documentation to gain an understanding of the following areas:

- Controls relating to the collection, processing, storage, and destruction of USCP evidence.
- The number and type of evidence located in the CSS Safe Room.
- Previous and ongoing OPR investigations related to CSSOs.

To assess the adequacy of internal controls over evidence, we conducted independent counts of inventory to ensure that the Department had properly secured evidence in its custody. We conducted a count of 103 items (100 percent) of drug evidence in the custody of CSS on November 10, 2014. Of 97 CFD items awaiting destruction in the custody of CSS on January 9, 2015, we verified a sample of 15 items existed from the CY 2014 burn list by selecting every 11th item from the list of the total 97 CFD items to verify existence. CSS did not record CFD items on a comprehensive listing until boxed for destruction, so we randomly verified an additional 10 CFD items found in the CSS Safe Room to verify that they were entered as CFD in the log books. Tests of evidence in the custody of MPD, consisted of validating transfer paperwork.

To determine compliance, we reviewed the following guidance, listed by date:





We tested a random sample of 32 of 611 case jackets compiled during FY 2013 through FY 2014 for compliance with SOPs. We also tested a sample of 45 of 431 items located on the CY 2012 through CY 2014 burn lists to ensure compliance with SOPs. We also reviewed guidance from the Government Accountability Office (GAO) and other industry best practices.

OIG conducted this performance audit in Washington, D.C., from September 2014 through January 2015 in accordance with generally accepted government auditing standards. 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 our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. On February 23, 2015, we provided a draft copy of this report to Department officials for comment. On March 10, 2015, we conducted an exit conference. We incorporated Department comments as applicable and attached its response to the report in its entirety as Appendix B.

RESULTS

Overall, CSS needs to improve internal controls and processes that would ensure the integrity of evidence collected, received, identified, processed, documented, preserved, secured, transferred, and disposed of, obtained from crime scenes in USCP jurisdiction. CSS did not always comply with or have documentation supporting compliance with guidance or best practice requirements. During this time of budget constraints, the Department has opportunities to promote cost-savings techniques and use its limited resources in a more efficient and effective manner.

Internal Controls Need Improvement

GAO's *Standards for Internal Control in the Federal Government* (GAO-14-704G, September 2014) define internal controls as a process affected by an entity's oversight body, management, and other personnel and providing reasonable assurance that the objectives of an entity are achieved. GAO classifies objectives and related risks into one or more of the following three categories:

- Operations - Effectiveness and efficiency of operations
- Reporting - Reliability of financial reporting
- Compliance - Compliance with applicable laws and regulations

Although USCP established operating procedures for CSS to accomplish its mission, some areas need improvement. For example, CSS did not maintain a composite listing of evidence items for which CSS was accountable in its secured Safe Room. CSS maintains several manual paper-bound entry log books, which are not effective unless the entries are reconciled to an all-inclusive list that is up to date. In addition, procedures do not provide guidance for conducting an audit, inspection, inventory, or documenting procedures performed. Also, the Department lacked an explicit SOP requiring CSS to maintain proper documentation in support of contraband evidence such as ammunition transferred to its firing range for destruction. Furthermore, we noted multiple individuals with inappropriate access to the CSS Lab Room and Safe Room.

Lack of Composite Inventory Listing

USCP lacked a composite inventory listing of physical evidence secured in the CSS Unit. The Department manually records in log books incoming and outgoing evidence, which USCP considers its control record. However, for CSS to generate a listing of evidence in the Safe Room from the numerous log books could become time-consuming, manpower intensive, and cumbersome. Items in the Safe Room can include one of three control numbers, which can be used to trace items in the log books. The items in the log books are recorded in chronological order, thus making the performance of a complete inventory difficult. The nature of manually recording transactions is inefficient and subject to errors. Use of an electronic system, however, would provide additional safeguards. CSS would benefit from a system that can produce a complete and current list in a timely manner of all items for which CSS is accountable. The use of outdated controls, such as manual log books, could facilitate circumvention of those controls. GAO's standards, *Physical Control Over Vulnerable Assets*, state,

Management establishes physical control to secure and safeguard vulnerable assets. Examples include security for and limited access to assets such as cash, securities, inventories, and equipment that might be vulnerable to risk of loss or unauthorized use. Management periodically counts and compares such assets to *control records* [emphasis added].

The only complete list of items that CSS maintained was an electronic list of drug evidence. CSS did not track items such as CFD, items intended for safekeeping, or items awaiting transfer to MPD on a composite and current listing. As a result, Department offices did not count all items during inspections and audits because of the lack of a complete or updated control list of items secured in the CSS Safe Room. For example, during our October 9, 2014, walkthrough of the CSS Safe Room, we noted several items that would not be included during any inspection or audit. Such items included a bulletproof vest, bicycle tire, and rape kit. In addition, according to CSS, one of the sealed lockers contained computer equipment from a Senate Committee dating as far back as 2004. According to a USCP official, the Department returned the computers to the Committee during our audit.

On December 2, 2014, *The Washington Post*, published an article entitled, “FBI Agent Accused of Tampering with Evidence Signed Drugs Out, Documents Say.” The article suggests that a Federal Bureau of Investigation (FBI) agent pilfered drug evidence from multiple cases, resulting in the FBI dropping charges against 28 defendants. The agent also allegedly seized two firearms along with marijuana from a home and car search without ever submitting the items as evidence. A subsequent *Washington Post* article published on January 16, 2015, describes how the agent circumvented controls. According to the article, the agent

- (1) forged the signatures of supervisors in log books prepared manually to remove drugs from the evidence room,
- (2) removed barcodes from bags with which he tampered and added a powdered laxative to ensure that bags weighed close to their original weight and reattached barcodes to newly heat-sealed bags,
- (3) forged agent signatures on new bags, and
- (4) resubmitted the new bags into the evidence room.

Although OIG did not find any exceptions while conducting a 100-percent count of drug evidence, the lack of a complete list of items in the CSS Safe Room could allow abuse and theft to go undetected. USCP should strengthen its current control environment to ensure that incidents similar to those described earlier and in *The Washington Post* article do not occur within the CSS Unit. At the exit conference, Department officials indicated that they are reviewing whether their current property management system would be capable of logging evidence.

Inadequacy of Inventory Guidance

The Department did not have adequate inventory guidance related to periodic counts and reconciliations of evidence and other items secured in the CSS Safe Room.

Although USCP SOP No. [REDACTED] discusses conducting "routine" inspections, the guidance does not include explicit instructions on how or the frequency of such inspections that each office or CSS personnel are assigned to conduct. As a result, without USCP following explicit and specific instructions,

inspections could come under question. USCP requires three types of physical inventories of CSS evidence. First, the CSS Supervisor conducts a monthly inspection of drug evidence. Second, OPR conducts a twice-yearly audit of drug evidence. Third, OPOL conducts an annual audit of USCP evidence held by MPD.

There are areas in which USCP could strengthen its procedures. For example, the monthly inspection should include any evidence located within the CSS Safe Room. In fact, a former PMRD Captain sent a November 21, 2013, memorandum requiring that CSS include "all evidence" located within the CSS evidence locker in the monthly inspection. However, a review of reports revealed that CSS continued to primarily count drug evidence during its monthly inspection, observed CFD as packaged, and noted as documented any item transferred to MPD. Below is an excerpt from a June 2, 2014, report.

On June 2, 2014, an inspection was conducted of items physically held in the CSS Lab. This inspection included Drug Evidence and Contraband for Destruction. Items were checked based on their [Crime Scene Examination Section] CSES number. Items for CFD were confirmed to be packaged and prepared for destruction. Drug Evidence was checked to ensure it had received a number from the DEA and if the case had been adjudicated if it had been released and processed for destruction. In addition regular evidence that goes to MPD Evidence Control Facility for storage was checked to ensure it had been documented as transferred to MPD. All items reviewed were found to have been properly documented and were all in their proper locations....

CSS did not maintain documentation supporting the procedures when performing an audit or inspection of items within the CSS Safe Room. As a result, no transparency or accountability of procedures conducted existed. The most recent monthly report that CSS conducted, dated October 1, 2014, also did not include the inventory of all items as PMRD requested in November

Figure 2 - CSS Drug Evidence



Source: OIG photograph of CSS drug evidence.

2013. According to CSS, neither CSS nor the other offices weighed drug evidence to ensure that pilfering had not occurred during any of the inspections.

As CALEA Standard 84.1.6, *Property and Evidence Control*, requires, OPR conducts a twice-yearly audit of CSS evidence in the CSS Safe Room, shown in Figure 3. We reviewed the three most recent *CALEA Property and Evidence Unannounced Inspection Report*, which OPR conducted in October 2013, March 2014, and August 2014.

Our review showed that OPR used the word “approximately” frequently throughout the reports. For example, the report dated August 15, 2014, states,

“Approximately forty (40) items that consisted of drug related evidence were inspected at the CSS/PMRD.” An inventory audit report should state the precise number of items counted from the total universe and the scope of review.

Figure 3 - CSS Safe Room



Source: OIG photograph of CSS Safe Room, CFD boxes are stacked in the corner.

As CALEA Standard 84.1.6 requires, OPOL conducts annual audits of items stored at MPD. For the audit on August 22, 2014, OPOL selected a sample size of 32 of the 357 items stored at MPD. The OPOL Accreditation Manager stated that the sample size was limited because of time constraints. A sample should be representative of the universe³ from which it is derived, and OPOL should document the sampling methodology. Neither CSS nor OPOL could provide any documentation in support of the inventory audit of MPD. Departmental guidance does not provide instructions about requiring or maintaining documentation in support of the audit procedures performed. Documentation would allow for an independent assessment of audit conclusions.

Lack of Documentation to Support Ammunition Destruction

CSS did not have documentation to support the transfer and destruction of contraband ammunition transferred to the USCP Firing Range as best practices require. SOP No. [REDACTED] dated November 1, 2012, does not specifically discuss destruction of ammunition. International Association of Property and Evidence (IAPE) Professional Standards are widely accepted as a best practice in evidence handling. Section 4.4, *Documentation – External Movement*, of the standard states, “Whenever evidence is transferred from the property room to an external location, such as court, the crime lab, or other agency, its destination and the person responsible should be tracked and monitored by either a paper electronic tickler file until it is returned, or its final disposition is documented.”

³ According to GAO standards, *Using Statistical Sampling*, GAO-PEMD-10.1.6, the auditor should state the population or universe from which a sample is selected.

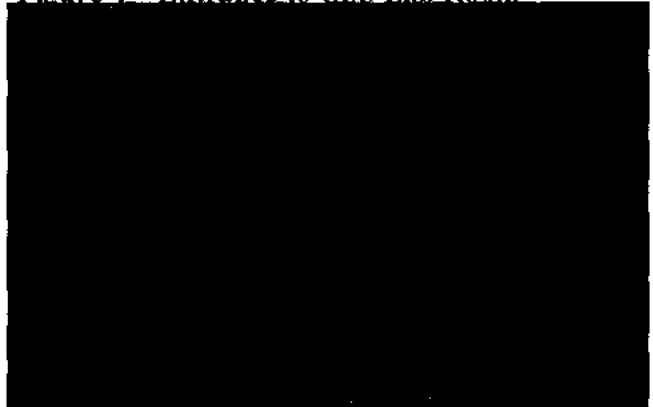
We inspected documentation for 45 of the 431 CFD items on the CY 2012 through CY 2014 burn lists to determine if CSS properly completed destruction documentation. Our sample of 45 included 3 items described as ammunition-related disposals. When identifying ammunition classified as CFD, USCP transfers the ammunition from CSS to the USCP Firearms Range for destruction. When transferring ammunition to the range, CSS stated that a range official signs the log book to show the transfer occurred. For the three items reviewed, the log book did not contain the signatures of any range officials. Of the three items inspected, the documents showed the range official who accepted the ammunition for two of the items, and for the other item the document simply stated ammunition transferred to the range. No other documentation existed supporting transfer of ammunition to the range. As a result, CSS did not properly document the transfer of ammunition to the range. Such a lack of documentation when transferring ammunition could leave ammunition vulnerable to misuse or theft. Most importantly, OIG recommended in a previous report (*Performance Audit of the United States Capitol Police Controls Over Ammunition*, Report No. OIG-2014-03, dated March 2014), that the Department develop a process for destruction of confiscated and/or damaged ammunition. According to an official, the Department has a draft SOP that is going through the clearance process.

Physical Security Over Evidence Needs Improvement

GAO standards, Section 10.03, *Physical Control Over Vulnerable Assets*, state, "Management establishes physical control to secure and safeguard vulnerable assets. Examples include security for and limited access to assets such as cash, securities, inventories, and equipment that might be vulnerable to risk of loss or unauthorized use...."

However, the Department needs to improve physical security over the CSS Unit where evidence is stored. USCP Directive [REDACTED] states, "Ensure all evidence in your custody is properly recorded and secured in the Evidence Room." Although CSS stored evidence behind locked doors, personnel not assigned to secure areas of CSS had access to the locked doors. As shown in Figure 4, USCP secured the entrance to the CSS Lab Room with a proximity card reader and keypad. According to CSS, 23 personnel (7

Figure 4 – Entrance to CSS Lab Room



Source: OIG photograph.

CSS Officers, 1 CSS Sergeant, 8 CSS Auxiliary Officers, and 7 individuals by virtue of rank and supervisory role) should have access to the CSS Lab Room. Of the 23 personnel, 20 should have access to the CSS Safe Room. The Security Services Bureau (SSB) *Security Manager's Definition Report* dated October 10, 2014, shows 59 individuals with access to the Lab Room and 26 individuals with access to the Safe Room. As shown in Table 1, our comparison of the number of individuals with access to the CSS Unit and the number of individuals assigned to those areas revealed that 36 of the 59 individuals had inappropriate access to the CSS Lab Room and 6 of 26 had inappropriate access to the Safe Room where drug evidence is stored.

Table 1 – Individuals with Access to the Crime Scene Search Unit Lab and Safe Rooms

	<i>Number of Individuals with Actual Access</i>	<i>Number of Individuals with Authorized Access</i>	<i>Number of Individuals with Inappropriate Access</i>
<i>CSS Unit</i>	<i>Source: SSB Listing Dated October 10, 2014</i>	<i>Source: CSS Listing Dated October 10, 2014</i>	<i>Source: OIG Generated</i>
Lab Room	59	23	36
Safe Room	26	20	6

Source: OIG generated from CSS and SSB listings dated October 10, 2014.

The list of individuals with access spanned personnel from numerous divisions including Hazardous Incident Response Division (HIRD), Hazardous Materials Response Team (HMRT), House Division, the Capitol Division, OPOL, the Library of Congress Division, the Dignitary Protection Division, and Patrol. Of the individuals with access, a high percentage was from HIRD and HMRT. This undoubtedly occurred because HMRT occupied the same space as CSS until 2011, and the security officer never removed unauthorized individuals' names through SSB.

The presence of unauthorized individuals with access to areas where physical evidence is stored creates a lax control environment, which allows secured physical evidence to become vulnerable to abuse, misuse, and misappropriation. Furthermore, unauthorized access to the Lab and Safe Room could leave the Department vulnerable to accusations that they are not properly maintaining the chain of custody over physical evidence from crime scenes.

After OIG brought this issue to the attention of the Department, on February 5, 2015, the Department restricted access to the Lab and Safe Room and removed individuals with inappropriate access to the doors. As a result of the Department's corrective actions, OIG is not making a recommendation at this time.

Conclusions

Overall, CSS needs to improve internal controls and processes that would ensure the integrity of evidence collected, received, identified, processed, documented, preserved, secured, transferred, and disposed of, which was obtained from crime scenes in USCP jurisdiction. Specifically, USCP needs a composite listing of evidence. The Department also needs inventory guidance related to periodic counts and reconciliations of evidence and other items secured in the CSS Lab and Safe Room. In addition, CSS did not have any guidance describing how CSS should report ammunition identified as CFD transferred to the USCP Firearms Range for destruction. However, according to officials there is draft guidance being developed that will provide detailed guidance about the transfer and disposition of ammunition. Furthermore, CSS did not have adequate physical security over its Lab and Safe Room, but as noted, CSS corrected that issue. As stated previously, physical evidence and other items were vulnerable and susceptible to theft, misuse, and abuse. Thus, OIG makes the following recommendations.

Recommendation 1: We recommend that the United States Capitol Police in conjunction with its manual log books establish a comprehensive electronic log system that can provide up-to-date listings of evidence items in a timely manner stored in the

Crime Scene Search Lab and Safe Room. Once established, Crime Scene Search should update its listing on a regular basis to ensure that all items are inventoried during regular inspections and audits.

Recommendation 2: We recommend that the United States Capitol Police establish Standard Operating Procedures for conducting inspections and audits of items secured within the Crime Scene Search Safe Room to include inspections and audits conducted by other offices within the Department. Specifically, the Department should include control procedures provided in a November 2013 memorandum, which provides the frequency of inventory/inspections/audits of evidence, the scope of the count, and when reports are due. In addition, the Department should consider weighing drugs as part of the inspection process. Most importantly, the Department should require appropriate supporting documentation of the counts of physical evidence and the proper signatures to ensure the change of custody of evidence.

Recommendation 3: We recommend that the United States Capitol Police strengthen procedures for properly documenting transfer of ammunition from Crime Scene Search to the Department's Firing Range, ensuring that the Crime Scene Search Unit document the number and type of ammunition transferred when accepted by the United States Capitol Police Firing Range and obtain signatures during this process.

Noncompliance with Standard Operating Procedures

USCP did not always comply with or have required documentation that would demonstrate it complied with guidance related to its SOPs. For example, USCP did not maintain appropriate documentation for the destruction of CFD or chain of custody over physical evidence obtained from crime scenes. In addition, CSS did not comply with SOPs because it did not update SOPs to reflect changes in practices or technology.

Lacked Documentation for Contraband for Destruction

CSS did not maintain proper documentation related to destruction of CFD. USCP SOP No. [REDACTED] states that the Property Control Officer should complete the following information on [REDACTED]

2. N.A. (d) Block #3: Destruction of Contraband. (e) Block #4: Location. (f) Block #8 Date of Destruction. (g) Block #9: Date of Report. (h) Block #15: Incinerator. (i) Block # Complete a PD-251 as follows: (a) obtain a CFN only. (b) Clock #1: Incident. (c) Clock #32: Property Control Officer. (j) Block #38 List of the names of the witnessing officials and all contraband destroyed. All destroyed items can be grouped. (k) Obtain the necessary signature from the unit supervisor before distribution of the report.

We attempted to review [REDACTED] related to each burn list (FYs 2012 through 2014) to determine if the destruction was documented as required. We were unable to review FY 2014 reports because CSS had not yet disposed of items related to the 2014 burn list. In addition, CSS could not provide any reports related to the burn lists for 2012 through 2013.

Although USCP has guidance related to destruction of contraband, the lack of proper CFD documentation could lead to exploitation of items intended for destruction. Furthermore, without proper documentation USCP did not possess proper support to document the chain of custody from collection to destruction as required.

Missing Documentation in Support of the Chain of Custody

USCP did not maintain proper documentation to support the chain of custody over physical evidence obtained from crime scenes. According to USCP Directive [REDACTED], a reporting employee must:

(1) Obtain information pertinent to completing the [REDACTED] and [REDACTED] (2) Prepare a [REDACTED] and a [REDACTED] include the names of anyone (including any all law enforcement personnel) who had access to or handled the evidence, thereby establishing the chain of custody. (3) Forward the originals of the approved [REDACTED] and [REDACTED] to the Reports Processing Section. Forward copies of the approved [REDACTED] and the [REDACTED] to the Watch Commander and CSS, and (4) Forward originals of the approved [REDACTED] and [REDACTED] to the Reports Processing Section. Forward copies of the approved [REDACTED] and the [REDACTED] to the Watch Commander and CSS.

Furthermore, SOP No. [REDACTED] states that CSSOs must:

Receive and release evidence delivered to the Evidence Room to authorized persons. They also receive reports pertaining to property and evidence and ensure proper distribution of reports.

The CSSO's responsibilities section of the SOP states:

All paperwork connected with a case must be provided, to include, (a) [REDACTED] (b) [REDACTED] (c) [REDACTED] Report, (d) [REDACTED] (e) [REDACTED] (f) [REDACTED] (g) [REDACTED] (h) All sworn employee's notes.

Finally, the Supervisor responsibilities section of the SOP states that the Supervisor must:

Ensure the Crime Scene Search files are properly maintained and evidence transactions are properly documented.

We tested a random sample of 32 from the 611 case jackets compiled during FY 2013 through FY 2014 for several criteria. Our procedures included checking for a [REDACTED] itemizing the evidence, and prepared [REDACTED] and [REDACTED]

Of the 32 case jackets reviewed, 15 were missing [REDACTED] reports. In addition, of the five case jackets involving USCP assisting other agencies, all five case jackets were missing an [REDACTED] Furthermore, of the 32 case jackets reviewed, 4 were missing [REDACTED] required in the case jacket. Additionally, of the 31, 3 were missing [REDACTED] Finally, of 32 jackets reviewed, 2 did not include a [REDACTED] in the case jacket as required. See Table 2 for a summary of missing documents from case jackets.

Table 2 - Missing Documents from Case Jackets

<i>Report Name</i>	<i>Sample Size</i>	<i>Documents Missing</i>
[REDACTED]	32	15
[REDACTED]	5 (The [REDACTED] was only applicable to 5 of the 32 samples)	5
[REDACTED]	32	4
[REDACTED]	32	3
[REDACTED]	32	2

Source: OIG generated from review of case jackets from FY 2013 through FY 2014.

According to CSS, reporting officers initially responding to crime scenes did not properly forward paperwork to CSS. Furthermore, CSSOs did not ensure that the required paperwork was included in the case jackets. Finally, the CSS Supervisor did not review the case jackets for proper documentation. Such tolerance to missing paperwork provides a weak overall control environment that could have led to lost, misplaced, or stolen evidence. In addition, the Department could easily become vulnerable to accusations that it did not properly maintain the chain of custody related to drug evidence.

Outdated Standard Operating Procedures

CSS had several outdated SOPs. SOP No. [REDACTED] July 19, 2010, states the following regarding the annual SOP review process:

(1) OPOL will designate a due date for review of SOPs. (2) Once a review date is assigned, it generally will not change. However, there may be times when an SOP requires out-of-cycle revisions. Follow the guidelines as established by this SOP so that revisions can be accomplished in a timely manner. In these cases, the effective date would change to reflect the updated information, but the annual review date would remain the same. (3) Carefully review the content of the entire SOP to ensure continued relevancy and accuracy and determine if any revisions are necessary. (4) If revisions are required, follow the guidelines as established by this SOP. (5) If no changes are necessary, document via official memorandum and transmit to OPOL along with a [REDACTED] through the chain of command up to and including the Bureau Commander.

However, OPOL did not establish a due date for review of CSS SOPs. For example, SOP No. [REDACTED] requires that CSS obtain and provide the DEA Lab Number to the employee before "papering" the evidence. Although DEA changed its procedures in January 2013 requiring CSS to paper the case before providing a lab number, the Department did not document that change in its operating procedures. CSS also did not comply with the SOP No. [REDACTED] requirement for a [REDACTED]. CSS officials stated that the Unit has been using digital photography for several years and that the Department should have updated guidance

⁴ Papering-The preparation of all required documentation associated with a narcotics arrest per USCP Directive [REDACTED]

accordingly. For example, the Department no longer uses forms [REDACTED] and [REDACTED] which contain outdated fields. Furthermore, the Department did not update guidance (SOP No. [REDACTED]) to reflect MPD's new location (opened in March 2011) for storing physical evidence. In fact, USCP guidance contained several references to MPD Property Division in its old location. CSS is not updating SOPs to reflect current practices or changes in technology.

Agency practices that do not follow written policies can establish a weak environment for control and accuracy. Such a practice could create the perception that written policies that are either old or outdated do not need to be followed.

Conclusions

USCP did not comply with multiple standards designed to ensure the security of evidence maintained by CSS. Noncompliance with SOPs can create an unreliable environment in which to operate. Thus, OIG makes the following recommendations

Recommendation 4: We recommend that the United States Capitol Police reporting officers forward appropriate paperwork to Crime Scene Search Unit when it obtains custody of crime scene evidence. In addition, the Department should update Directive [REDACTED] and Standard Operating Procedure No. [REDACTED] to provide the Crime Scene Search Unit with a mechanism for obtaining paperwork when the reporting officer does not forward the required paperwork to the Crime Scene Search Unit. Furthermore, the Crime Scene Search Unit Supervisor should be accountable for ensuring that any required paperwork is included in the drug evidence case jackets.

Recommendation 5: We recommend that the United States Capitol Police should review and update Standard Operating Procedures for the Crime Scene Search Unit. Specifically, update Standard Operating Procedures to (1) reflect changes in the Drug Enforcement Administration procedures for providing lab numbers (No. [REDACTED]) and (2) remove references to Polaroid film and include procedures for digital photography (SOP No. [REDACTED]).

Opportunities to Use Resources in a More Efficient and Effective Manner

USCP may have opportunities to use resources in a more efficient and effective manner. CSS maintained most of its records through manual log books, which can be prone to clerical errors. In addition, CSS did not have a mechanism to provide ongoing monitoring of CSSO suitability to perform duties or a mechanism for removing CSSOs no longer appropriately performing their duties.

Evaluating Crime Scene Search Officers, Maintaining Department Integrity

During our audit, we obtained a Report of Investigation (ROI) from OPR relating to an investigation of one CSSO. The ROI states that the officer allegedly failed to properly secure evidence in the CSS Lab and failed to secure the evidence locker. The ROI also reported that the officer failed to document photo files properly on the [REDACTED] even after the supervisor warned the officer to do so.

The ROI reports the allegations as “sustained.” The conclusion in the report states that the officer failed to report immediately the loss of evidence to his supervisor, failed on two occasions to secure evidence properly, failed on two occasions to follow a lawful order regarding documentation of evidence, and failed to send evidence for destruction at the appropriate time.

In a second ROI from OPR related to *Compliance with Directives* involving the same CSSO, the report states that the officer violated SOP [REDACTED] when the officer did not properly package and mark evidence in accordance with training guidelines and procedures. The officer did not properly mark and package the evidence and did not properly barcode the evidence items. As a result, the officer packaged the evidence for two cases together. The incident allowed the defense attorney to question the evidence, weakening the prosecution’s case. The ROI shows those allegations as sustained. Although OPR issued multiple ROIs with sustained allegations against the officer, the CSSO maintained his position within CSS.

We reviewed the performance evaluations related to this CSSO and noted that there was a change in the overall rating on the evaluations. However, there was no specific mention of the performance issues noted in the ROIs.

During this audit, we also became aware of other ongoing OPR investigations of CSSOs—for example a stolen property case involving a \$10,000 (when new) Nikon camera. The camera was temporarily missing from the Safe Room. OPR concluded its investigation noting that the officer failed to follow procedures. Another investigation involved an officer not properly logging property into the CSS log books.

USCP did not have a mechanism for assessing, on an ongoing basis, whether CSSOs possess the necessary ethical standards to perform their jobs. According to CSS, it is difficult to remove officers from the CSS Unit who may not display the departmental integrity needed for this sensitive position. CSSOs that make significant errors in judgment as well as the lack of an ongoing assessment to determine if CSSOs possess the necessary qualities to perform their duties could leave USCP vulnerable to misuse and mismanagement of evidence, not to mention protracted embarrassment. As previously stated in an article published in *The Washington Post*, an FBI agent allegedly pilfered drug evidence from multiple cases, resulting in the FBI dropping charges against 28 defendants. A similar event would certainly raise questions by defense attorneys if USCP officers employed in such a sensitive position do not maintain high ethical and integrity standards maintaining the chain of custody of physical evidence collected from crime scenes.

Tracking Evidence Electronically Would be More Efficient and Effective

As previously discussed, USCP relies on manual log books for recording evidence transactions. Review of CSS log books revealed items that were incorrectly recorded—disposition was transposed. In addition, a CFD item listed as destroyed was, in fact, in the Safe Room. According to CSS, the CSSO making the entry incorrectly listed the item as destroyed, as shown in Figures 5 and 6 below.

Figure 5 - Evidence Log Book (Left Side of Book Indicating Receipt of Evidence).

Source: OIG photograph. Sensitive Law Enforcement Information redacted.

Figure 6 - Evidence Log Book (Right Side of Book Indicating Disposition of Evidence)

Source: OIG photograph. Transposition error in log book. Name redacted.

During a “DEA Cases Awaiting Adjudication” validation, two samples on the list had Crime Scene Examination Section (CSES) numbers one digit off from the CSES numbers listed on the drug evidence bags. Although CSS correctly listed the numbers on the controlled substance bags, it incorrectly listed the numbers on the controlled substance list. The Central Complaint Number (CCN) also was not correct for one of the items tested. In another instance, CSS transposed two digits of the CSES number on the controlled substance list.

CSS stated that implementation of an electronic evidence tracking system would increase the efficiency and enhance effectiveness of the Unit. MPD uses a system called FileOnQ to manage its inventory of physical evidence, and a CSSO suggested that implementing the FileOnQ system, or a similar system, would increase CSS efficiency as well as reduce officer workload by at least 2 hours a week. Based on this estimate, we obtained each officer's salary in the CSS Unit and determined that implementing the FileOnQ system or similar type system would have a minimum monetary impact of about \$6,000 per year in reduced labor costs.

Manually recording evidence may cause instances where USCP improperly records items. Such practices result in tracking inaccuracies and create an overall weaker control environment that could lead to lost, misplaced, or stolen evidence.

Conclusions

USCP is not using its resources in the most efficient and effective manner. CSS did not conduct ongoing monitoring of CSSOs as best practices dictate. There may be CSSOs that do not have the skills set or ethical standards required for such a sensitive position. Contributing to that problem, CSS documented chain of custody through manual log books, which increased the workload of CSS. Thus, OIG makes the following recommendations.

Recommendation 6: We recommend that the United States Capitol Police consider additional standards required for the position of Crime Scene Search Officer. Those standards should include procedures for removing officers from Crime Scene Search Unit who do not perform their duties according to the high standards that evidence handling requires.

Recommendation 7: We recommend that the United States Capitol Police consider implementation of the Metropolitan Police Department's property management system (FileOnQ) or similar electronic inventory system to track physical evidence secured in the Crime Scene Search Lab and Safe Room.

APPENDICES

Listing of Recommendations

Recommendation 1: We recommend that the United States Capitol Police in conjunction with its manual log books establish a comprehensive electronic log system that can provide up-to-date listings of evidence items in a timely manner stored in the Crime Scene Search Lab and Safe Room. Once established, Crime Scene Search should update its listing on a regular basis to ensure that all items are inventoried during regular inspections and audits.

Recommendation 2: We recommend that the United States Capitol Police establish Standard Operating Procedures for conducting inspections and audits of items secured within the Crime Scene Search Safe Room to include inspections and audits conducted by other offices within the Department. Specifically, the Department should include control procedures provided in a November 2013 memorandum, which provides the frequency of inventory/inspections/audits of evidence, the scope of the count, and when reports are due. In addition, the Department should consider weighing drugs as part of the inspection process. Most importantly, the Department should require appropriate supporting documentation of the counts of physical evidence and the proper signatures to ensure the change of custody of evidence.

Recommendation 3: We recommend that the United States Capitol Police strengthen procedures for properly documenting transfer of ammunition from Crime Scene Search to the Department's Firing Range, ensuring that the Crime Scene Search Unit document the number and type of ammunition transferred when accepted by the United States Capitol Police Firing Range and obtain signatures during this process.

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DEPARTMENT COMMENTS



UNITED STATES CAPITOL POLICE

OFFICE OF THE CHIEF
115 D STREET, NW
WASHINGTON, DC 20540-5015

FD-1016 (2-2014)

March 5, 2015

MEMORANDUM

TO: Ms. Fay F. Ropella, CPA, CFE
Inspector General

FROM: Kim C. Dine
Chief of Police

SUBJECT: Response to Office of Inspector General (OIG) draft report *Performance Audit of USCP Controls Over Evidence* (Report No. OIG-2015-03).

The purpose of this memorandum is to provide the United States Capitol Police response to the recommendations contained within the Office of Inspector General's (OIG's) draft report *Performance Audit of USCP Control Over Evidence* (Report No. OIG-2015-03).

The Department agrees with all of the recommendations and appreciates the opportunity to work with the OIG to further improve upon current policies and procedures currently in place within the Department's crime scene process. I have instructed the Chief of Operations and the Bureau Commander to immediately address and work to resolve these recommendations. An Action Plan will be generated and assigned to appropriate personnel regarding each recommendation in effect to achieve long term resolution of these matters.

Furthermore, the Department has already resolved recommendation 4, which pertains to the secure access to the Crime Scene Search Lab and Safe Room. The Security Manager worked with SSH to revise the access list to only include Crime Scene Search Officers and PMRD Supervisors. Evidence of this action is forthcoming.

Thank you for the opportunity to respond to the OIG's draft report. Your continued support of the men and women of the United States Capitol Police is appreciated.

Very respectfully,


Kim C. Dine
Chief of Police

cc: Daniel Malloy, Assistant Chief of Police
Mr. Richard Braddock, Chief Administrative Officer
[REDACTED] USCP Audit Liaison

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This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

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Attn: Office of Inspector General, Investigations
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